RESOLUTION 2009-17
BARTON COUNTY POLICY REGARDING
THE MAINTENANCE AND REPAIR OF CITY AND TOWNSHIP ROADS

WHEREAS, the Board of County Commissioners of Barton County, Kansas, is responsible for the maintenance and repair of County roads; and

WHEREAS, the City Councils of the various cities within the County are responsible to maintain and repair city roads within their service areas; and

WHEREAS, the various Township Boards are responsible to maintain and repair the township roads under their jurisdiction; and

WHEREAS, from time to time, the Board of County Commissioners receive requests from the cities, the townships and private citizens for assistance with the repair and maintenance of city or township roads; and

WHEREAS, the Board of County Commissioners considers it appropriate to adopt a policy to clarify under what circumstances the County will assist a city or township with the maintenance and repair of roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Barton County, Kansas, believes it appropriate that each governing body in the County having responsibility for the maintenance and repair of roads within its jurisdiction and raise an appropriate amount of taxes to affect said maintenance and repair of such roads. Barton County, absent unusual circumstances, will not assist a city or township with the routine maintenance and repair of roads within the jurisdiction of another taxing entity.

FURTHER, if the Board of County Commissioners determines unusual circumstances exist, the Board may agree to cooperate with a city or township to effect maintenance or repairs to city or township roads. Generally, the County will charge to said city or township either the prevailing contractor rate for such work or the actual cost to the county, whichever is greater.

FURTHER, the Board prefers that the city or township use the services of a private contractor(s) as opposed to the County Road and Bridge Department when performing maintenance or repair projects for which the cities or townships do not have the necessary equipment.

FURTHER, it is the policy of the Board that Barton County will not provide assistance to cities or townships for repair and maintenance of city or township roads unless the Board, as opposed to individual Board members, has authorized the assistance.

FURTHER, should the Board of County Commissioners receive a request to exercise its authority pursuant to K.S.A. 68-124 to repair a township road and charge the costs to the township, the Board of County Commissioners shall conduct a quasi-judicial hearing to make factual determinations whether the conditions set forth in the statute exist. Appropriate township officials shall be given notice of the hearing. If, after the hearing, the Board of County Commissioners determines it is proper to maintain or repair the road in question, the work shall be performed by the County Road and Bridge Department and costs assessed to the township in question.

FURTHER, the Road and Bridge Director is authorized, in emergency circumstances, to provide assistance to cities and townships with road maintenance and repair if requested by said city or township.

ADOPTED this 27th day of April, 2009.

BOARD OF COUNTY COMMISSIONERS

Jennifer Schartz, Chairman

John Edmonds, Commissioner

Kirby Krier, Commissioner

Homer Kruckenberg, Commissioner

voted nay
Kenny Schremmer, Commissioner

ATTEST:

Donna Zimmerman,
County Clerk

BARTON COUNTY KANSAS SEAL COUNTY CLERK

APPROVED AS TO FORM:

Richard A. Boeckman,
County Counselor