

68-728. Improvements of public roads in areas platted outside of cities; petition; authority of county commissioners; apportionment of costs; special assessments; bonds. Whenever any land shall be platted and laid off into lots and blocks within any county, and outside the limits of any incorporated city, and whenever the owners of fifty-one percent (51%) or more of the front feet of the lots abutting on or fronting on the street, road or avenue sought to be improved, or if fifty percent (50%) or more of the land abutting on or fronting on any such street, road or avenue be platted as above provided, then whenever the owners of sixty percent (60%) or more of the unplatted frontage on any such street, road or avenue, together with the owners of a sufficient percentage of the frontage of the platted land abutting on or fronting on any such street, road or avenue to make fifty-one percent (51%) or more of the total frontage platted and unplatted on any such street, road or avenue sought to be improved, petition the board of county commissioners to make the improvements provided for by this act, the board of county commissioners shall have the power to provide for the construction or reconstruction of the curbing, guttering, paving, macadamizing or grading, including drainage, of any public road outside of the limits of any incorporated city whenever it shall deem the same necessary. Whenever any such work is done or improvements made, the board of county commissioners shall have the power either:

(a) To apportion the full cost thereof including its pro rata share of the cost of street intersections equally per front foot on all land abutting on or fronting on the street, road or avenue so improved, or apportion the costs as hereinafter provided, and to levy special assessments for the full cost or proportion thereof on all lots as platted and on any unplatted land abutting on or fronting on any such street, road or avenue, a distance back therefrom not exceeding one hundred and fifty (150) feet for the distance improved or to be improved in the manner provided for the payment of the cost of paving and curbing; or

(b) to apportion and to levy special assessments for the full cost thereof, including its pro rata share of the cost of street intersections upon the property on each side of the street, road, or avenue so improved, to the middle of the block or otherwise, all in the same manner and to the same extent as is provided in K.S.A. 12-606 and 12-608, and amendments thereto or K.S.A. 12-6a08 to 12-6a11, inclusive, and amendments thereto; and under either subparagraph (a) or (b) to issue improvement bonds therefor in like manner as is provided by law for the paving and curbing of the streets, alleys and public places of cities of the first class (except that the bonds may be issued to mature over a period of not exceeding twenty (20) years from the date of their issuance), and the entire distance to be improved shall constitute the improvement district provided for herein. Where, under subparagraph (b) such improvements have, prior to the effective date of this amendment, been initiated by proper petition and action taken thereon by the board of county commissioners, the method of apportionment and assessment heretofore prescribed by this section shall be utilized except where the owners of all property subject to assessment consent in writing to the method required by subparagraph (b) of this amendment.

None of the debt limitations prescribed by law for any such county shall apply to any bonds issued under the authority conferred by this section. Whenever the board of county commissioners shall determine that any part of a street, road or avenue, in addition to being of public utility, shall be of general importance to the county, and the improvement of which would incur unusual expense, the said board may adopt a resolution to that effect, and may charge not to exceed sixty percent (60%) of the expense of the improvement to the county, the expense to the lands within the benefit districts to be decreased in proportion.

After the adoption of such a resolution, the board may accept aid or donations, establish an improvement fund, issue bonds, levy taxes and pay costs out of the general fund and road fund in the same manner as authorized for like purposes under the provisions of K.S.A. 68-707 to 68-709, inclusive, and whenever improvements are made in accordance with the provisions of this act in which part of the cost of the improvement shall be apportioned to the county, the provisions of said K.S.A. 68-707 to 68-709, inclusive, shall apply, insofar as same can be made applicable.

Whenever any street, road or avenue is improved by the doing of any of the things provided for by this act, then thereafter the township within which such improvements are done or built may maintain such improvements within such township. The provisions of this act shall not apply to any road on which less than fifty percent (50%) of the property abutting on it is platted into lots and blocks. If the board of county commissioners has adopted a resolution creating such benefit district, it shall complete such work or improvements even though all or any part of the land therein is annexed to a city.

History: L. 1927, ch. 258, § 1; L. 1929, ch. 228, § 1; L. 1953, ch. 304, § 1; L. 1959, ch. 266, § 1; L. 1961, ch. 306, § 1; L. 1969, ch. 306, §1; L. 1978, ch. 272, § 1; July 1.