

**ORDINANCE NO. 2003-6 WAS TABLED**

**ON AUGUST 21, 2003**

ORDINANCE NO. 2003- 6

IN RE THE MATTER OF BRINGING INTO THE COUNTY ROAD SYSTEM A PORTION OF THE PUBLIC ROAD NAMED STONE'S CHAPEL ROAD.

WHEREAS, the Hopkins County Fiscal Court on its own Petition has expressed the desire to bring into the County Road System a portion of a public road named Stone's Chapel Road, which is described with more particularity as starting with its intersection with Pleasant Hill Church Road to its intersection with McIntosh Chapel Road Extension. The road extends in a southerly direction from the intersection for a distance of 7,687 feet and is 38 feet in width at its widest point and 19 feet in width at its narrowest point, according to the Amended Report of Viewers dated April 30, 2003, as there is no other record available.

WHEREAS, notice was published according to KRS 178.050 and notices were placed at three public places in the vicinity of said road.

WHEREAS, two viewers were appointed by the Fiscal Court together with the County Road Supervisor, who viewed the proposed road establishment and reported in writing to a public hearing held on April 21, 2003. A copy of the Amended Report of Viewers is attached hereto and incorporated herein by reference as Exhibit "A."

WHEREAS, a public hearing was held on April 21, 2003, at which time Mr. Carl Miller spoke for Stone's Chapel Road. He asked that a portion of the road that was closed for mining purposes be taken into the Hopkins County Maintenance System.

WHEREAS, the Court took no action following the initial report of viewers and the public hearing and the process was started anew in July at which time notice was published again according to KRS 178.050 and notices were placed at three public places in the vicinity of said road.

WHEREAS, two new viewers were appointed by the Fiscal Court, together with the County Road Supervisor who viewed the proposed road establishment and reported in writing to a public hearing held on August 8, 2003. A copy of that Report of Viewers dated August 5, 2003, is attached hereto and incorporated herein by reference as Exhibit "B."

WHEREAS, a second public hearing was held on August 8, 2003, at which time Mr. Carl Miller presented a petition, a copy of which is attached as Exhibit "C."

WHEREBY, upon Motion and Second the Court rejects the two separate reports of viewers and finds that that portion of Stone's Chapel Road should become a part of the County Road System because:

(1) The Petition presented by Carl Miller with 22 signatures on it, a copy of which is attached hereto and incorporated herein as Exhibit "C."

(2) That 40 miners use that road to get to work; and

(3) It is the Road Committee's desire that the road be accepted into the County Road System.

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Hopkins

County that the above-described portion of the public road named Stone's Chapel Road shall be brought into the Hopkins County Road System.

This Ordinance shall become effective upon publication.

Upon motion of Magistrate \_\_\_\_\_ and seconded by Magistrate \_\_\_\_\_, the ordinance, was approved for its first reading on \_\_\_\_\_, 2003. Whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch	_____
Magistrate Coletta Wheeler	_____
Magistrate Tim Riggs	_____
Magistrate Larry Wilson	_____
Magistrate Larry Rogers	_____
Magistrate Mike Duncan	_____
Magistrate Jon Garrett	_____
Judge/Executive Patricia Hawkins	_____

Upon second reading of the Ordinance, it was moved by Magistrate \_\_\_\_\_ and seconded by Magistrate \_\_\_\_\_ that the Ordinance be duly adopted. Whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch \_\_\_\_\_  
Magistrate Coletta Wheeler \_\_\_\_\_  
Magistrate Tim Riggs \_\_\_\_\_  
Magistrate Larry Wilson \_\_\_\_\_  
Magistrate Larry Rogers \_\_\_\_\_  
Magistrate Mike Duncan \_\_\_\_\_  
Magistrate Jon Garrett \_\_\_\_\_  
Judge/Executive Patricia Hawkins \_\_\_\_\_

Whereupon, Hopkins County Judge/Executive Patricia Hawkins declared this ordinance adopted on its second reading, affixing her signature and the date thereto, and declared that the same be recorded.

\_\_\_\_\_  
Patricia Hawkins  
Hopkins County Judge/Executive

Attest:

\_\_\_\_\_  
Devra Steckler  
Hopkins County Clerk

*see  
Stone's  
Chapel Rd*

HOPKINS COUNTY FISCAL COURT  
Hopkins County Government Center - 56 North Main Street  
Madisonville, Kentucky 42431

IN RE: THE MATTER OF ACCEPTING A PORTION OF STONE'S CHAPEL ROAD FROM ITS INTERSECTION WITH PLEASANT HILL CHURCH ROAD TO ITS INTERSECTION WITH MCINTOSH CHAPEL ROAD EXTENDED INTO THE COUNTY ROAD SYSTEM.

