

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#15**

**AN ORDINANCE PROVIDING FOR THE IMPOSITION,
LEVY, COLLECTION, AND APPORTIONMENT OF
TAXES FOR THE CITY OF DAYTON, CAMPBELL
COUNTY, KENTUCKY, FOR THE FISCAL YEAR JULY 1,
2024, THROUGH JUNE 30, 2025.**

WHEREAS, KRS 83 A.130 to 83A.150 and KRS 92.280 and KRS 92.330 require that the legislative body of each city levy an ad valorem tax for city purposes and that this be done by ordinance to provide for sufficient revenue to operate city government; and

WHEREAS, KRS Chapter 132 requires that this be calculated in accordance with the provisions of that chapter and KRS 134.800 and KRS 134.810 require that ad valorem taxes on motor vehicles and motorboats be collected by the City Clerk and that such taxes shall become due and delinquent as set forth in KRS 134.810 and that such taxes not paid when due shall be subject to the penalty and interest as specified therein.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF DAYTON,
CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:**

SECTION 1. Real Property – General Tax.

An ad valorem tax rate of .399 cents on each \$100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 2. Real Property – Park Tax.

An ad valorem tax rate of .050 cents on each \$100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 3. Other Personal (Tangible) Property.

An ad valorem tax rate of 1.071 cents on each \$100.00 (one hundred dollars) of assessed valuation of personal property (other than motor vehicles and motorboats) subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 4. Motor Vehicles and Motorboats.

An ad valorem tax rate of \$.5009 cents on each \$100.00 (one hundred dollars) of assessed valuation of motor vehicles and motorboats subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 5. Bank Deposits.

There shall be imposed and collected for said City, as permitted under KRS Chapter 136, on the taxable fair cash value of bank deposits within the city as assessed, corrected, altered, certified, and returned by the Revenue Cabinet or as assessed by the Mayor and Council, if for any reason said deposits have not been listed in any manner for taxation, a sum equal to twenty-five thousandths of one percent (.025%) of those deposits. The levy called for in this Section shall be imposed, levied, collected, and apportioned for payment of incidental expenses of the City. Those banks upon which the above tax is imposed may pay the sum due less 2% if paid by December 31, 2024, or the full amount by January 31, 2025. Thereafter the penalty and interest herein shall be imposed.

SECTION 6. Due Date, Payment, Discount, and Penalty.

The taxes mentioned in this Ordinance Sections 1, 2, and 3 shall be due and payable at the Office of the City Clerk by November 30, 2024, and shall become delinquent the day immediately following if not paid. Taxes paid during the first three days after they become delinquent will be assessed a 1% penalty. Any taxes not paid more than three days after they become delinquent shall be subject to a penalty of 10% and shall accrue interest at a rate of twelve percent (12%) per annum until paid. The delinquent taxpayer shall also pay all costs, attorney's fees, and other expenses incidental to any action taken by the city for collection of the delinquent tax bill.

SECTION 7. Effective Date and Use Thereof.

This Ordinance shall be effective immediately upon publication and applies to the 2024 calendar year tax assessment, and all receipts shall be used for city purposes and accounted for the 2024-2025 fiscal year and subsequent fiscal years in reference to delinquent collections.

PASSED by the City Council of the City of Dayton, Campbell County, Kentucky, assembled in regular session.

First Reading: August 13, 2024

Second Reading:

Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk/Treasurer of the City Council of Dayton, Kentucky (the "City"), and as such I further certify that the foregoing Ordinance is a true, correct, and complete copy of the Ordinance duly adopted by the City Council of the City after two readings on the dates referenced above, and has been signed by the Mayor and is now in full force and effect, all as appears from the official records of the City in my possession and under my control.

IN WITNESS WHEREOF, I have hereunder set my hand this _____ day of _____
2024.

Tristan Klein
City Clerk/Treasurer

**CITY OF DAYTON,
KENTUCKY ORDINANCE
2024-16**

**AN ORDINANCE AMENDING THE TEXT OF THE CITY OF
DAYTON, KENTUCKY, ZONING ORDINANCE TO REPEAL
OLD SUBDIVISION REGULATIONS AND UPDATE THE
ZONING ORDINANCE WITH NEW SUBDIVISION
REGULATIONS .**

WHEREAS, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

WHEREAS, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

WHEREAS, the P&Z Commission was asked to review and act upon a request to update the Subdivision Regulations within the Zoning Regulations; and

WHEREAS, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on July, 18, 2024, in Dayton, Kentucky, to review and recommend new Subdivision Regulations; and

WHEREAS, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendments to the Zoning Regulations as set forth below; and

WHEREAS, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Regulations, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DAYTON CITY COUNCIL AS FOLLOWS:

That Chapter 155, “Subdivision Regulations,” of the City’s Zoning Regulations are hereby repealed in their entirety and the Zoning Regulations are hereby amended to adopt new Subdivision Regulations, which are attached hereto in their entirety as “Exhibit A”, and incorporated by reference herein as if fully rewritten.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: August 13, 2024
Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk/Treasurer of the City Council of Dayton, Kentucky (the “City”), and as such I further certify that the foregoing Ordinance, including the attached Exhibit “A”, which is incorporated into the Ordinance, is a true, correct, and complete copy of the Ordinance duly adopted by the City Council of the City after two readings on the dates referenced above, and has been signed by the Mayor and is now in full force and effect, all as appears from the official records of the City in my possession and under my control.

IN WITNESS WHEREOF, I have hereunder set my hand this ____ day of _____
_____ 2024.

Tristan Klein
City Clerk/Treasurer

EXHIBIT "A"

PDF of New Subdivision Regulations



SUBDIVISION REGULATIONS FOR
CITY OF DAYTON
STATE OF KENTUCKY
2024

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ARTICLE I

APPLICATION AND AUTHORITY OF REGULATION

REGULATIONS FOR ESTABLISHING SUBDIVISION PROCEDURES FOR THE SUBMISSION AND APPROVAL OF THE PRELIMINARY AND FINAL PLATS AND RECORDING OF FINAL PLATS: DESIGN STANDARDS AND PRINCIPLES FOR THE LAYOUT OF SUBDIVISIONS AND FOR THE SURVEYING AND PLATTING REQUIREMENTS THEREOF: REQUIRING THE INSTALLATION OF CERTAIN IMPROVEMENTS AND PROVIDING FOR THE NECESSARY CONSTRUCTION AGREEMENTS AND GUARANTEES THEREIN; PROVIDING FOR CERTAIN PRELIMINARY AND FINAL PLAT REQUIREMENTS; DEFINING CERTAIN TERM USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND ENFORCEMENT AND THE PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR THE MEANS OF ADOPTION AND AMENDMENT; REPEAL ALL REGULATIONS, RESOLUTIONS, ORDERS, ORDINANCES AND/OR CODES IN CONFLICT HEREWITH.

SECTION 1.0 SHORT TITLE.

These regulations shall be known and may be cited as the "Subdivision Regulations" of the City of Dayton, Commonwealth of Kentucky.

SECTION 1.1 PURPOSE AND AUTHORITY.

(A) Purpose. These subdivision regulations as herein set forth have been prepared in accordance with an adopted comprehensive plan for the city of Dayton to promote the public health, safety, morals, and general welfare of the city; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land. In addition, these regulations also provide for the accurate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers.

(B) Authority. These regulations are adopted in accordance with KRS 100.201 through 100.991.

SECTION 1.2 SCHEDULE OF CONSTRUCTION AND SALE OF LOTS.

No lot, tract, or parcel in a subdivision in which the property is located may be sold or transferred and no permit to erect any building upon land in a subdivision may be issued unless a final plat has been approved by the Planning Commission (herein after "the planning commission" or "commission"), signed by the chair, and recorded in the land records of the Campbell County Clerk.

SECTION 1.3 SCHEDULE OF IMPROVEMENTS.

ARTICLE II
DEFINITIONS

SECTION 2.0 WORDS AND PHRASES.

For the purpose of these regulations, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present;

Words used in the present tense include the future;

Words used in the singular include the plural;

Words used in the plural include the singular;

Words used in the masculine include the feminine;

Words used in the feminine include the masculine;

The word "shall" means must;

The words "may" and "should" are permissive.

"AGRICULTURAL USE" The use of a tract land consistent with KRS 100.111 production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybean, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, but not including residential building development for sale or lease to the public.

"ALLEY." A strip of land dedicated to and accepted for maintenance by the City Council for public use, located at the side or rear of lots providing secondary access to abutting property.

"BLOCK." A parcel of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition an "alley" is not considered a street but part of the "BLOCK."

"BLOCK LENGTH." The distance between intersections of through streets, such distance being measured parallel to the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

"CERTIFICATE OF OCCUPANCY." A certificate that must be obtained prior to occupancy of any premises.

"CITY ENGINEER." The City Engineer of the City of Dayton, State of Kentucky.

"CIVIL ENGINEER." A registered professional engineer in the state of Kentucky.

"CITY OR COUNTY INSPECTOR." A person employed or contracted by the City of Dayton,

the midpoint of the front lot lines to the midpoint of the rear lot lines.

"LOT, DOUBLE FRONTAGE." A lot other than a corner lot that has frontage on more than one street. "LOT LINE, FRONT" The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces. See also: "FRONTAGE".

"LOT LINE, REAR" The boundary line of a lot that is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge-shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

"LOT LINE, SIDE" Any boundary line of a lot, other than a front lot line or rear lot line.

"LOT OF RECORD." A designated fractional part of a subdivision according to a specific recorded plat or survey, the map of which has been officially approved by the Planning Commission and recorded in the office of the County Clerk.

"LOT WIDTH". The width of the lot as measured along the building front setback line.

"LOT WIDTH, MINIMUM." The minimum width of a lot as required by the zoning ordinance as measured along the minimum building front setback line.

"MINIMUM BUILDING SETBACK LINE." A line parallel to the front, side and/or rear lot line and set back from the lot lines a sufficient distance, as specified in the zoning ordinance, to provide the required minimum yard space.

"MINOR SUBDIVISION." A subdivision which consists of four or less lots in which no new public improvements are to be constructed or extended, or where all lots created, for other than agricultural purposes, contain an area of at least five acres or more, and no new public improvements are to be constructed or extended.

