



November 6, 2024

Campbell County and Municipal Planning and Zoning Commission

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, November 12 6:30 pm
Campbell County Fiscal Court Chambers
1098 Monmouth Street
Newport, KY 41071

File Number: PZ-23-011
Applicant: Campbell County Roadway Department
Location: Intersection of Plum Creek Road and US 27
Request: VACATE FORMER RIGHTS OF WAY

Overview:

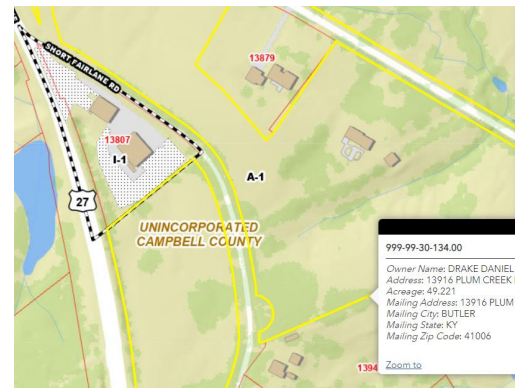
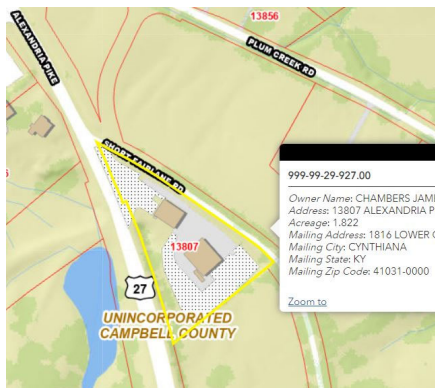
KRS 100.324 Public utility facilities excepted -- Review of proposed acquisition, disposition, or change by commission. (4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan.

As the result of the reconstruct of the intersection of US 27 and Plum Creek Road by the Kentucky Transportation Cabinet (KYTC), two County roads have been altered. The alterations have resulted in excess rights-of-way which are no longer serve a public transportation purpose. County Road (CR) 1118 – Plum Creek Road was converted to t-style intersection with US 27. The northern portion of CR 1212A Fairlane Short was transitioned to a dead-end street with a cul-de-sac bulb.

The following aerials depict before and after of the realignment.



Adjacent property owners Mr. James Chambers and Mr. Daniel Drake have each petitions to acquire the vacated ROW



As indicated on Plan Sheets, a portion of the pavement has been removed (see hatched areas).

On former Fairlane Short, pavement was not removed from the new cul-de-sac at the termini put is no longer used by the public for transportation purposes. But this property is abutting land owned by Mr. Chambers and Mr. Drake respectively. The plan does indicate the presence of overhead utility lines in this area.

While the roadway department wishes to vacate the land for transportation purposes, it should be noted that utility easements namely for the overhead power, either prescriptive or in writing will remain in effect.

On former Plum Creek, pavement was removed immediately abutting US 27. A driveway remains to and existing farm but no longer serves the public. The plan does indicate the presence of a water line in this area.

While the roadway department wishes to vacate the land for transportation purposes, it should be noted that utility easements, namely for the water line, either prescriptive or in writing will remain in effect.

Staff requested an independent review by two individuals from CT Consultants. The review is attached.

Staff finds that vacating the identified portions CR 1118 – Plum Creek Road and CR 1212A – Fairlane Short Road retains the consistency of the Comprehensive Plan. The roadway reconstruction continues to provide access to the properties in the vicinity. Staff further notes that these improvements provide a safer interchange design with US 27.

Staff Recommendations:

That the Campbell County & Municipal Planning & Zoning Commission has reviewed the roadway changes and proposed vacation of the transportation network in regards of its agreement with the comprehensive plan, and further advise the Campbell County Fiscal Court that the request to vacate the land for transportation purposes is in accordance with the comprehensive plan.

Bases for Recommendation:

1. Notice has been given to the adjacent property owners.
2. An independent review has been completed.
3. The proposed change has been reviewed for consistency with the recommendations of the Campbell County Comprehensive Plan Update.



September 12, 2023

Campbell County Fiscal Court
1098 Monmouth Street
Newport, KY 41071

Re: Plum Creek Road & Short Fairlane Road ROW

To whom It May Concern:

On August 29, 2023 Robert Seitzinger went out to Plum Creek Road and Short Fairlane Road to review the right-of-way for the former and current roadway segments. On September 1, 2023 Shawn Riggs went out to the site to confirm our findings.

CT Consultants and our employees have no vested interest in the discontinuance/vacation of any portion of Plum Creek Road or Short Fairlane Road.

Based on our field reconnaissance and review of historical mapping, we determined that in 2021, US 27 had been widened through this area to add turn lanes for Plum Creek Road. The widening included modification to both Plum Creek Road and Short Fairlane Road.

Plum Creek Road: The intersection with US 27 was moved to the south. The pavement for the old alignment was removed. A new access road was constructed off of the new Plum Creek Road to 13807 Alexandria Pike. A 13 ft wide access drive was constructed along the old alignment to a gravel drive on 13720 Plum Creek Drive.

Short Fairlane Road: The pavement was removed between the northern intersection with US 27 and rear driveway for 13916 Plum Creek Drive. A turnaround was added near the southern property line of 13916 Plum Creek Drive. Note that the typical pavement width for the road is only 12 ft and the pavement beyond the turnaround only serves as a secondary access point for 13916 Plum Creek Road.

Based on the data that we have available at the time, there does appear to be an existing watermain within the ROW being considered for vacation, specifically within the old Plum Creek Road ROW. Additionally, a rock lined swale was added across old Plum Creek Road Right of way that drainage runoff for the US 27 right-of-way. There are also utility poles that run along the old roadway alignments. If the ROW is vacated appropriate easements over these utilities and drainage ways should be provided and recorded. In the areas where the asphalt pavement is serving as driveways, the County should have the property owners of 13720 & 13916 sign documentation indicating that they understand that the maintenance of the pavement is their responsibility.

Based upon our investigation and the condition outlined in the previous paragraph, we believe that it is in the best interest of Campbell County Fiscal Court to officially discontinue these portions of Plum Creek Road or Short Fairlane Road.



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Campbell County Fiscal Court
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If you have any questions about the above or the attached, please feel free to contact us at your convenience at rseitzinger@ctconsultants.com or at 859-534-9936.

Respectfully,

CT Consultants, Inc.

Robert Seitzinger
Project Engineer

Shawn Riggs
Project Manager