AMENDED  
REPORT OF VIEWERS

The undersigned, Jeffrey A. Oakley, County Road Supervisor, and Danny Hartline and Clay Kik, appointed viewers by the Order of the Hopkins Fiscal Court to report on the advisability of the County of Hopkins accepting into the County Road System a portion of Stone's Chapel Road from its intersection with Pleasant Hill Church Road to its intersection with McIntosh Chapel Road Extended, beg to report as follows:

After viewing said portion of road, we find that:

1. The advantages and disadvantages which will result to the individual and to the public from the proposed work are as follows:

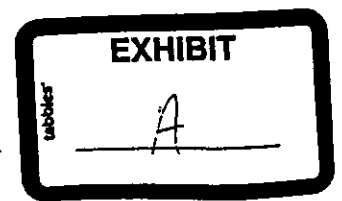
The viewers and the road supervisor visited the road in the morning hours of April 21, 2003. They drove the entire length of the road from its junction with Red Hill Road past McIntosh Chapel Road Extended to the Christian County line. The part of the road under consideration is that part that starts at the north end at the intersection of Pleasant Hill Church Road and ends at the intersection of McIntosh Chapel Road Extended and Dragline Road.

The viewers and road supervisor stopped on the side of the road to observe traffic for approximately thirty minutes. The only traffic observed were coal trucks hauling coal from the Stone's Chapel Mine on the west side of the road about midpoint between Red Hill Road and McIntosh Chapel Road Extended.

There did not appear to be any other traffic of a public nature.

The road supervisor has traveled the road on many other occasions at various times of the day and has not observed significant public traffic.

Viewer Danny Hartline attends church service at the Pleasant Hill Church which is near the intersection of Red Hill and Stone's Chapel Roads. He is not aware of significant



public traffic except for persons attending church and these people normally use that part of the paved road of Stone's Chapel Road leading from Red Hill Road.

The viewers and road supervisor did not observe any residences which needed access from that portion of Stone's Chapel Road.

A review of the aerial photograph at the Property Valuation Administration Office revealed that Barber Shelton owned property at the intersection of Red Hill and Stone's Chapel Roads. Mr. Shelton was telephoned from the County Attorney's Office on the afternoon of April 29, 2003. Mr. Shelton advised the road supervisor that he owns approximately 65 acres, half of which falls south of the point of Pleasant Hill Church Road intersection and half of which falls north of such intersection. Mr. Shelton advised the road supervisor that his property was presently under lease with the same people who are doing the underground mining at Stone's Chapel Mine. He did not have any serious problems with access to his property from Stone's Chapel Road.

In summary, the road does not appear to have a significant public purpose. It is in a very, very poor state of repair and most of the traffic is private in nature and directed to mining operations at the Stone's Chapel Mine located on the west side of the road. A significant portion of the property on both sides of Stone's Chapel Road appears to belong to Mark One, Inc. pursuant to the PVA records.

2. The grades and bearings of the proposed road are:

The section of road under consideration starts at its northmost point at the intersection of Stone's Chapel Road and the Pleasant Hill Church Road. That portion of Stone's Chapel Road which is paved from Pleasant Hill Church Road in a northerly direction to Red Hill Road is not under consideration and is believed to have never been taken out of the county road system. The road extends in a southerly direction from the intersection for a distance of 7,687 feet and is 38 feet in width at its widest point and 19 feet in width at its narrowest point. It stops at the intersection with McIntosh Chapel Road Extended and Dragline Road.

3. Other facts and circumstances that may enable the Fiscal Court to determine whether work ought to be undertaken by the County are:

Despite considerable amount of maintenance work and rock expended by the

county in the last several years, this road continues to have an inadequate surface and some very significant drainage problems. Its use is not public in nature and it is the view of the viewers and the county road supervisor that it is used mostly for a private enterprise, to wit: the Stone's Chapel Mine. Its lack of public use would not warrant the expenditure of public funds for its continued maintenance.

4. In the opinion of these viewers, the portion of Stone's Chapel Road from its intersection with Red Hill Road to its intersection with McIntosh Chapel Road Extended should be ( ) accepted / (X) rejected for the above reasons.

Respectfully submitted this 30th day of April, 2003.