"OFFICIAL MAP." The adopted official map of the city, as provided for in KRS 100.293 through 100.317.

"PLAT, CONVEYANCE." A type of plat used in the minor division of land, which is approved by the Planning Commission and recorded in the county clerk's office. A conveyance plat is used to transfer a minor division of land in an expeditious manner without subjecting an applicant to the formal subdivision review process or a major division of land procedure. A conveyance plat may be informally called an "identification" or an "ID" plat.

"PLAT, FINAL." A subdivision plat proposed in accordance with the provisions herein in which said plat is designated to be placed on record with the County Clerk after approval by the Planning Commission.

"PLAT, IDENTIFICATION (ID)". See "Conveyance Plat"

"PLAT, PRELIMINARY." A tentative plat of a proposed subdivision prepared in accordance with the provisions herein for presentation to the Planning Commission for its approval or denial.

"RESUBDIVISION." A subdivision of an existing subdivision by which the older lot lines are redrawn, but where no new improvements are to be constructed or extended.

"STANDARD SPECIFICATIONS." Any specifications stated in an ordinance, resolution, or regulations adopted by the Planning Commission or the City Council. The tables, figures, and attachments to these regulations are "STANDARD SPECIFICATIONS."

"STREETS." Any vehicular ways except alleys.

ARTICLE III
SUBDIVISION PROCEDURE

Any developer desiring to subdivide any lot, tract, or parcel of land or to change or rearrange any such lot, tract, or parcel of land within the city shall comply with the procedures established in this Article and other applicable Articles and Sections of these regulations and in the sequence specified.

SECTION 3.0 PRELIMINARY INFORMATION.

The subdivider shall notify the Planning Commission, or its representative, of its intention to subdivide a property prior to submission of a Preliminary Plat. Such notification should include mention or illustration of any aspect or feature which will affect the design or layout of the subdivision. For clarity, the subdivider or developer in discussing preliminary information may utilize a map to illustrate various features or aspects of the property. Such notification requires a pre-application conference, unless waived by the commission's representative, to discuss the proposed land development for conformance with the Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations. Additional coordination may be required with applicable regulatory agencies such as the Northern Kentucky Water District (NKWD), Sanitation District No. 1 (SD1), Northern Kentucky Health Department. Coordination with the Kentucky Transportation Cabinet's (KYTC) Department of Highways, Dayton Public Works, Campbell County Public Works, and Fire Department of Bellevue-Dayton (FDBD) may also be required.

SECTION 3.1 SUBMISSION OF PRELIMINARY PLAT.

The subdivider shall submit an application, a copy of the preliminary plat and fee per section 8.1 of these regulations with the Commission's representative, prepared in accordance with the requirements of Article IV of these regulations. The representative shall review and acknowledge the application package for completeness and, if complete, place it on an upcoming agenda for Planning Commission review. The subdivider shall also submit copies of the preliminary plat to the applicable public/private utility agencies, highway department, city public works department, fire department and state or local health board.

SECTION 3.2 PROCESSING OF THE PRELIMINARY PLAT.

The preliminary plat, the application, and all other required information, shall be reviewed by the Planning Commission's representative for compliance with: (1) the requirements of the Preliminary Plat as stated in Article IV; (2) the requirements of the Dayton Zoning Ordinance and (3) any other pertinent sections of these regulations. The planning commission's representative shall also contact the applicable local and state governmental agencies and other interested organizations for their comments concerning the preliminary plat.

SECTION 3.3 PLANNING COMMISSION ACTION.

3. One (1) copy of the Street Plans and Profiles, including typical cross sections.
4. One (1) copy of Drainage Report, including computations.
5. One (1) copy of plans for control of erosion and sedimentation if not submitted previously for processing.
6. The required fees.

SECTION 3.6 PROCESSING OF IMPROVEMENT DRAWINGS AND SPECIFICATIONS.

The planning commission's duly authorized representative shall check the improvement drawings and plans to insure they are in conformance with the approved or conditionally approved preliminary plat and that they meet the requirements established in Article VII and other pertinent sections of these regulations. The planning commission's duly authorized representative shall also contact the applicable local and state governmental agencies and other organizations for their comments as they pertain to the proposed improvement drawings and specifications. Following these reviews, the planning commission's duly authorized representative shall take one of the following actions: (1) approve the improvement drawings and specifications; (2) approve the improvement drawings and specifications, subject to conditions; or (3) disapprove the improvement drawings and specifications. In the event of conditional approval or disapproval, a statement, in writing, by the planning commission's duly authorized representative, setting forth the reasons for conditional approval or disapproval, shall be submitted to the subdivider.

SECTION 3.7 SUBMISSION OF THE FINAL PLAT.

(A) General. A final plat shall not be submitted together with the preliminary plat of the same land. The final plat shall only be submitted after the preliminary plat has been approved, or conditionally approved, subject to modifications, by the Planning Commission. The final plat shall conform to the approved or conditionally approved preliminary plat and shall include all changes, additions, deletions, or approvals as may be required on conditional approval by the Commission, and shall be prepared in conformity with Article V and other applicable sections of these regulations.

(B) Preparation. The subdivider or developer may cause, within 12 consecutive calendar months after the approval or conditional approval of the preliminary plat, the subdivision or any part thereof, to be surveyed and a final plat thereof to be prepared. The final plat shall contain only that portion of the approved or conditionally approved preliminary plat which the subdivider or developer wishes to have approved, recorded and developed at that time. Final plats which are a portion of the approved or conditionally approved preliminary plat shall be named and listed as "Filing No. ____ of (Name of Subdivision)". Final plats that are re-subdivisions of approved and recorded final plats shall be labeled as "RE-SUBDIVISION OF (Appropriate Listing Title)". The subdivider or developer shall cause only a land surveyor to prepare said final plat.

(C) Filing. The subdivider or developer shall submit to the Planning Commission, or its duly authorized representative, the original final plat drawing and eight copies of the final plat (two of which shall be retained by the Commission, or its duly authorized representative), prepared in accordance with Article V of these regulations, at least 15 consecutive working days prior to the next regular meeting of the Planning Commission. At this time, the following material shall also be filed with the Commission, or its duly authorized representative.

(1) Application for final plat approval. An application (provided by the Commission's duly authorized representative) shall be submitted.

(2) Traverse sheets. One copy of traverse calculations shall be furnished to the extent prescribed by the Planning Commission, or its duly authorized representative. The minimum traverse calculations required shall include a closed traverse of the subdivision boundaries (See Article V, Section 5.0, (B)(2)). The Planning Commission, or its duly

the approved improvement drawings including any condition(s) added by the planning commission's duly authorized representative.

SECTION 3.9 PLANNING COMMISSION ACTION.

The Planning Commission, or its duly authorized representative, shall review the final plat, the improvement drawings and plans, and all other pertinent information, including a determination of conformance to the requirements of these regulations and shall consider the recommendations and/or comments of all city departments and/or other agencies and shall take action on the final plat within 90 consecutive calendar days, after its submission, per state-enabling legislation (KRS 100.281 (1)), unless such time is extended by agreement between the Planning Commission, or its duly authorized representative, and subdivider or developer. One of the following actions shall be taken by the Commission.

(A) Conditional approval -- improvements to be constructed. The Planning Commission may conditionally approve a plat provided that a construction agreement acceptable to the Planning Commission, or its duly authorized representative, and other applicable requirements of Section 7.19 are provided (See Article VII, Section 7.19). Written notice of conditional approval shall constitute formal authorization to the subdivider or developer to construct and install all improvements and shall assure the subdivider that the plat will be fully approved provided that the terms of the construction agreement and these regulations have been met.

(B) Final approval. When final approval of a plat is given, it shall be given in one of two ways:

(1) After construction of improvements. After the subdivider has obtained conditional approval as indicated in Article III, Section 3.6 (A) and has installed all required improvements, to the satisfaction of the Planning Commission, or its duly authorized representative, the Planning Commission, or its duly authorized representative shall certify that the improvements have been satisfactorily installed in compliance with the construction agreement. The Planning Commission then shall give final approval and the City Council shall accept all improvements for maintenance.

(2) Before construction of improvements. The Planning Commission, with approval of the City Council, may give final approval before all required improvements are installed, provided that a construction agreement and a bond acceptable to the city's Legal Counsel and the Planning Commission, or its duly authorized representative, are provided for the purpose of assuring installation of such improvements, in case for some reason, the subdivider or developer is unable to install the required improvements. The amount of the bond shall be based on an estimate made by the subdivider and approved by the Planning Commission, or its duly authorized representative (see Article VII, Section 7.20). Upon determination that all requirements of these regulations have been met, the Planning Commission shall give final approval and shall indicate such approval and date on the original drawing of the final plat.

(C) Disapproval. Should the Planning Commission decide to disapprove the final plat, written notice of such action, including reference to the regulation or regulations violated by the plat or the reasons for disapproval shall be mailed to the subdivider or developer. The action shall be entered on the official records of the Planning Commission.

SECTION 3.10 EFFECT OF APPROVAL.

Final approval of a plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space upon the final plat unless such acceptance is endorsed by the City Council and/or other appropriate public body upon the original drawing of the final plat. After approval of the final plat by the Planning Commission, it may be recorded as specified in Section 3.9 of these regulations.

- (2) City of Dayton Planning Commission.
- (3) Sanitation District of Campbell and Kenton Counties District No. One.
- (4) Other applicable city departments and agencies affected by the subdivision.
(Additional copies of as-built improvement drawings may be required for this purpose.)

SECTION 3.16 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE.

After all improvements have been installed in accordance with the construction agreement and these regulations and the subdivider or Developer has complied with Section 3.12 of these regulations, the City Council shall accept the improvements for maintenance.

SECTION 3.17 ESTABLISHING A MINOR SUBDIVISION OR RESUBDIVISION.

(A) Upon written request by the subdivider, or developer, a subdivision may be deemed a minor subdivision or resubdivision by the Planning Commission or its duly authorized representative, when it meets one of the following requirements.

- (1) Minor subdivision.
 - (a) Where a subdivision consists of four or less lots in which no new improvements are to be constructed or extended.
 - (b) All lots created, for other than agricultural purposes, contain an area of at least five acres or more, and no new improvements are to be constructed or extended.
- (2) Resubdivision. The subdivision is actually a resubdivision of a previously recorded plat representing a revision of the old lots, but where new improvements are to be constructed or extended.

