

RESOLUTION NO. 2010-07-13-02

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE CONSTRUCTION AND MODIFICATION OF ENTRANCES AND CULVERTS ONTO PUBLIC ROADS AND STREETS

WHEREAS, the Board of the Topeka Township of the County of Shawnee, Kansas desires to increase public safety on the public roads and streets of the Township; and

WHEREAS, the Board of Topeka Township of the County of Shawnee, Kansas desires to establish rules and regulations for the construction and modification of entrances or culverts onto public roads and streets in the Township;

NOW, THEREFORE, the Board of Topeka Township of the County of Shawnee, Kansas, meeting in regular session this 13th day of July, 2010, and intending to exercise its powers, does hereby resolve as follows:

- (A) Any entrance onto a public road or street in the Township constructed or modified after the enactment of this resolution shall conform to the following:
- (1) Entrance distance from nearest intersection: Thirty-five feet (35') plus right-of-way distance of cross street;
 - (2) Maximum residential curb opening: Thirty-five (35) feet;
 - (3) Minimum residential curb opening: Thirteen feet (13) feet;
 - (4) Residential entrances shall use a minimum of a three quarter (3/4) inch expansion joint back of gutter;
 - (5) Minimum ditch culvert length: Twenty-eight (28) feet;
 - (6) Maximum ditch culvert length: Forty (40) feet;
 - (7) Minimum ditch culvert inside diameter: Fifteen (15) inches;
 - (8) Minimum inside rise for arch or squash culvert: Thirteen (13) inches;
 - (9) Minimum distance between culverts: Ten (10) feet;
 - (10) Allowable culvert material: Galvanized Steel, aluminized steel or concrete;
 - (11) Minimum compacted dirt over culvert (excluding road surface): Four (4) inches; and
 - (12) Entrance surface over culvert should be lower than the road pavement edge.

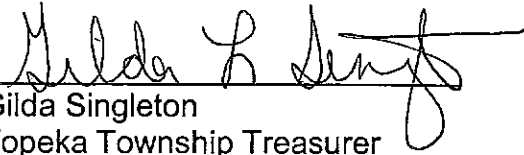
- (B) Any person, firm, partnership, company, corporation or other entity (hereinafter referred to as "person") desiring to construct or modify an entrance or culvert onto a public road or street in the Township shall first make written application for a permit on forms provided by the Shawnee County Department of Public Works. Such application shall include the applicant's full name and address; the property owner's name and address, the location of the proposed entrance or culvert; the plans of the proposed entrance or culvert including dimensions and specifications; and the signature of the applicant. A nonrefundable application fee of Fifty Dollars (\$50) shall accompany any such application.
- (C) Upon receipt of an application to construct or modify an entrance or culvert, the Township shall review the application to determine compliance with the provisions of this resolution. Each application shall be subject to verification of property ownership to insure that the owner's name listed on the permit application is the same as listed in the Township's property ownership records. In addition, the Township shall make a determination whether the proposed entrance or culvert is located and designed in such a manner so as not to endanger traffic safety on Township roads and streets. If the Topeka Township determines that the applicable requirements of this resolution have been met, a permit shall be issued to the applicant.
- (D) Any permit issued due to a mistake of law or fact or issued due to any misrepresentation(s) by any person shall be subject to revocation.
- (E) Any person who constructs or modifies an entrance or culvert onto a public road or street without first obtaining the required permit shall be subject to a fine in the amount of One Hundred Dollars (\$100).
- (F) Any person who constructs or modifies an entrance or culvert onto a public road or street in violation of this resolution and/or which poses a danger or risk to traffic safety shall be subject to a fine in the amount of One Hundred Dollars (\$100).
- (G) Any entrance or culvert which is constructed or modified in violation of this resolution and/or which poses a danger or risk to traffic safety shall be subject to removal at the owner's expense by the Topeka Township.
- (H) Prior to any removal of a culvert or entrance constructed or modified in violation of this resolution and/or which poses a danger or risk to traffic safety, the Topeka Township shall provide thirty (30) days written notice of the violation to the owner, stating the reasons for which the culvert or entrance is in violation of this resolution and requiring the structure to be repaired or removed. If the owner fails to do so within a reasonable time, the Township may maintain a suit or action in any court of competent jurisdiction to seek removal or demolition of the structure at the owner's expense.
- (I) When a decision to deny or revoke a permit becomes final, any person whose application for a permit has been denied or whose permit has been revoked, shall have the right to appeal such action within twenty (20) days of such determination.
- (J) This resolution supersedes any other resolution in conflict herewith.

(K) This resolution shall take effect on the date approved by the Township Board.

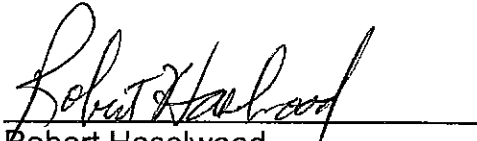
Adopted on this 13th day of July, 2010.



Carol Trimble
Topeka Township Trustee



Gilda Singleton
Topeka Township Treasurer



Robert Haselwood
Topeka Township Clerk