

**178.040 Change in width of county road or right-of-way -- Minimum width of right-of-way -- Acquisition of right-of-way.**

- (1) In order to change the width of a county road, the fiscal court, an urban-county government, or a consolidated local government shall make a special order for a different width. The order shall be recorded in the office of the county clerk. In order to change the width of the right-of-way of a portion of a county through road system the fiscal court of a county containing a city of the first class or a consolidated local government may make a special order for a different width. The order shall be recorded in the office of the county road engineer.
- (2) All county roads and all public roads that are being adopted into a county road system after July 13, 2004, shall occupy a minimum right-of-way width of thirty (30) feet, fifteen (15) feet in each direction as measured from the centerline of the road, unless the fiscal court finds that a thirty (30) foot minimum cannot be met due to the topography of the road or other extraordinary circumstances. All county roads and all public roads that were in existence prior to July 13, 2004, shall not be required to occupy a minimum right-of-way width of thirty (30) feet under this subsection. A fiscal court, an urban-county government, or a consolidated local government may order the minimum right-of-way to be a greater width. All roads added to the county through road system in a county containing a city of the first class or a consolidated local government in accordance with KRS 178.333 shall occupy a right-of-way width as ordered by the fiscal court or the consolidated local government.
- (3) In acquiring a right-of-way for a county through road within any city, the fiscal court or the county court of a county containing a city of the first class or the consolidated local government may exercise any powers granted them by statute for the acquisition of property.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 61, sec. 3, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 184, effective July 15, 2002. -- Amended 1978 Ky. Acts ch. 384, sec. 304, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 80, sec. 6. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4288, 4289.