(B) In their request for approval of a minor subdivision, the subdivider or developer may suggest that requirements for specific preliminary information be waived. The Planning Commission, or its duly authorized representative, may, at its discretion, waive the requirements for that preliminary information that it considers unnecessary. The subdivider may then submit only that information required by the Planning Commission, or its duly authorized representative, to initiate processing of the subdivision.

SECTION 3.18 PROCESSING A MINOR SUBDIVISION.

(A) The subdivider shall submit to the Planning Commission, or its duly authorized representative, one original drawing of the final plat and three copies (one copy of which shall be retained by the Commission) prepared in accordance with Article V of these regulations, at least 15 working days prior to the next regular meeting of the Planning Commission. The Planning Commission, or its duly authorized representative, shall check the final plat as to its conformity with Articles V and VI and other pertinent sections of these regulations.

(B) Within three consecutive working days after the filing of the final plat, the Planning Commission, or its duly authorized representative, shall transmit two copies each of the plat to the following agencies for review and comment:

- (1) City of Dayton Planning Commission.
 - (2) Other applicable city departments and agencies affected by the subdivision
(additional copies of the final plat may be required for this purpose).
- (C) Comments by any of the aforementioned city departments and/or other agencies shall be in writing to the Planning Commission, or its duly authorized representative, within ten consecutive calendar days from date of receipt of same.

SECTION 3.19 PLANNING COMMISSION ACTION ON MINOR SUBDIVISION.

(A) The Planning Commission, or its duly authorized representative, shall review the final

ARTICLE IV

PRELIMINARY PLAT REQUIREMENTS

SECTION 4.0 SPECIFICATIONS FOR AND CONTENT OF THE PRELIMINARY PLAT.

The following information shall be clearly shown on or accompany the preliminary plat. The subdivider shall file with the Planning Commission, or its duly authorized representative, eight copies of the preliminary plat for review. Such plat shall be drawn at a scale of one inch to 200 feet or greater.

- (A) Information to be contained on preliminary plat.
 - (1) Proposed name of the subdivision, which shall not duplicate or too closely approximate, phonetically or in spelling, the name of any other subdivision in Campbell County.
 - (2) The name and address and phone number of the record owner(s).
 - (3) The name and address and phone number of the subdivider(s) or developer(s).
 - (4) The name, address and phone number of the person, firm or organization preparing the preliminary plat.
 - (5) The date, north point, and scale - written and graphic.
 - (6) A vicinity sketch map drawn at a scale of one inch to 1,000 feet or greater including the following information, if applicable, within at least 1/2 mile of the proposed subdivision:
 - (a) Proposed subdivision name and location.
 - (b) Boundary lines of all existing abutting subdivisions or developments and their names.
 - (c) Existing and proposed streets.
 - (d) Existing easements on or abutting the proposed subdivision.
 - (e) Outline and names of owners of all adjacent acreage parcels of lands.
 - (f) Shopping facilities, existing or proposed.
 - (g) Existing and proposed schools.
 - (h) Existing and proposed parks and playgrounds.
 - (i) Other significant features (e.g., streams, lakes, etc.).
 - (7) The boundary lines of the tract to be subdivided shall be drawn to scale showing all bearings and distances.

Civil Engineer (Refer to Section 3.1 (C)).

- (4) Two copies of a letter (form letter to be furnished by the Planning Commission, or its duly authorized representative) from the appropriate bodies who will provide public water and sewer service stating that public water and sewer service will be provided to the subdivision prior to the time when the City Council accepts the improvements for maintenance. In the case where individual on-site disposal systems have been approved as per Section 7.1 (C) of these regulations, two copies of a permit to use on-site disposal systems and two copies of the letter showing results of percolation tests, approved by the county health department shall be required.

ARTICLE V

FINAL PLAT REQUIREMENTS INCLUDING IMPROVEMENT PLANS AND SPECIFICATIONS

SECTION 5.0 SPECIFICATIONS FOR AND CONTENT OF THE FINAL PLAT.

The final plat of the subdivision shall be drawn in black, waterproof ink on polyester base film or some other equally substantial drawing material so that good legible prints, negatives and half-size reproductions can be made. The dimensions of each sheet of said plat shall be 24 by 36 inches and shall have a border line and a margin outside the border line of two inches on the left side and 1/2 inch on all other sides. The final plat shall be drawn at a scale of one inch to 100 feet or greater.

Where necessary, the final plat may be on several sheets accompanied by an index showing the entire subdivision. The particular number of the sheet, the total number of sheets and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet of said plat shall show the date of the survey, north point and scale - written and graphic. The final plat shall contain a vicinity map showing the location of the subdivision with relation to at least one east-west and one north-south major arterial. The final plat shall further show the following, including all mathematical information and data necessary to locate and retrace any of the required data thereon.

- (A) Information to be contained on final plat.
 - (1) The boundary lines of the subdivision shall be drawn in heavy solid lines with accurate lengths and bearings. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed. All lines shown on the plat that do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not A Part of This Subdivision".
 - (2) The exact locations and the widths of all existing or recorded streets, intersecting or paralleling the boundaries of the subdivision at least within 100 feet.
 - (3) The exact location and width of all abutting lot lines. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, plat book, and page.
 - (4) The boundary line of the proposed subdivision shall be tied by bearings and distances to a selected point or points (described on the plat) on the nearest established centerline or right-of-way line of any street or highway or a previously established monument(s), (in which the location of said monument shall be identified and accurately described on the plat).
 - (5) Municipal or county lines.
 - (6) The exact layout of the subdivision showing:

in square feet, and number of square feet or acres in parks and other public uses.

- (17) The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat. Such certificates may be combined when appropriate.
- (a) Certificate by parties holding title. A notarized certificate shall be signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recording of said plat, providing, however, that the signature of parties owning the following types of interest may be omitted if their names and nature of their interest are set forth on the plat.
 - 1. Rights-of-way, easements, or other interest that cannot ripen into a fee.
 - 2. Rights-of-way, easements, or revisions that appear to be no longer of potential use or value, due to changed conditions, long disuse, or laches.
 - 3. Any subdivision including land originally patented by the United States or Kentucky, under patent, reserving interest to either or both of these entities, may be recorded under the provisions of this regulation without the consent of the United States or of Kentucky thereto, or to dedication made thereon.
 - (b) Dedication certificates. A notarized certificate shall be signed and acknowledged as required in Section 5.0(A)(17)(a) offering for dedication all parcels of land shown on the final plat and intended for public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision or development, their licenses, visitors, tenants, and servants. This certification shall also show that there are no unpaid taxes or special assessments against the land contained in the plat
 - (c) Certificate and guarantee of clear title. The final plat shall be accompanied by a statement prepared by a duly authorized title company or a Kentucky licensed attorney, stating that the signatures of all persons whose consent is necessary to the preparation and recording of said plat and to the dedication of the streets and other public places are clearly shown on the plat.
 - (d) Surveyor's certificate. A notarized certificate shall be signed by a registered land surveyor, in Kentucky, stating that they are responsible for the survey and that the final plat accurately depicts the subdivision and the survey. The signature of such surveyor must be accompanied by their seal and registration number.
 - (e) Legal description of property. The legal description shall be an accurate reflection of the boundary survey. Each reference in such description to any tract, development, or subdivision shall show a complete reference to records of the County of Campbell. The description shall also include reference to any vacated area with the book and page number of the instrument of vacation.
 - (f) Other affidavits, etc. The title sheet shall contain such other affidavits, certificates, acknowledgements, endorsements, and notarial seals as are required by law and by these regulations.

- (2) Adjacent property. Where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new subdivisions shall make provisions for the proper projection of streets to that adjoining area in a manner which shall provide for the practical development of the adjacent property, permit a feasible extension of the street, and be in general conformity with a plan for the most advantageous development of the entire neighborhood.
- (3) Half streets. Dedication of one-half of the rights-of-way (half streets) for streets proposed along the boundaries by land to be subdivided, shall be prohibited.
- (4) Dedication of one-foot strip next to undeveloped or unplatted land. A one-foot strip of land shall be required along the boundary line of subdivision wherever the right-of-way line of a street forms such boundary next to undeveloped land. All one-foot strips of land located on dedicated rights-of-way shall be dedicated to the city for non-road purposes.

(C) Street classification and function.

- (1) Arterial streets. Arterial streets should be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community or communities to another. Such arterial streets should traverse the entire community or communities and should be spaced approximately one mile apart. Arterial streets should not bisect neighborhoods but should act as boundaries between them. Abutting properties should not face onto the roadway unless separated from it by a frontage or service road.
- (2) Collector streets. Collector streets should be designed to provide a traffic route from local streets to arterial streets. These streets should be designed to carry traffic which has an origin or destination within the neighborhood and should be designed to inhibit through traffic.
- (3) Local streets. Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged. Local streets intersecting with arterial streets should be discouraged.
- (4) Frontage roads. Frontage roads may be required along an existing or proposed arterial street to provide access to lots along such streets.
- (5) Alleys. Where alleys are to be provided (e.g., in the case of certain commercial development), they shall be designed to provide only secondary access.

(D) Street rights-of-way.

- (1) Widths and grades of new streets. Street right-of-way widths and grades shall conform to the following minimum requirements:

TABLE 1
STREET RIGHTS-OF-WAY WIDTH AND GRADE REQUIREMENTS

Type of Street	Minimum Right-of-Way Width (in feet)	Grades by Percent	
		Maximum	Minimum
ARTERIAL	*	*	*
COLLECTOR	60	10	.5

(F) Cul-de-sacs and dead-end streets.

- (1) Dead-end streets designed to be dead-end permanently, shall not be longer than 600 feet, unless local topographic or other physical conditions are such as to render these provisions impracticable, and shall be provided with a turning circle having an outside pavement diameter (curb face to curb face) of at least 80 feet and a street property line diameter of at least 100 feet. If such street is of a temporary nature and a further extension into adjacent land is anticipated, then said turning circle beyond normal street width shall be in the nature of a dedication of the premises included in said turning circle, but beyond the boundaries of the streets proper. Such dedications shall be vacated to abutting property owners when said dead-end street is legally extended into adjacent land. If such dead-end street extends only one lot depth past a street intersection, no temporary turning circle will be required.
- (2) In the case of dead-end streets extending to the boundary of the property, a one-foot strip within the dedicated right-of-way shall be dedicated to the city for non- road purposes. Such dedication or restriction shall be vacated or removed when the dead-end street is properly extended.

