

ORDINANCE NO. 07-27

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY  
AMENDING THE SUBDIVISION REGULATIONS OF MADISON COUNTY,**

**WHEREAS**, the Madison County Planning Commission recommends to the Fiscal Court to amend Section 313.4 Utility Easement Description and Approval Required of the Madison County Subdivision Regulations by creating a standard statement regarding utility easements to be placed on all subdivision plats;

**WHEREAS**, the Madison County Planning Commission recommends to Fiscal Court that 313.4 Utility Easement Description and Approval of the Madison County Subdivision Regulations be amended as shown in Section 1;

**NOW, THEREFORE**, be it ordained by the Fiscal Court of the County of Madison, Commonwealth of Kentucky, as follows:

**SECTION I**

**313 Provision of Utility and Drainage Easements**

The developer shall set aside permanent easements for placement and access to maintenance of public and private utilities and drainage, in accordance with the requirements of these regulations. The specific use of the easement shall be indicated on the plat.

**313.1 Location of Easements** - Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

**313.2 Dimensions of Easements** - The minimum width for utility easements shall be thirty (30) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead-end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least fifteen (15) feet in width. Where all utilities are being placed underground in the same easement, the Planning Commission may require a minimum separation of two (2) feet between water and electric lines.

**313.3 Restrictions** - No fences, principal or accessory buildings or other structures shall be permitted within easements. Any overhanging or obstructing limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

**313.4 Utility Easement Description and Approval – The following note shall be placed on every plat requiring signatures of the various utility companies.**

THE UNDERSIGNED HEREBY GRANTS UNTO THE BELOW NAMED UTILITY COMPANIES AN EASEMENT OVER THE SPACES INDICATED BY THE DASHED LINES MARKED "ESMT." SAID EASEMENT TO INCLUDE:

1. THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, UPGRADE, OR REBUILD POLE LINES OR UNDERGROUND UTILITIES SYSTEMS.
2. THE RIGHT OF INGRESS AND EGRESS OVER ALL LOTS TO AND FROM SAID EASEMENT.
3. THE RIGHT TO TRIM OR REMOVE ANY TREE OR VEGETATION NECESSARY TO MAINTAIN PROPER SERVICE.
4. THE RIGHT TO KEEP SAID EASEMENT FREE OF ANY STRUCTURE OR OBSTACLE THAT MAY CREATE A HAZARD TO UTILITY LINES OR CABLES.
5. THE RIGHT TO PROHIBIT ANY EXCAVATION WITHIN FIVE (5) FEET OF ANY BURIED UTILITY HEREBY MENTIONED.

LOT OWNERS MAY USE AND ENJOY LAND INCLUDED IN THE EASEMENT SHOWN HEREON, BUT SUCH USE SHALL NOT INTERFERE WITH THE RIGHTS HEREIN GRANTED.

_____	_____	_____	_____
<i>Owner or Developer</i>	<i>Date</i>	<i>Gas Company</i>	<i>Date</i>
_____	_____	_____	_____
<i>Electric Company</i>	<i>Date</i>	<i>Water Company or District</i>	<i>Date</i>
_____	_____	_____	_____
<i>Telephone Company</i>	<i>Date</i>	<i>Sewer Company</i>	<i>Date</i>

SECTION II

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statues.

DATE OF FIRST READING: December 18, 2007

MOTION BY: Harold Botner Jr

SECONDED BY: William H. Tudor

VOTE: YES NO

JUDGE, KENT CLARK ✓  
MAGISTRATE LARRY COMBS ✓  
MAGISTRATE ROGER BARGER ✓  
MAGISTRATE WILLIAM TUDOR ✓  
MAGISTRATE HAROLD BOTNER, JR. ✓

DATE OF SECOND READING: January 8, 2008

MOTION BY: Harold Botner, Jr.

SECONDED BY: Larry Combs

VOTE: YES NO

JUDGE, KENT CLARK ✓  
MAGISTRATE LARRY COMBS ✓  
MAGISTRATE ROGER BARGER ✓  
MAGISTRATE WILLIAM TUDOR ✓  
MAGISTRATE HAROLD BOTNER, JR. ✓

[Signature]  
MADISON COUNTY JUDGE EXECUTIVE

Attest:  
[Signature]  
MADISON COUNTY CLERK