

RESOLUTION 20-12

WHEREAS the Board of County Commissioners is statutorily granted the authority to make final decisions over county roads pursuant to K.S.A. 68-101, et al.; and

WHEREAS 68-115 provides that township roads which have not been maintained for 20 years, but remain open are not required to be maintained unless an effective property owner pays all costs of clearing and constructing said road to the specifications of the township's board of trustees; and

WHEREAS there is no justification for different standards to be applied to county roads versus township roads.

THEREFORE BE IT RESOLVED that any county road that has been unmaintained for a period of 20 years or greater, shall not be maintained by the County unless the Board of County Commissioners at the request of an effected property owner determines that the request has merit. The merit based determination shall be at the Board of County Commissioners sole discretion. If the Board of County Commissioners determines that such road should be reconstructed it shall be at the cost of the requested property owner to the specifications determined by the road department head with approval of the Board of County Commissioners. That in determining whether maintenance has occurred on a certain road, incidental maintenance shall not be considered to effect the 20 year time period. Incidental maintenance shall include but is not limited to be work done at any point said road would intersect or connect with a maintained county or township road and work incidental to the maintenance of said maintained road touched upon the unmaintained road. An example would be in the installation of culverts of the intersection of a maintained and unmaintained road.

THE BOARD OF COUNTY COMMISSIONERS OF ELK COUNTY, KANSAS

Alan Coble
Alan Coble, Member

Shari Kaminska
Shari Kaminska, Member

Dave Evans
Dave Evans, Chairman

Paul E. Dean
Paul E. Dean, County Counselor

ATTEST:

Stephanie J. Ollenborger
County Clerk

STATE OF KANSAS, ELK COUNTY
REGISTER OF DEEDS, STEPHANIE J. OLLENBORGER
Book: MS73 Page: 694

Receipt #: 18277
Pages Recorded: 2

Total Fees: No Charge

BY: Stephanie J. Ollenborger

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