(G) Street names.

- (1) Duplication. The name of a new street shall not duplicate existing or platted street names in Campbell County, or approximate such names in spelling, or sound or pronunciation, or by the use of alternate suffixes such as "Lane", "Way", "Drive", "Court", "Avenue", or "Street".
- (2) Continuation of streets. New street names shall bear the same name of any continuation of, or when in alignment with, an existing or platted street.
- (3) Approval of street names. All street names shall be approved by the Planning Commission, or its duly authorized representative, before approval of the final plat.

(H) Alleys.

- (1) Alleys shall be prohibited in residential zoning districts.
- (2) In commercial and industrial areas, adequate alleys shall be provided where the design requires. Alleys shall not serve as part of the required off-street parking, loading and/or unloading space required by the zoning ordinance.
- (3) Private streets. New private streets or alleys shall not be created or extended and existing ones shall, whenever practicable, be dedicated to the public.

SECTION 6.1 INTERSECTIONS.

(A) Angle of intersection. The centerline of all streets shall intersect as nearly at a 90-degree angle as possible, but in no case shall the angle of intersection be less than 75 degrees or greater than 105 degrees (unless a special modification is granted by the Planning Commission due to certain exceptional conditions).

(B) Centerline offset of adjacent intersections. The use of four-way type intersections shall be discouraged where possible and the use of T-intersections shall be encouraged. Where T-intersections are used, the following minimum centerline offsets of adjacent intersections shall be as follows:

<i>TYPE OF STREET</i>	<i>MINIMUM CENTERLINE OFFSET OF ADJACENT INTERSECTIONS IN FEET</i>
------------------------------	---

Subdivisions shall be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger, to minimize destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance, and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

SECTION 6.4 FLOOD HAZARDS.

(A) Prohibition of development in areas susceptible to flooding. Land subject to flooding or otherwise uninhabitable shall not be platted for residential, commercial, or industrial uses or for any other use which may increase the danger of health, life, property, or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare (e.g., use as open space, extensive recreation use, conservation purposes). To ensure that lots will be located on land where they will provide flood-free sites, the Planning Commission, or its duly authorized representative, may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding. Fill may be used in flood danger areas to render lots habitable if such fill does not inhibit the flow of the waters and thereby unduly increase flood heights in other areas and meets with the approval of the Planning Commission, or its duly authorized representative. Such information shall be prepared by a registered civil engineer.

(B) Stream easement. If a stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least ten feet. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and run-off rates are increased.

(C) Streets. Approval shall not be given for streets within a subdivision which would be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that no portion of the subdivision would become isolated by floods.

SECTION 6.5 BLOCKS.

(A) Arrangement. The arrangement of blocks shall be such as to provide for convenient access, circulation, control and safety of street traffic. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with space set aside for off-street parking and loading and/or unloading facilities as required by the zoning ordinance.

(B) Length. Blocks should not exceed 1200 feet.

(C) Width. The width of blocks should ordinarily be sufficient to allow for two tiers of lots except for double frontage lots as permitted in Section 6.6 (B) (4) of these regulations.

SECTION 6.6 LOTS.

(A) Conformance to zoning. All lots shall conform to or exceed the requirements of the zoning ordinance. Each lot shall front onto a publicly owned street, other than an alley.

(B) Lot frontage and width.

(1) Arterial street frontage. No access onto an arterial street shall be permitted from abutting properties except as provided for in Section 6.0 (C)(4) of these regulations.

(2) Lot width. The lot width at the minimum building setback line shall not be less than that specified by the zoning district in the zoning ordinance controlling said lot.

(3) Corner lots. Corner lots shall have extra width to permit conformance to the

Where deemed necessary by the Planning Commission, or its duly authorized representative, pedestrian ways may be required and if provided, they shall not exceed a 15% grade unless steps of an acceptable design, as determined by the Planning Commission, or its duly authorized representative, are to be constructed.

SECTION 6.8 PUBLIC SITES.

Where a proposed park or other recreational area, school site, or other public ground identified in comprehensive plan is located in whole or in part within the proposed subdivision, the Planning Commission may require a reservation, as a condition precedent to final plat approval, not to exceed two years, for the purchase of such public ground by the applicable public body. If the city has adopted an official map and a short-term capital improvement program (as provided for in KRS 100.293 through 100.317) which includes such park or other recreational area, school site, or other public ground, then the Planning Commission may require a reservation, as a condition precedent to final plat approval, not to exceed five years, for the purchase of such public ground by the applicable public body.

authorized representative.

- (2) The subdivider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography and further, a grading plan shall be prepared for the streets along with street improvement details. The grading of the roadway shall extend the full width of the right-of-way. Planting strips shall be graded at a gradient of not less than 2% upward from the curb to the sidewalk or property line.

(C) Drainage system requirements.

- (1) The design criteria for storm drainage systems shall be based on information from the "Manual for Instruction for Drainage Design" prepared by the Department of Highways, Commonwealth of Kentucky, or any other acceptable drainage manual.
- (2) Culverts and storm sewers in all streets shall be designed for at least a five-year storm frequency.
- (3) For curbs and gutters, curb and gutter inlets and open channels an intensity of four inches per hour shall be used in all computations.

(D) Road drainage system.

- (1) All roadways shall be provided with an adequate storm drainage system.
- (2) The road storm sewer system shall serve as the primary drainage system and shall be designed to carry roadway, adjacent land, and building storm water drainage. No storm sewer shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
- (3) Curb drainage inlets and catch basins shall be provided at intervals along roadways. Inlet spacing shall be adequate to limit the spread of water to two feet into the roadway. Storm drainage inlets will be placed so that crosswalks will not be flooded during the design storm intensity of four inches per hour.

(E) Off-road drainage systems. The design of the off-road drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage.

- (1) When the drainage system is outside of the road right-of-way, the subdivider shall make provisions for dedicating of an easement to the city to provide for the future maintenance of said system.
- (2) The size and location of all off-street watercourses or ditches running through the subdivision shall be enclosed or left open subject to the approval of the Planning Commission, or its duly authorized representative. If a watercourse or ditch is left open it may be required to be protected by a fence as determined by the Planning Commission, or its duly authorized representative. The watercourse or ditch easement shall be wide enough to contain ample clearance for the operation of maintenance equipment.

(F) Drainage easement. Easements for drainage purposes shall be a minimum of ten feet in width. Where the watercourse is large, easement widths shall be increased as determined by the Planning Commission, or its duly authorized representative. Where watercourses cross platted lots diagonally, the subdivider should straighten such courses where practicable and should substantially follow subplot lines. Easements shall be shown on the record plat and shall cover all existing or reconstructed watercourses.

(G) Protection of drainage systems.

- (1) The subdivider shall adequately protect all ditches to the satisfaction of the Planning Commission, or its duly authorized representative. Ditches and open

sidewalks. Said plans and specifications shall show for each proposed street, design criteria such as street classification, pavement classification and thickness, and classification and thickness of base and subbase materials. In addition, the following information shall be required:

- (1) The plans and profiles of all surrounding streets which are to connect to a street in the proposed subdivision (for a distance of 100 feet back from the boundary line of the proposed subdivision).
- (2) All profiles shall be drawn at a scale of:
 - 1-inch = 100 feet horizontal or 1 inch = 50 feet horizontal
 - 1-inch = 10 feet vertical or 1 inch = 5 feet vertical
- (3) Elevations shall be shown at all P.I. (s) and percent grade between P.I.
- (4) Elevations shall be tied to a bench mark (U.S.G.S. or city bench marks when available), when, within a reasonable distance (as determined by the Planning Commission, or its duly authorized representative) and shall be shown on profiles.
- (5) Details of curb and gutter, sidewalks, street section, and paving shall be shown.

(B) Pavement specifications. All streets shall be paved with portland cement concrete or asphalt concrete and constructed in accordance with the specifications in Appendix A of these regulations.

(C) Minimum pavement widths. Pavement widths shall be measured from curb face to curb face or if no curbs are required (as provided for in Section 7.3 (D) of these regulations) then measurements shall include the entire paved surface. Minimum pavement widths for each street shall be as shown in Table 2 and laid out in the manner indicated by the typical street cross sections shown in Appendix C of these regulations.

TABLE 2
MINIMUM PAVEMENT WIDTHS

<i>Type of Street</i>	<i>Minimum Pavement Width (in Feet)</i>	<i>Median Width (in Feet)</i>
Arterial	*	*
Collector	38	--
Local		
- Residential Area	28**	--
- Commercial and Industrial Areas	38	--
Residential Frontage Roads	28	--
Alleys	10	--

*Arterial streets shall be based on current design standards and other pertinent

traffic volumes, driveways in multi-family areas and in commercial and industrial areas, increased widths plus an increase to a minimum radius at the curb of ten feet shall be required. All driveways shall be constructed with a pavement thickness of at least five inches and shall be in accordance with the specifications of Appendix A of these regulations. Within the street right-of-way area driveway grades shall not exceed 8%.

SECTION 7.5 OFF-STREET PARKING AREAS.

Off-street parking areas shall be constructed in accordance with the requirements of the zoning ordinance.

SECTION 7.6 TELEPHONE AND ELECTRICAL UTILITY LINES.

All new telephone and electrical utility lines should be installed underground and, shall be in conformance with the appropriate utility company's policy and requirements.

SECTION 7.7 STREET SIGNS.

(A) Street name signs. The subdivider shall contact the city to arrange for installation of street signs at all street intersections. The signs shall conform to the specifications of the city and be mounted at a height of approximately seven feet above the top of the curb or the crown of the pavement. They shall be located on diagonally opposite corners on the far right-hand side of the intersection for traffic on the more important streets.

