

**KIOWA COUNTY, KANSAS  
ENTRANCE PERMIT APPLICATION**

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Alternate No.: \_\_\_\_\_

Guidelines received by applicant: \_\_\_\_\_

Address of site: \_\_\_\_\_

Road fronting property: \_\_\_\_\_ between \_\_\_\_\_

and \_\_\_\_\_. Section: \_\_\_\_\_

This on an East/West \_\_\_\_\_ or North/South \_\_\_\_\_ road. (Check one)

Side of the road of the installation: East \_\_\_\_\_, West \_\_\_\_\_, North \_\_\_\_\_ South \_\_\_\_\_

Date entrance will be marked: \_\_\_\_\_

How entrance will be marked: \_\_\_\_\_

Further instructions on entrance: \_\_\_\_\_

County will be installing entrance: Yes \_\_\_\_\_ No \_\_\_\_\_

If there is a fence, fence will need to be removed before any work will be done.

**OFFICE USE ONLY**

RECEIVED BY: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

Application approved/not approved: \_\_\_\_\_

**Cost breakdown:**

\_\_\_\_ Guidelines given to Applicant

Item: Cost:

\_\_\_\_ Notified by installer Date/Time: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ Notified by office Date/Time: \_\_\_\_\_

\_\_\_\_\_

Installed by: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Total:** \_\_\_\_\_

Payment received from landowner: Date/Time: \_\_\_\_\_

Verified by: \_\_\_\_\_ Date: \_\_\_\_\_

## **SECTION 1: DEFINITIONS**

- a. Public right-of-way means only the areas of real property in which Kiowa County has a dedicated or acquired right-of-way interest in the real property. It shall include, but not be limited to, the area on, below or above the present and future roads, highways and/or public byways dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other wireless telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.
- b. A qualified private entrance is defined as an entryway to a field, farmstead, private residential dwelling, commercial enterprise, or an industrial facility located upon a single tract of land and under one ownership.

## **SECTION 2: HEALTH, SAFETY AND WELFARE**

The authority of a property owner to use and occupy the public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the County.

## **SECTION 3: AUTHORIZATION FROM COUNTY REQUIRED**

- a. No property owner or person on behalf of any property owner shall enter upon the right-of-way of the County, or in any manner establish a physical presence on, upon, in or over the right-of-way of the County for the purpose of installing an entrance without the express written permission of the County.
- b. Nothing in this Resolution shall be interpreted as granting a property owner the authority to construct, maintain or operate any facility or related appurtenance on property owned by the County outside the public right-of-way.
- c. The County shall have the authority to prohibit the use or occupation of any portion of the public right-of-way by a property owner necessitated by public health, safety and welfare so long as the authority is exercised in a neutral manner and is not unreasonable or discriminatory. Reasonable public interests include, but are not limited to: (1) The prohibition is based upon the recommendation of the County Road and Bridge Supervisor, is related to public health, safety and welfare and is nondiscriminatory; (2) The landowner has rejected a reasonable, competitively neutral and nondiscriminatory justification offered by the County for requiring an alternative method or alternate route that will result in neither unreasonable additional installation expense; (3) The County reasonably determines, after affording the provider reasonable notice and an opportunity to be heard, that a denial is necessary to protect the public health and safety and is imposed on a competitively neutral and nondiscriminatory basis.
- d. Any property owner desiring an entrance shall complete an entrance request form giving the property owners name, address, telephone number and location of the proposed entrance.

- e. All entrance requests must be approved by the Kiowa County Road and Bridge Supervisor prior to installation.
- f. The County authorizes the Kiowa County Road and Bridge Supervisor and, in the alternative, the Road and Bridge administrative staff, to execute the permits on behalf of the County.

#### **SECTION 4: CONSIDERATIONS AND RESTRICTIONS**

- a. Kiowa County shall furnish and install one culvert or mound entrance for a qualified private entrance. The Kiowa County Road and Bridge Supervisor has sole discretion to determine the size of the culvert to be installed. If the property owner desires a culvert that is larger in size than the standard culvert the Road and Bridge Supervisor would install, the property owner shall pay the additional cost.
- b. Shared driveways are an option at the discretion of the Kiowa County Road and Bridge Supervisor.
- c. Within three days of submitting an entrance request, the property owner shall clearly mark the centerline of the proposed entrance.
- d. At his earliest convenience, the Kiowa County Road and Bridge Supervisor shall notify the landowner if the request has been approved or disapproved. If approved, the Kiowa County Road and Bridge Supervisor shall notify the landowner of the size of the entrance culvert, taking into consideration the drainage area affect.
- e. If the culvert is not a qualified private entrance, but rather an additional culvert or new entrance, the Kiowa County Road and Bridge Supervisor shall notify the landowner of the estimated cost of materials and labor for the installation. If the landowner desires to have the entrance installed by the County, the landowner shall pay the estimated costs for all materials in advance. Upon receipt of payment, the County shall install the entrance at its earliest convenience.
- f. If the property owner chooses to install and construct a culvert that is not a qualified private entrance, he must first obtain approval of the plans and permission from the Kiowa County Road and Bridge Supervisor. The work shall be subject to the direction and supervision of the Kiowa County Road and Bridge Department.
- g. All entrance culverts shall be installed with a minimum cover of 8". Field entrances shall have dirt surfaces, while all other entrances shall be installed with reclaimed crushed pavement materials or crushed rock, at the discretion of the County, and shall extend from the roadway to the adjacent property line.

#### **SECTION 5: REPAIR**

- a. The affected landowner shall be responsible for the maintenance of the riding surface of all entrances, including, but not limited to, the removal of snow. Kiowa County shall be responsible for maintaining the water flow characteristics of all entrance culverts, to include the replacement of deteriorated culverts and cleaning out plugged culverts.

- b. Should a culvert have to be removed or replaced to maintain an adequate water flow or to improve the adjacent ditch the County shall restore the entrance to as good or better condition as when the County initiated such removal or replacement.

**SECTION 6: FEES**

The following nonrefundable fee shall be assessed against property owners desiring to install a culvert or entrance the public right-of-way:

Entrance installation permit fee of \$50.00.

**SECTION 7: PENALTIES**

- a. It shall be a public offense for any property owner or other person to construct a culvert or entrance across the County right-of-way without first having secured approval of the plans and permission from the County Road and Bridge Supervisor. Any person who violates the provisions of this resolution shall, upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than one hundred (\$100.00).
- b. In addition to the above referenced penalty, Kiowa County specifically reserves the right to remove any entrance installation or other structure placed upon the right-of-way without prior County approval. Further, the cost of removal and/or replacement of any entrance or other structure failing to meet County specifications shall be borne exclusively by the landowner.