

By ROBERT PIERCE • Daily Leader

A road in rural Seward County could soon be declared a public road.

After problems with Green Hill Road in the southern part of the county were brought to the attention of officials, county counsel Dan Diepenbrock and road and bridge supervisor Tony Herrman discussed plans for making the road a county road at Monday's commission meeting.

Diepenbrock said the situation with Green Hill is similar to that of the former Bennett Road, now Congress Road, in Hayne.

"We declared that a county road under Statute KSA 68-117," he said.

"That statute provides that whenever one or more landowners owns land that is landlocked, in other words, they don't have access to a public highway, the county commissioners can lay out and construct a county road that will serve whatever tracks."

Diepenbrock said the statute not only allows the county to lay out the road, but it also gives authority to construct the road and assess the cost of construction to any landowners who benefit from it.

To get the ball rolling, he said, can be done in one of two ways.

"The commissioners on their own can start the process by way of a motion adopted by a

majority of the board, or the process can be started by petition," he said. "It's my understanding that several landowners have submitted a petition that complies with the requirements of the statute, however."

Diepenbrock said landowners have now been provided with a petition that has the necessary language in it to be filed legitimately.

"That's circulating, but they have not brought it back to staff at this time," he said. "Without the petition, unless the board wants on its own to initiate the process, I would suggest you would need to pass this to another meeting, allow the landowners to bring the petition to the board and then you can start the process."

Diepenbrock said anyone who signs the petition understands they will share in the cost of construction of the road.

"I would feel more comfortable with the petition for the reason that you're going to be charging alligated construction costs to the landowners," he said.

Green Hill Road is located on Road P about three-quarters of a mile north of Bluebell Road. In a memo to the commission, Herrman outlined the costs of the project.

The total estimated cost of building a road would be \$33,330, including \$11,250 for 1,500 yards of Oklahoma road gravel to cap the road surface.

"This is only an estimate," Herrman said in the memo. "It could be less than this, or we could have something come up that I am not aware of."

Herrman said Monday, the road is laid out with a 60-foot right of way.

“The problem that I see is that we’ve had in place and, apparently, not ever adopted the minimum standards for a road in any development,” he said. “Because of that, no one has built a road to a minimum standard.”

Herrman said that issue needs to be addressed when roads are being developed.

“They’re platted with a road, but we’re not making them build it to a minimum standard,” he said.

Herrman said additional charges could be attached to the estimate due to underground electricity in the area.

“The estimate is a bare estimate of what I think it’s going to cost the county to go in and clean up what’s there and try to build a road that’ll have some drainage and accommodate that development,” he said. “It could be a little more than that. It could be a little less than that.”

Herrman said adopting minimum standards could likewise benefit in future potential road developments.

“We need to get them adopted so that you’re not faced with this five or 10 years after somebody goes out and sells a quarter of their land into 4-acre lots and they’re coming back in and crying the blues because they don’t have a road to get in and out of,” he said.

The commission voted unanimously to direct staff to proceed with obtaining the petition to proceed.