(B) Traffic control signs and devices. The subdivider shall contact the city to arrange for the installation of traffic control signs and devices which shall be in conformance with the "Manual on Uniform Traffic Control Devices" as prepared by the Joint Committee on Traffic Control Devices, U.S. Department of Commerce, Bureau of Public Roads.

SECTION 7.8 STREET LIGHTS.

The subdivider shall contact the city to arrange for the installation of street lights in the subdivision. The design criteria for street lighting shall be based on the "American Standard Practice for Roadway Lighting" prepared by the American Standards Association, approved November 7, 1963, or any subsequent revision or amendment thereof.

SECTION 7.9 STREET TREES.

Street trees shall be provided if required by the Planning Commission, or its duly authorized representative, as follows:

(A) Species. The trees should be species which are most resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities or street lighting or street pavement.

(B) Location. Street trees should be spaced so that there will be approximately ten feet between branch tips when the trees are full grown. No trees shall be planted within 50 feet of the intersection of two street right-of-way lines. Approaches to buildings should be considered when locating trees.

(C) Tree size. When planted, trees should be at least 1-1/2 inches in diameter one foot above the ground. Lowest branches should not be less than seven feet and no more than ten feet above the ground.

SECTION 7.10 PLANTING SCREENS OR FENCES.

(A) The Planning Commission, or its duly authorized representative, may require and permit planting screens, fences, or masonry walls in accordance with the zoning ordinance (e.g., where double frontage lots abut an arterial street or between an arterial street and a frontage street, and at such other locations as required by the Planning Commission, or its duly authorized representative), provided that such planting screens, fences or walls shall not constitute a safety hazard. A plan of proposed planting screens, fences, or walls shall be submitted for approval with the final plat.

improvement extensions shall be provided as follows:

- (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
- (2) If the Planning Commission, or its duly authorized representative, finds that the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if they wish to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

SECTION 7.13 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION.

In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon the same shall only be accomplished after the owner of said land or their agent has submitted to the Planning Commission, or its duly authorized representative, for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission, or its duly authorized representative, that such plans are not necessary (See Section 3.4 (C)(5)). Such plans shall contain adequate measures for control of erosion and siltation where necessary, using the guidelines and policies contained herein. The Planning Commission, or its duly authorized representative, shall review these plans as submitted, and shall take necessary steps to insure compliance by the developer with these plans as finally approved.

(A) Requirements.

- (1) Three sets of plans for the control of erosion and sedimentation shall be submitted to the Planning Commission, or its duly authorized representative, at the time the final plat drawings are submitted.
- (2) Measures to be taken to control erosion and sedimentation shall be described and provided for in the construction agreement and the estimated cost of accomplishing such measures shall be covered in the performance bond (as per Section 7.19 (B) of these regulations). In addition, the subdivider shall be required to provide a cash escrow guarantee (to be held by a company which is in the practice of handling escrows, approved by the City Council) in an amount determined by the Planning Commission, or its duly authorized representative, which would insure the city that emergency measures could be taken by the city at the subdivider's expense, if they did not initiate corrective action determined to be needed by the Planning Commission, or its duly authorized representative. In this regard the subdivider shall, at the time of final plat submission, deliver to the City Council, written instructions addressed to the escrow holder which shall authorize and instruct the escrow holder to convey to the subdivider, after completion of the entire subdivision, (as per the construction agreement) upon approval, by resolution of the City Council, the cash guarantee or to convey to the city, when the City Council has approved such action, by resolution, such amounts of the cash

SECTION 7.15 CONSTRUCTION RESPONSIBILITIES.

The subdivider and/or contractor shall have available on the project, at all times, two copies of all required plans and specifications. They shall cooperate with the inspector and with other contractors in every way possible. The subdivider and/or contractor shall at all times have a competent superintendent acting as their agent on the project. The superintendent shall be capable of reading and thoroughly understanding the plans and specifications and they shall receive instructions from the inspector.

The superintendent shall have full authority to execute the orders or directions of the inspector and to promptly supply such materials, tools, plant equipment, and labor as may be required. A superintendent shall be furnished irrespective of the amount of work sublet.

SECTION 7.16 STATIONINGS.

Pavement and utility grade stakes shall be set at intervals of 25, 50 or 100 feet, depending on the regularity of the ground surface and the accuracy required, and to determine the elevation of the ground surface at each of these points. The Planning Commission, or its duly authorized representative, may ask for additional grade stakes if it is deemed necessary.

SECTION 7.17 REPAIR OF DAMAGE.

Any damage done to the improvements by construction traffic, local traffic or by any other means shall be repaired or the damaged materials replaced.

SECTION 7.18 FINAL CLEANING UP.

Upon completion of the work and before acceptance, the subdivider and/or contractor shall clean up all ground occupied or affected by them in connection with the work.

SECTION 7.19 AGREEMENTS AND GUARANTEES.

(A) Agreements. All bonds and insurance required under this section shall be secured from companies authorized to do business in the State of Kentucky and shall be deposited and remain at all times with the City Clerk/Treasurer.

(1) Construction agreement.

- (a) To assure construction and installation of improvements and control of erosion and sedimentation (when necessary) required by these regulations, the subdivider shall execute a construction agreement with the City Council in form and substance approved by the city's legal counsel. This agreement shall provide that all such improvements (as specified in this agreement) shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; (including, when applicable, measures needed to control erosion and sedimentation); such improvements shall be available to and for the benefit of the land within such subdivision and surrounding land which is in the same service or drainage area; that such improvements (as specified in this agreement) will be completed and installed within 24 months of the date of conditional or final approval of the final plat or within a mutually agreed upon extension (but never to exceed 12 consecutive calendar months).
- (b) The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of improvements and a performance guarantee has been provided; and if the improvements are not completed within the specified time, the city, upon proper notice, may complete the improvements and recover full costs and expenses thereof from the

ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

SECTION 8.0 ADMINISTRATION.

It shall be the responsibility of the Planning Commission, or its duly authorized representative, to administer these regulations except where specific authority is given to some other city office as set forth in these regulations.

SECTION 8.1 FEES.

Fee shall be provided by separate ordinance of the legislative body.

SECTION 8.2 PAYMENT OF FEES:

The subdivider shall pay all fees to the planning commission's duly authorized representative at the time of submitting plats, improvement drawings and specifications, for approval.

SECTION 8.4 MODIFICATIONS.

The Planning Commission may grant a modification to these regulations, as specified herein, where unusual or exceptional factors or conditions require such modification provided that the Planning Commission shall:

- (A) Find that unusual topographical or exceptional physical conditions exist.
- (B) Find that strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.
- (C) Permit any modification to depart from these regulations only to the extent necessary to remove the extraordinary hardship.
- (D) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations.
- (E) Require such other conditions to be met as the Planning Commission may find necessary to accomplish the purposes of these regulations when modified.

SECTION 8.5 ENFORCEMENT.

- (A) Admission to county record. No plat of a subdivision of land located within the city shall be admitted to the records of the county or received or recorded by the County Clerk until said plat has received final approval by the Planning Commission. Admission to the records shall not be construed as approval.
- (B) Sale of land in subdivision. No person or their agent, owning land composing a subdivision shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and

variances when a proposed development requires a subdivision and one or more variances. The Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251 in such circumstances.

(B) An applicant for subdivision, at the time of the filing of the applications for the subdivision, may elect to have any variance for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Adjustment as provided in the city's zoning ordinance.

ARTICLE IX

ADOPTION, AMENDMENT AND EFFECTIVE DATE

SECTION 9.0 PUBLIC HEARING.

APPENDIX A

PAVEMENT DESIGN

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SECTION A.1: PAVEMENT DESIGN METHOD AND REQUIRED THICKNESSES

A.1-1 Pavement Design Method

AASHTO Guide for Design of Pavement Structures (1986 and 1993), published by The American Association of State Highway and Transportation Officials is the design method used herein and is specified as the design method to be used for any alternate pavement designs that are allowed or required in this regulation. Table A-1: Subdivision Pavement Design Parameters Using AASHTO Method sets out the design parameters used herein for Dayton Subdivision pavements. For definition and explanation of the parameters shown here, see the above mentioned AASHTO guides. Project specific pavement designs are required for residential streets serving over 1,000 residences or commercial/industrial streets serving more than 3,500,000 ESALs or alternative pavement designs proposed under Section A.1-2: Required Thicknesses. Any project specific pavement designs are required to use the design parameters identified in Table A-1: Subdivision Pavement Design Parameters Using AASHTO Method.

Table A-1: Subdivision Pavement Design Parameters Using AASHTO Method		
Parameter	Design Values	
	Concrete	Asphalt
Design Life	20 years	20 years
Life Cycle Analysis	50 years	50 years
Drainage Coefficient	1.0	--
Reliability	80%	80%
Deviation	0.35	0.45
Initial Serviceability	4.2	4.5
Terminal Serviceability	2.5	2.5
Modulus of Rupture	600 psi	--
Modulus of Elasticity	3,600,000psi	--
CBR, Minimum	2 (K=50 pci)	3 (MR=2700 psi)
Load Transfer	4.4 (no dowels)	--
Load Transfer	3.2 (dowels)	--
20 Year ESAL, Residential Local Street, ≤ 199 Residential Units served	81,000	81,000
20 Year ESAL, Residential Sub-collector Street, 200-500 Residential Units served	203,000	203,000
20 Year ESAL, Residential Collector Street, 501-1000 Residential Units served	406,000 ^[2]	406,000 ^[2]
20 Year ESAL, Light Commercial	1,000,000 ^[1]	1,000,000 ^[1]
20 Year ESAL, Heavy Commercial/Industrial Street	3,500,000 ^[1]	3,500,000 ^[1]
Year 17 to Year 34 and Year 34 to Year 50 ESAL, Residential Local Street, ≤ 199 Residential Units served	53,000	53,000
Year 17 to Year 34 and Year 34 to Year 50 ESAL, Residential Local Street, 200-500 Residential Units served	133,000	133,000



Year 17 to Year 34 and Year 34 to Year 50 ESAL, Residential Local Street, 501-1000 Residential Units served	265,000 ^[2]	265,000 ^[2]
Year 17 to Year 34 and Year 34 to Year 50 ESAL, Light Commercial	850,000 ^[1]	850,000 ^[1]
Year 17 to Year 34 ESAL, Heavy Commercial/Industrial	2,975,000 ^[1]	2,975,000 ^[1]
ESAL, Arterial	Per KYTC Specifications	
Asphalt Surface Layer Coefficient		0.44
Asphalt Base Layer Coefficient		0.40
Crushed Stone Base Layer Coefficient		0.14
Crushed Stone Base with Tensar TX5 Geogrid Layer Coefficient		0.25 for CBR ≥ 3
		0.21 for 2 ≤ BR < 3
Thickness conversion factor, 17 year old asphalt – Residential		0.70
Thickness conversion factor, 34 year old asphalt – Residential		0.60
Thickness conversion factor, 17 year old asphalt – Light Commercial		0.85
Thickness conversion factor, 34 year old asphalt – Light Commercial		0.75
Thickness conversion factor, 17 year old asphalt – Heavy Commercial/Industrial		0.90
Thickness conversion factor, 34 year old asphalt – Heavy Commercial/Industrial		0.80
NOTES: ^[1] Engineer shall submit a Traffic Impact Study (TIS) documenting project-specific design ESALs for each commercial/industrial Subdivision generating more than 100 vehicle trips per hour during the AM or PM peak period. If project-specific ESAL loading is greater than 3,500,000, a project-specific pavement design is required. ^[2] Project-specific pavement design required for residential streets serving more than 1,000 residential units.		

