

RESOLUTION NO. 97-10

HUGHES COUNTY POLICY RELATIVE TO IMPROVING SECTION LINE ROADS NOT CURRENTLY LISTED ON THE COUNTY SECONDARY SYSTEM

WHEREAS, the State of South Dakota has severely limited the County's ability to levy property taxes to pay for county highway costs, and

WHEREAS, the other principal source of county highway funds is the license plate fees which are still at 1931 levels, and

WHEREAS, the above facts severely limit the funding available to Hughes County to maintain the existing highway system at satisfactory levels, and

WHEREAS, the Attorney General Opinion 95-01 states in part as follows:

If a section-line highway is neither part of the County highway system nor a county secondary road/highway, the county has no duty to maintain it, it is entirely within the discretion of the county to perform any improvements upon section-line highways. See 1963-64 A.G.R. 233; A.G.O. 89-17 and 93-01.

THEREFORE BE IT RESOLVED, that it shall be the policy of Hughes County not to place any additional section line roads on the County Secondary Highway System except under the following circumstances:

If a landowner requests the improvement and maintenance of an unimproved section line road and the Hughes County Commission agrees it is feasible to have a public road constructed on that section line, the Hughes County Highway Superintendent will furnish the landowner with the Hughes County standards for construction of the road. The landowner shall furnish the Hughes County Highway Superintendent and the Hughes County Commission construction plans prior to construction. After a construction plan is completed that meets the approval of the Hughes County Commission but before proceeding with construction, the landowner and the Hughes County Commission will negotiate an agreement setting out Hughes County's commitment for maintenance of the road if the landowner completes the construction in accordance with the approved plans.

Subsequent to reaching a satisfactory agreement, it will be the landowners responsibility to construct the road in accordance with the approved plans.

When it is agreed the road has been satisfactorily constructed to Hughes County standards, Hughes County will place the road on its county secondary road system and accept maintenance of the road in accordance with the agreement.

Adopted and approved this 4th day of March, 1997

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Barbara Bonhorst, Chairperson
Hughes County Commission

ATTEST:

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Shellie Baker, Auditor
Hughes County, South Dakota