

RECEIVED
TINA R. BROWNING, TRIMBLE CO.
DATE 05-19-15
A.M. 12:00 P.M.
Tina Browning

COMMONWEALTH OF KENTUCKY
COUNTY OF TRIMBLE
ORDINANCE NO. 620.11
AN ORDINANCE RELATING TO:
COUNTY ROAD RIGHTS OF WAY IN
COMPLIANCE WITH KRS 178.040 AND
REQUIREMENT OF LANDOWNERS
TO OBTAIN AN ENCROACHMENT
PERMIT FOR ENTRANCE FROM COUNTY ROADS

WHEREAS, it is in the best interests of the citizens of Trimble County for the Fiscal Court to plan for an orderly development of roads in Trimble County; and

WHEREAS, the Trimble County Fiscal Court realized the need to adopt a set of standards for all roads to be considered for inclusion in the County road maintenance system; and

WHEREAS, no road should be added to the County road maintenance system unless minimum standards have been met; and

WHEREAS, entrances to private property from County roads can create a hazardous situation to the citizens of Trimble County, and

WHEREAS, the Trimble County Fiscal Court has determined that it is in the best interest of the citizens of Trimble County that there be regulations with regard to appropriate safe sight distances for encroachments from County roads

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF TRIMBLE COUNTY, KENTUCKY, AS FOLLOWS:

- 1.) The right-of-way on all County roads are hereby declared to be forty (40) feet of right-of-way, measured twenty (20) feet in each direction as measured from either side of the centerline of the road as shown by a survey performed by a licensed registered surveyor. This right-of-way shall be the same for all County roads, existing or established as County roads after the enactment of this ordinance.
- 2.) All County roads and all public roads that were in existence prior to the acceptance and publication of this ordinance shall not be required to occupy a minimum right-of-way width of forty (40) feet;
- 3.) Notwithstanding the provisions of Paragraph one (1) immediately above, any road for which a request has been made to add the road to the County road maintenance system

which road has a deeded right-of-way with a minimum of thirty (30) feet, measured fifteen (15) feet to either side of the centerline of the road as shown by a survey performed by a licensed registered surveyor, and which has been dedicated by deed to public use, which deed and survey was recorded prior to September 19, 1994, that road will be considered if all other minimum standards set out herein have been met.

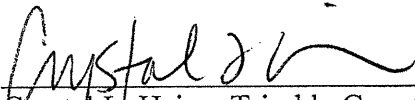
- 4.) Regardless of the width of the right of way as set out above, the driving surface of the road must be a minimum of eighteen (18) feet wide with two (2) foot wide shoulders on each side of the driving surface and the road must be properly ditched on each side with all necessary drainage culverts in place before the road will be considered for inclusion in the county road maintenance system. The road base shall have a minimum of eight (8) inches of compressed dense grade aggregate (DGA) gravel placed in two (2) layers of approximately four (4) inches each with total compacted depth of eight (8) inches. Paving would be required with a road-base of a minimum of three (3) inches of asphalt with a wedged base.
- 5.) Any area adjacent to the roadway that has required excavation shall be stabilized and seeded in grass or another appropriate ground cover to hold the soil and prevent erosion.
- 6.) Any road must have a turn-around included in a deeded right-of-way to the County with a minimum size of fifty feet (50 ft.) by fifty feet (50 ft.) and to be located as to provide adequate turning room for a full sized school bus and all County road equipment. Failure to provide for such a deeded turn around shall result in the road being denied acceptance into the County road maintenance system.
- 7.) All of the standards listed above are minimum standards only. In particular circumstances, depending on terrain, topography and other circumstances, the Fiscal Court or the County road supervisor may determine that additional requirements must be met before a particular road will be included in the County road maintenance system.
- 8.) No fences, buildings, gates, cattle gates or any other structure or obstruction of any kind, nor any plant material may be constructed, built or place within the area of the said forty-foot (40 ft.) right-of-way of the County roads after the approval and acceptance of this Ordinance.

- 9.) The County shall have no liability or responsibility for payment for damage done to any fences, buildings, structures or plant material that remains within the forty-foot (40 ft.) right-of-way or is placed within the area of the forty-foot (40 ft.) right-of-way of County roads after the effective date of this ordinance.
- 10.) No road shall be considered for inclusion in the County road maintenance system until all utility lines, including water, electricity, gas, telephone and sewer utilities have been removed from the right-of-way and reinstalled outside the right-of-way of the proposed road by the property owner or property developer at that person's expense.
- 11.) No property owner shall be permitted to create an entrance to land or an encroachment upon the right-of-way of any County road without first having obtained a permit from the County road supervisor after the acceptance and approval of this ordinance.
- 12.) Because by previous County Ordinance, the speed limit on all paved roads was set at thirty five 35 miles per hour, the County road supervisory shall not issue an encroachment permit unless there is a minimum of 308 feet unobstructed vision found at the point of entrance from the county road onto the property.

The first reading of this Ordinance was made and approved by unanimous vote at a meeting of the Trimble County Fiscal Court on 4-20-15.

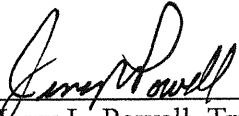
The second reading of this Ordinance was made at a meeting of the Trimble County Fiscal Court on 5-18-15 and upon motion and second the same was called for a vote and approved by a majority vote of the Trimble County Fiscal Court.

Approved as to form and content by the Trimble County Attorney, Crystal L. Heinz.




Crystal L. Heinz, Trimble County Attorney

After second reading on 5-18-15 the foregoing Ordinance was approved to be published and on the same occasion was signed in open court by the County Judge Executive, Honorable Jerry L. Powell, as evidence of his approval attested under the seal of the Trimble County Fiscal Court Clerk.



Jerry L. Powell, Trimble County Judge Executive

Attest: 

Susan Barnes
Trimble County Fiscal Court Clerk

Published: 5-21-15