A.1-2 Required Thicknesses

(A) Table A-2: Required Subdivision Street Thicknesses shows the required pavement thicknesses for various Street classifications for Asphalt and Concrete Streets where in situ Subgrade soils can meet the minimum required Subgrade CBR equal to 2 or greater for Concrete pavements or CBR of 3 or greater for Asphalt pavements. These thicknesses were determined using the AASHTO Guide for Design of Pavement Structures (1986 and 1993) and the design parameters identified in Table A-1: Subdivision Pavement Design Parameters Using AASHTO Method. These values meet requirements for a 50 year life cycle without replacement, assuming resurfacing at 17 and 34 years.



Table A-2: Required Subdivision Street Thicknesses								
Street Classification With Number of Residential Units Served ^{[5][6]}	Concrete Over Crushed Stone Base (CSB)		Asphalt Over Crushed Stone Base (CSB)			Asphalt Over Crushed Stone Base (CSB) + Geogrid ^[7]		
	Concrete	CSB	Surface	Base	CSB ^[1]	Surface	Base	CSB ^[1]
Residential Local ≤ 199 R.U.	7" ^[2]	4"	1.5"	5"	7" ^[4]	1.5"	3"	7" ^[4]
Residential Sub-collector 200-500 R.U.	8" ^[2]	4"	1.5"	6"	7" ^[4]	1.5"	4"	7" ^[4]
Residential Collector 501-1000 R.U.	9" ^[2]	4"	1.5"	7.75"	7" ^[4]	1.5"	5.75"	7" ^[4]
Light Commercial ≤1 Million ESALS	8.5" ^[3]	4"	1.5"	8"	7" ^[4]	1.5"	6"	7" ^[4]
Heavy Commercial/ Industrial ≤3.5 Million ESALS	10" ^[3]	4"	1.5"	9.5"	7" ^[4]	1.5"	7.5"	7" ^[4]
Arterial	Per KYTC Specifications							
<p>[1] Average thickness. Varies from 1 inch less at centerline to 1 inch greater at gutter apron.</p> <p>[2] Plain Concrete, tooled skewed transverse Contraction Joints without dowels (see Details C.16 & C.17).</p> <p>[3] Plain Concrete, with doweled and sawed (non-skewed) transverse Contraction Joints (see Detail C.15).</p> <p>[4] 6-8 inch KYTC crushed stone base for residential pavements to be installed in one lift (pug milled) and properly compacted (one lift). Any crushed stone base greater in thickness than the above noted 6-8 inches must be installed in two lifts.</p> <p>[5] Residential Unit means a residential dwelling unit and shall include single-family unattached homes, condominiums, town homes, duplex, triplex and fourplex units, and individual apartment units in a multi-family building.</p> <p>[6] Number of residential units served for a particular Street is defined as the number of residential units which that Street serves as the sole access or, where a number of residential units are served by more than one access, it is an approximation of the number of residential units served that is equivalent to one access.</p> <p>- Example 1: A particular section Street serves as the sole access to less than 200 residential units. That Street would then be a Local Street.</p> <p>- Example 2: An area of existing and future residential development of 450 residential units is served by more than one access Street. Only those Streets that will carry traffic and ESAL loading higher than a Subdivision Street that provides sole access to more than 200 residential units will be classified as a Subcollector Street.</p> <p>[7] Geogrid shall be Tensar TX5 triaxial geogrid.</p>								

(B) Wherever the minimum CBR values for Asphalt or Concrete pavements as defined in Table A-1: Subdivision Pavement Design Parameters Using AASHTO Method cannot be provided by the in situ Subgrade soils, the Engineer shall: 1) submit an engineered Subgrade improvement design that increases the CBR value of the in situ Subgrade soils to the required minimum CBR values for Asphalt and Concrete pavement in Subsection A.1-1: Pavement Design Method; or 2) submit an engineered alternate pavement design that takes into account the substandard CBR values.

(1) Engineered subgrade improvements may include:

- a) Undercutting the substandard Subgrade soils and replacing them with documented soils that provide the minimum CBR values, or greater.
- b) Providing a chemically stabilized Subgrade (usually lime stabilization) to effectively provide the minimum CBR values, or greater.



- c) Utilizing crushed stone base with geotextile and/or Tensor TX5 triaxial geogrid to effectively provide the minimum CBR values, or greater.
- (2) Alternative pavement designs may be proposed for Asphalt pavement on subgrades with a CBR value of 2, provided the pavement structure is shown to meet the structural number requirements identified in Table A-3: Structural Numbers for Alternative Asphalt Pavement Designs (CBR =2). Alternative pavement designs are not permitted for Subgrade soils with a CBR less than 2; rather, the subgrade soils shall be improved to CBR equal to 2 or greater, per Subsection A.1-2(B)(1).

Table A-3: Structural Numbers for Alternative Asphalt Pavement Designs (CBR=2)	
Street Classification	Structural Number
Local (≤199 Residential Units)	4.09
Sub-collector (200-500 Residential Units)	4.92
Collector (501-1000 Residential Units)	5.60
Light Commercial	5.15
Heavy Commercial/Industrial	6.31

- (3) When chemically stabilized Subgrade demonstrates a documented CBR value greater than 3, an alternative asphalt pavement design may be proposed to reduce pavement thickness, provided the pavement structure is shown to meet the structural number requirements identified in Table A-4: Structural Numbers for Alternative Asphalt Pavement Designs.

Table A-4: Structural Numbers for Alternative Asphalt Pavement Designs				
Street Classification	Structural Number			
	CBR 4	CBR 5	CBR 6	CBR 7
Local (≤199 Residential Units)	2.85	2.50	2.24	2.04
Sub-collector (200-500 Residential Units)	3.52	3.14	2.84	2.60
Collector (501-1000 Residential Units)	4.09	3.65	3.34	3.07
Light Commercial	4.05	3.75	3.55	3.35
Heavy Commercial/Industrial	4.87	4.55	4.26	4.05

- a) For Asphalt over Crushed Stone Base pavements, the crushed stone base may not be reduced below the thicknesses shown in Table A-2: Required Subdivision Street Thicknesses and minimum total Asphalt thickness of 4.5" local streets), 5.5" (subcollector streets), 6.5" (residential collector streets), and 7.5" (commercial/industrial streets) shall be maintained.
- b) There shall be no reduction in thickness for Concrete pavements below those shown in Table A-2: Required Subdivision Street Thicknesses.



- c) Alternative pavement designs shall not be permitted for:
 - i) in situ soils with CBR values greater than 3;
 - ii) undercut and replaced subgrade soils; or
 - iii) crushed stone base and geotextile/geogrid subgrade improvements.

A.1-3 Pavement and Pavement Drainage Construction Details

Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways contains important construction details that are a part of these specifications for the pavement, pavement Drainage system, and other utility construction within the Right of Way that can impact pavement performance. Proper construction execution of the details in Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways is important to good pavement performance.



SECTION A.2: USE OF AGGREGATES WITHIN THE RIGHT-OF-WAY

A.2-1 Aggregate Specifications

Table A-5 indicates the specifications for the various aggregate types and their uses in improvement construction within the Street Right-of-way. All aggregates must pass all KYTC aggregate requirements for their intended use as set out in Section 800 of the KYTC Road and Bridge Manual, latest edition.

Table A-5: Aggregate Specification Table	
KYTC Specification	Use Within Right-of-Way
Pipe Bedding Sand	Bed and cover for deep sanitary sewer and storm sewer
Concrete Sand	Concrete mix and bed and cover for waterline and power and communication utilities
DGA	Backfill for waterline and power and communication utilities under the Street
57's Crushed Limestone	Concrete pavement aggregate and catch basin crossover construction
57's Gravel	Allowable aggregate for all Concrete not used in Concrete Pavement and Concrete Curb and Gutter
No. 8's Gravel	Allowable aggregate for all Concrete
#4 Crushed Limestone	Required aggregate for Concrete Pavements
Crushed Stone Base	Base material all pavements
Asphalt Aggregates (see Table A-14)	Asphalt pavement aggregates must meet requirements in Section 400 of KYTC Road and Bridge Manual, latest edition, except where noted otherwise in this specification

All aggregates must pass all KYTC aggregate requirements for their intended use as set out in Section 800 of the KYTC Road and Bridge Manual, latest edition.