Jeffery A. Oakley  
Jeffery A. Oakley  
County Road Supervisor

Danny Hartline  
Viewer Danny Hartline  
45 Mineral Street  
Madisonville, KY 42431

Clay Kik  
Viewer Clay Kik  
1840 North Main Street, POB 600  
Madisonville, KY 42431



HOPKINS COUNTY FISCAL COURT  
Hopkins County Government Center - 56 North Main Street  
Madisonville, Kentucky 42431

IN RE: THE MATTER OF ACCEPTING A PORTION OF STONE'S CHAPEL ROAD FROM ITS INTERSECTION WITH PLEASANT HILL CHURCH ROAD TO ITS INTERSECTION WITH MCINTOSH CHAPEL ROAD EXTENDED INTO THE COUNTY ROAD SYSTEM.

REPORT OF VIEWERS

The undersigned, Jeffrey A. Oakley, County Road Supervisor, and CHRIS BRASHER \_\_\_\_\_, and KEITH RIDDLE \_\_\_\_\_, appointed viewers by the Order of the Hopkins Fiscal Court to report on the advisability of the County of Hopkins accepting into the County Road System a portion of Stone's Chapel Road from its intersection with Pleasant Hill Church Road to its intersection with McIntosh Chapel Road Extended, beg to report as follows:

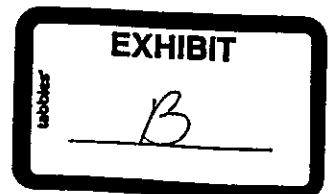
After viewing said portion of road, we find that:

1. The advantages and disadvantages which will result to the individual and to the public from the proposed work are as follows: THE ONLY ADVANTAGE TO THIS IS A QUICKER WAY FOR PROPERTY OWNERS TO GET TO LAND.

2. The grades and bearings of the proposed road are FROM INTERSECTION WITH PLEASANT HILL CHURCH ROAD TO ITS INTERSECTION WITH MCINTOSH CHAPEL ROAD EXTENDED.

3. Other facts and circumstances that may enable the Fiscal Court to determine whether work ought to be undertaken by the County are THIS ROAD HAS A LOT OF HUGE ROCKS PROTRUDING OUT OF THE ROAD SURFACE THAT WOULD HAVE TO BE REMOVED TO ACHIEVE PROPER MAINTENANCE. THERE ARE SOME SPOTS WHERE WATER STANDS.

In the opinion of these viewers, the portion of Stone's Chapel road from its intersection with Pleasant Hill Church Road to its intersection with McIntosh Chapel Road Extended should be ( ) accepted / ( x ) rejected for the above reasons.



Respectfully submitted this 5 day of August, 2003.

Jerry A. Oakley  
County Road Supervisor

Wes Brakes  
Viewer

Keth Kell  
Viewer

# PETITION FOR MAINTENANCE, MONITORING AND COMPLIANCE

We, the undersigned Kentucky Residents and Taxpayers in Hopkins County, do hereby request that the Hopkins County Fiscal Court do the following:

1. Direct the Hopkins County Road Department to properly maintain the total length of Stones Chapel Road from Red Hill Road to the Christian County line.
2. Direct the appropriate authorities in Hopkins County to monitor the use of Stones Chapel Road.
3. Direct the appropriate authorities in Hopkins County to require the Company, that operates the current coal mining operation, which allows the hauling of their mined coal over a section of the northern portion of Stones Chapel Road, to comply with all regulatory requirements regarding the use of said road and that they bond and properly maintain that portion of said road throughout their use of same.

Petitioned and signed:

*Carl D. Miller*  
~~*Tommy Lee*~~  
~~*Patricia Miller*~~  
~~*Betty M. Young*~~  
~~*Carlton Lee*~~  
~~*Mark Hall*~~  
~~*Charles Farris*~~  
~~*Jimmy Lee*~~  
~~*Carl Lee*~~  
~~*Wanda Lee*~~  
~~*Elbert Powell*~~  
~~*Robert Miller*~~  
~~*Blayne Miller*~~  
~~*Dale Lee*~~  
~~*James Lee*~~  
~~*John Lee*~~  
~~*Richard Lee*~~  
~~*Richard Lee*~~  
~~*Buddy Lee*~~  
~~*Felix Lee*~~  
~~*Margaret Lee*~~  
~~*Richard Lee*~~  
~~*Robert Lee*~~  
~~*Jessie Riggs*~~

*W. Wilson*  
~~*Robert Thompson*~~  
~~*John Thompson*~~  
~~*Sammy Thompson*~~

State of Kentucky:

County of Hopkins:

I, Michael P. Lee, a Notary Public for the Commonwealth of Kentucky, do hereby certify, that the above noted individuals appeared before me and signed the above noted Petition for Maintenance, Monitoring and Compliance. They did so of their own free will and volition.

Sworn and subscribed before me this 6<sup>th</sup> day of March, 2003.

*Michael Paul Lee*  
 Michael P. Lee, Notary Public, State at Large, KY.

My Commission Expires: 05

