

**178.117 Private improvement of public road in unincorporated territory -- When permitted -- Procedure.**

- (1) Any person or corporation, public or private, or any group of such persons or corporations or both, residing in or owning property adjacent to any publicly dedicated road in unincorporated territory in any county and desiring to make any improvements to the publicly dedicated road shall submit to the fiscal court, the urban-county government, or the consolidated local government for approval plans and specifications for its improvements at their own expense. Any request for private improvement shall include all the information required by KRS 184.020 to accompany a request for the creation of a public road district pursuant to that section.
- (2) The sponsors of the private improvement of the publicly dedicated road shall present their request, together with the attached maps and estimates of cost, to the fiscal court, the urban-county government, or the consolidated local government, who shall turn over to the county engineer for his or her consideration the maps and estimates of cost. In considering whether to permit the requested improvement, the fiscal court, the urban-county government, or the consolidated local government, and the county engineer shall follow the same procedures provided for in KRS 184.040 and the same appellate rights provided for in these sections are available to the petitioners. When the county engineer receives from the fiscal court, the urban-county government, or the consolidated local government an application for approval of plans or specifications for the private improvement of publicly dedicated roads by some individual or corporation, or a combination thereof, the county engineer shall be authorized and empowered to examine, inspect, and investigate, as seems to be advisable, the sufficiency of the improvements which the application seeks to serve the purposes intended, and to establish and make reasonable charges for his or her services on the basis of a schedule adjusted according to the services required to conduct the investigation or on any other reasonable method.
- (3) When it appears to the county engineer that the completion of the improvement by or on behalf of any individual or corporation requires inspection and supervision in order to assure the protection of the public safety and the proper subsequent completion of the work for the purposes intended, the county engineer shall include findings in his or her recommendation to the fiscal court, the urban-county government, or the consolidated local government approving, modifying, or disapproving the particular plans and projects, and shall charge the person or corporation for the inspection and supervision on the basis of the actual cost of inspection plus a reasonable additional cost of supervision.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 61, sec. 8, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 185, effective July 15, 2002. -- Amended 1984 Ky. Acts ch. 64, sec. 18, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 384, sec. 310, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Created 1964 Ky. Acts ch. 80, sec. 10.