SECTION A.3: PORTLAND CEMENT CONCRETE (CONCRETE) INFRASTRUCTURE

A.3-1 General Requirement

- (A) Materials - Portland cement, water, aggregates, air entraining agents, and admixtures to reduce water, retard set, etc. shall satisfy the material specifications of, and be proportioned, batched, delivered, and cured in accordance with, the Portland Cement Association (PCA), Design and Control of Concrete Mixtures, latest edition, except as noted otherwise in these regulations.
- (B) Mix Design -Concrete mix design shall: (1) contain six bags of cement (564 pounds) per cubic yard; (2) be air entrained to an air content of six percent +2 percent using ASTM air entraining admixture; and (3) have a maximum water cement ratio of 0.45, and a maximum slump of four inches. Aggregate type, gradation and weight distribution will vary depending on the intended use, as spelled out in Subsections A.3-2(A), A.3-3(A), and A.3-4(A).
- (C) Fly Ash - No fly ash is allowed in the Concrete mix.
- (D) Strength -Finished Concrete shall attain a minimum compressive strength at 28 days of 4,000 pounds per square inch.
- (E) Ready Mix Suppliers - All Concrete Ready Mix must be provided by Ready Mix plants listed on the KYTC List of Approved Materials (LAM) as a qualified producer. In the alternative, the Ready Mix supplier must supply to the staff an executed original of KTC Form TC-64-764/09 2011 "Certification of Compliance for Freeze Thaw Resistant Concrete Aggregate" for the aggregate used in Concrete mixes prior to commencement of construction. All Ready Mix Concrete suppliers shall submit to the Staff in January of each year mix design verifications for all Concrete mixes that will be supplied during that year for use in Subdivision improvements.
- (F) Delivery and Discharge - Concrete shall be delivered and discharged from a truck mixer or agitator truck within the periods specified in Table A-6. Delivery tickets shall have this time clearly shown and be checked for conformance by the Staff. Delivery tickets shall also show the date of the delivery, the Concrete mix supplied, and the design compressive strength. All delivery tickets shall be delivered to Staff. Any Concrete which is not plastic and workable when placed shall be rejected.

Air Temperature	Maximum Discharge Time
Up to 85 degrees Fahrenheit	1.5 hours
More than 85 degrees Fahrenheit	1 hour

- (G) Curing - Concrete shall be cured in accordance with Section 601.03.17 of the KYTC specification.
- (H) Expansion and Isolation Joints - Expansion and Isolation Joint material used herein shall be pre-formed one-inch thick material, the full depth of the Concrete, and shall conform to KYTC specifications for use in Concrete pavements.



- (I) Cold Weather Placement - Concrete may be placed when the ambient air temperature in the shade and away from artificial heat is 40° F (and rising). No concrete shall be placed upon frozen subgrade. Concrete shall be protected from freezing for a period of up to seven days.
- (J) Hot Weather Placement - Maintain the temperature of the mixture at or below 90° F during placement. Cease concrete production when the mixture exceeds 90° F until adequate methods are in place to reduce or maintain the mixture temperature. Do not place concrete in areas where the ambient temperature is above 100° F.

A.3-2 Street Pavement Requirements

(A) Aggregates

- (1) Aggregates for Concrete Street pavement shall be a blend of No. 467 crushed limestone, No. 8 gravel and concrete sand.
- (2) The No. 467 crushed limestone aggregate shall meet the gradation limits shown in Table A-7.

Table A-7: No. 467 Gradation Limits	
Sieve Size	Percent Passing
2"	100
1 1/2"	93-98*
1"	--
3/4"	35-70
1/2"	--
3/8"	10-30
#4	0-5
#8	--

*Note that the specified percent passing the 1 1/2" sieve differs from Section 800 of the KYTC Road and Bridge Manual, latest edition, for No. 467 gradation. The No. 467 crushed limestone for Street pavement in the Regulation must have 2% to 7% retained on the 1 1/2" sieve.

- (3) Gradation of the No. 8 gravel and the concrete sand shall meet the requirements of Section 800 of the KYTC Road and Bridge Manual, latest edition.
- (4) Minimum cement factor shall be 564 pounds per cubic yard.
- (5) Minimum compressive strength at 28 days shall be 4,000 psi.
- (6) Maximum water / cement ratio shall be 0.45.
- (7) Air entrainment shall be 6% ± 2%.
- (8) Maximum slump without mid-range water reducer shall be 4-inches.
- (9) Maximum slump with mid-range water reducer shall be 7-inches.



- (10) Workability factor shall be between 38 high to 33 low.
- (11) Coarseness factor shall be between 73 high to 68 low.
- (B) Thickness Requirements - Pavement thicknesses for various classifications of Streets shall be as shown in Table A-2: Required Subdivision Street Thicknesses. Various critical Concrete pavement design and construction details that shall be used in Concrete Subdivision pavements are shown in Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.
- (C) Testing Requirements
 - (1) One set of three test cylinders shall be made for each day's placement of Street. An additional set of three test cylinders shall be made for each additional 100 cubic yards of placement. One slump, air entrainment and temperature test shall be performed for each set of Concrete test cylinders.
 - (2) One cylinder shall be tested for compressive strength at no later than seven days and two cylinders at 28 days.
 - (3) Part of the plastic Concrete sample used for the test cylinders shall be washed to visually confirm that crushed limestone coarse aggregate was used in the Concrete mix.
 - (4) All Concrete testing shall be performed by a Qualified Materials Testing firm in accord with applicable ASTM specifications, latest editions. The results of all Concrete testing are required to be provided to Staff by the Developer prior to the approval of a Final Plat.
- (D) Reinforcing Steel - The use of continuous reinforced concrete pavements is not required but can be considered for streets serving commercial/industrial uses.
 - (1) Bent bars are not considered reinforcing steel in the contents of this section.
 - (2) The use of wire mesh in concrete pavements is prohibited.
- (E) Placement
 - (1) Formwork
 - a) Fixed forms shall have a depth equal to or greater than the thickness of the pavement.
 - b) Forms shall be of such cross-sections and strength and so secured as to resist the pressure of the Concrete when placed, and the impact and vibration of any equipment which they support, without springing or settlement.
 - (2) Setting - The Subgrade under the forms shall be compacted and shaped so that the form set shall provide the specified elevation.



- (3) Grade and Alignment - The alignment and grade elevation of the forms shall be checked by the Contractor immediately ahead of Concrete placement and corrections made when necessary.
- (4) Placement Method
 - a) All Concrete placement shall conform to ACI Specifications, latest edition.
 - b) The Concrete shall be mixed in quantities required for immediate use and shall be deposited on the Subgrade to the required depth and width of the construction lane in successive batches and in a continuous operation. The terminus of a continuous pour shall be a Construction Joint per Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.
 - c) The Concrete shall be placed as uniformly as possible in order to minimize the amount of additional spreading necessary.
 - d) The Concrete shall be vibrated and consolidated with suitable tools while being placed so that the formation of voids or honeycomb pockets is prevented.
 - e) Concrete shall not be placed around manholes or other structures until they have been brought to the required grade and alignment.
 - f) Additional tamping and compaction of surrounding fill material may be required after raising manholes.
- (5) Consolidating and Finishing
 - a) Concrete pavement shall be struck off and consolidated with a mechanical finishing machine, vibrating screed, slipform paver, or by hand-finishing methods such that, after consolidation and final finishing, it shall be at the elevation shown on the approved plans.
 - b) The finishing method shall incorporate a screed, which will consolidate the Concrete by pressure, vibration, or both.
 - c) The Concrete shall be brought to a true and even surface, free from rock pockets.
 - d) Hand-finishing tools shall be kept available for use in case the mechanical finishing machine breaks down.
 - e) When hand finishing, the pavement shall be struck off and consolidated by a vibrating screed to the elevation as shown on the plans. When the forward motion of the vibrating screen is stopped, the vibrator shall be shut off and not be allowed to idle on the Concrete.
- (6) Scraping and Straight Edging



- a) The Inspector may require that the pavement be scraped with a straightedge with a minimum width of six feet, equipped with handles long enough to permit it to be operated from the edge of the pavement.
 - b) When irregularities with the surface elevation are discovered, they shall be corrected by adding or removing Concrete. All disturbed areas shall be floated with a wooden or metal float not less than four feet long and not less than six inches wide and straight edged.
- (7) Edging - Before final finishing is completed and before the Concrete has taken its initial set, the edges of the slab and Curb shall be carefully finished with an edger.
- (8) Final Surface Finish
- a) The final surface of the Concrete pavement and Curb shall have a uniform gritty texture at the grades and cross-sections shown on the plans.
 - b) A burlap drag or medium broom shall be used as the final finishing method for Concrete pavement.
 - c) A burlap drag finish shall have a minimum width of at least three feet and have a length that is long enough to cover the entire pavement width.
 - d) The burlap drag shall be pulled forward across the pavement in the direction in which the pavement is being placed.
 - e) A broom finish shall be drawn transversely across the pavement using overlapping strokes to produce surface corrugations of uniform appearance approximately 1/16th inch in depth.
 - f) Curbs shall be finished using the same method as the pavement.
- (9) Integral Curb
- a) Curbs shall be constructed monolithically with pavement extrusion equipment or hand formed prior to the finishing operation.
 - b) The integral barrier and sloped Curb shall be constructed with or prior to the finished paving operation. Special care shall be taken so that the Curb construction does not create a “cold joint.”
 - c) Curbs placed immediately following the paving operation shall be sufficiently consolidated with the paving slab and shall not contain voids within or along the back face of the Curb.
 - d) Integral barrier Curbs along the edges of Street pavement shall contain depressed Curbs not less than 1-3/4 inches above the gutter line at all Driveway entrances and at such other locations as designed on the approved plans.



- e) When barrier Curb is used, the Curb may be sawed horizontally to facilitate residential Driveways, approaches, and Sidewalks.

(F) Concrete Street Pavement Joints

(1) Contraction Joints

- a) All Contraction Joints shall be placed a maximum of 15 feet on center. Commercial/Industrial Subdivision pavements shall have sawed transverse Contraction Joints with steel dowels that are cut perpendicular across the pavement. All residential pavements shall have tooled or sawed Contraction Joints without dowels. Residential pavement transverse Contraction Joints shall be skewed (except at intersections, paired catch basins and in Cul-de-sacs). See Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.
- b) Sawed joints shall be equal to a depth of one-fourth (1/4) of the pavement thickness continuous across the slab.
- c) The timing of the installation of joints shall conform to ACI specifications, latest edition.
- d) Contraction Joints cut into fresh Concrete with a jointing tool shall be a minimum 1½ inches deep.

- (2) Expansion Joints - There shall be no Expansion Joints in any pavements except at bridge abutments and where required by construction details in Appendix C.

(3) Longitudinal Joints

- a) All pavements wider than 15 feet require Longitudinal Joints. Longitudinal Joints may be Construction Joints or tooled/sawed joints.
- b) Longitudinal Construction Joints will require 18 inches long #4 deformed bars embedded into each slab at the mid-slab height, no more than four feet on center and no closer than 18 inches to each Contraction Joint.
- c) Bent bars may be inserted into fresh Concrete before its initial set.
- d) Bent bars shall not be straightened until the Concrete has cured sufficiently to enable bending without fracture of the Concrete slab.

- (4) Other Pavement Joints - Other Contraction Joints and Isolation Joints shall be constructed per Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.

- (G) Manholes and On-Street Inlets - Manholes, on-Street inlets, and water valves encountered in the areas to be paved shall be raised or lowered to the surface of the new pavement. On-Street inlets may be separated from the pavement and Curb by boxing out around the inlet. Details for Joint construction at manholes and catch basins



are in Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.

(H) Protection and Opening to Traffic

- (1) Traffic shall be prohibited from the pavement until the Concrete has attained a compressive strength of 3,500 pounds per square inch.
- (2) Prohibited traffic shall include Contractor's vehicles.
- (3) Prior to opening to public traffic, the Developer is responsible for completing, curing and sealing the pavement, including box outs, backfilling the Street, sealing the joints and cleaning the pavement of all debris.

(I) Concrete Pavement Lugs - The purpose of pavement lugs in Subdivision pavements is to provide some additional resistance to Contraction Joints separating during repeated expansion and contraction cycles over the life of the pavement in certain open ended and relatively steep downhill pavement conditions. In these open ended and downhill conditions, resistance to pavement lengthening at contraction joints is substantially reduced as compared to Contraction Joints in long stretches relatively straight pavement. In the long, relatively straight streets, the repetitive adjacent slabs help keep the contraction joints from separating during repeated expansion and contraction cycles. Those conditions which shall require lugs are related to the geometry of the Streets and are as follows (see Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways).

- (1) The ends of Cul-de-sacs where the Street grade approaching the Cul-de-sac decreases more than 20 feet vertically, at an average grade of more than six percent, before there is a change in direction of Street Drainage. In this condition, install a lug near the end of the Cul-de-sac across the extension of the two lanes of pavement.
- (2) At T-intersections, place a lug on the intersecting street near the intersection, where grade on the intersecting Street is going up from the intersection more than 20 feet vertically, at an average grade of more than six percent, before there is a change in the Drainage direction.
- (3) On the main line of a Street pavement where the pavement is going straight and downhill more than 20 feet vertically, at an average grade of more than six percent and the direction of centerline deflects horizontally by more than 30 degrees, place a lug just uphill of the start of the horizontal curve.
 - a) Lugs shall be placed at least 20 feet uphill from any shallow utility excavation transverse to the pavement.
- (4) The Design Engineer may add other lugs in conditions he considers critical to Contraction Joint integrity.
- (5) Lug locations are to be shown on construction design and as-built drawings.

(J) Joint Sealing Compound



- (1) Joint sealing compound shall conform to the following standard designations:
 - a) Hot-poured elastic type, as specified by AASHTO, latest edition; or
 - b) Silicone rubber sealant type (non-sag, self-leveling, or rapid cure) conforming to the KYTC Department of Highways Standard Specifications for Road and Bridge Construction, latest edition; or
 - c) An approved equal, as determined and approved by Staff.
- (2) The application of joint sealant is prohibited at temperatures below 40 degrees Fahrenheit.

A.3-3 Concrete Curb and Gutter Requirements

(A) Aggregates

- (1) Aggregates for Concrete Curb and Gutter shall consist of KYTC aggregates approved for use in pavements.
- (2) The following quantities and aggregate types shall be provided for one cubic yard of concrete:
 - a) 1,500 pounds of #57 crushed limestone.
 - b) 300 pounds #8 gravel.
 - c) 1,320 pounds of Concrete sand.

(B) Curb Design

- (1) 24-inch wide Concrete Curb and gutter shall be used for all Streets Types with Asphalt pavements.
- (2) All Streets serving residential developments shall use the sloped curb as shown in Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.
- (3) All Streets serving industrial/commercial developments shall use the six inch barrier Curb.

(C) Concrete Curb over Crushed Stone Base shall be a minimum of seven inches thick at the Curb apron.

(D) Expansion Joints

- (1) Expansion Joints shall be placed in Concrete Curbs at each side of Curb inlet catch basins.



- (2) Two 3/4-inch diameter, 18-inch long smooth dowels with expansion caps shall be placed in each Expansion Joint location.
- (3) Expansion material must go completely through the Curb cross section, preventing Concrete to Concrete contact.
- (E) Contraction Joints shall be installed in the Curb at a spacing of no more than 10 feet on center.
- (F) Standard Details for Concrete Curb and gutter are shown in Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways.
- (G) Testing Requirements
 - (1) One set of three test cylinders shall be made for each day's placement of Street. An additional set of three test cylinders shall be made for each additional 100 cubic yards of placement. One slump, air entrainment and temperature test shall be performed for each set of Concrete test cylinders.
 - (2) One cylinder shall be tested for compressive strength at no later than seven days and two cylinders at 28 days.
 - (3) Part of the plastic Concrete sample used for the test cylinders shall be washed to visually confirm that crushed limestone coarse aggregate was used in the Concrete mix.
 - (4) All Concrete testing shall be performed by a Qualified Materials Testing firm in accord with applicable ASTM specifications, latest editions. The results of all Concrete testing are required to be provided to Staff by the materials testing firm prior to the approval of a Final Plat.

A.3-4 Concrete Public Sidewalks, Pathways, Driveway Aprons and Other Infrastructure

- (A) Concrete Mix Design Requirements
 - (1) Aggregates shall be a blend of No. 57 gravel or crushed limestone, No. 8 gravel and concrete sand.
 - (2) Gradation of the No. 57 gravel or crushed limestone, the No. 8 gravel and the concrete sand shall meet the requirements of Section 800 of the KYTC Road and Bridge Manual, latest edition.
 - (3) Minimum cement factor shall be 564 pounds per cubic yard.
 - (4) Minimum compressive strength at 28 days shall be 4,000 psi.
 - (5) Maximum water / cement ratio shall be 0.45.
 - (6) Air entrainment shall be 6% ± 2%.



- (7) Maximum slump without mid-range water reducer shall be 4-inches.
- (8) Maximum slump with mid-range water reducer shall be 7-inches.
- (9) Workability factor shall be between 40 high to 35 low.
- (10) Coarseness factor shall be between 63 high to 58 low.

(B) Subgrade

- (1) Subgrade for Sidewalks, pathways, and Driveway aprons shall be non-organic and consist of natural clay or sand soils.
- (2) Clay soils must be knit together without any loose clay soils. Any material used to finish grade Subgrade shall be bank run sand, KYTC crushed limestone DGA, or crushed recycled Concrete.
- (3) Any granular material in excess of two inches thick shall be compacted with a vibrating plate compactor or equivalent.
- (4) No gravel and no other crushed limestone gradation will be used for finish grade fill material.

(C) Thickness Requirements

- (1) Concrete for public Sidewalks and pathways shall be a minimum of four inches thick.
- (2) Residential Driveway aprons shall be a minimum of five inches thick.
- (3) Commercial and industrial Driveway aprons shall be a minimum of seven inches thick.

(D) Drive/Apron Requirements - Required Driveway apron layouts and construction details, including required Expansion Joint thickness and location, are shown in Appendix C: Standard Construction Requirements and Details for Streets, Sidewalks, Driveways. Special care must be taken during construction to make sure there is no Concrete-to-Concrete contact under all Expansion Joints.

(E) Edge Drain Installation - When installing Driveway aprons, special care must be taken not to damage the edge drain installed on the outside of the Curb. If the edge drain is damaged, the damaged section must be properly replaced to assure water flow through the edge drain.

(F) Contraction Joint Spacing - For Sidewalks, the maximum spacing of Contraction Joints shall not exceed five feet, except when the Sidewalk or pathway is wider than five feet when the spacing shall not exceed the width of the slab.



SECTION A.4: ASPHALT CONCRETE (ASPHALT) INFRASTRUCTURE

A.4-1 General Requirement

- (A) All Subdivision Streets in Dayton Subdivisions shall be constructed in accordance with the latest edition of the KYTC Roadway Manual, Division 400, except where noted otherwise in this specification.
- (B) All Contractors, suppliers and producers must be prequalified by KYTC or demonstrate experience and success on similar projects in order to perform this work.
- (C) All construction materials incorporated into the work shall conform to the requirements set forth in the KYTC Roadway Manual.
- (D) The Contractor shall notify Staff of the intent to start the project within 24 hours of beginning production.

A.4-2 Mixture Designation and Design

- (A) Volumetric Mix Design - The Contractor shall perform the volumetric mix design according to AASHTO R35 and conforming to AASHTO M323 and utilize 50 gyrations.
- (B) Mix Design Submittal - At least 72 hours prior to the start of production, the Contractor shall submit the mix design to the Staff and the Applicant's Qualified Material Testing Lab for review.
- (C) Aggregate Gradation - Aggregate gradations for base, intermediate and surface mixtures shall conform to KYTC Roadway Manual Division 400 and Table A-8.

Table A-8: Aggregate Gradations			
Sieve Size	1.0 Base Mixture	0.75 Intermediate Mixture	Surface Mixture
1-1/2"	100	--	--
1"	90-100	100	--
3/4"	<90	90-100	--
1/2"	--	<90	100
3/8"	--	--	90-100
#4	--	--	<70
#8	19-45	23-49	25-55
#16	--	--	--
#200	1-7	2-8	2-10

- (D) Voids in Mineral Aggregate (VMA), Asphalt Content (AC) and Air Voids (AV) VMA, AC and AV for residential streets shall be as specified in Table A-9 and for commercial/industrial streets as specified in Table A-10.



Table A-9: VMA, AC, and AV for Residential Streets			
	Minimum VMA	Minimum AC	AV
Base Mixture	12%	4%	4%
Intermediate Mixture	13%	4.3%	4%
Surface Mixture	14%	5.4%	3%

Table A-10: VMA, AC, and AV for Commercial/Industrial Streets			
	Minimum VMA	Minimum AC	AV
Base Mixture	12%	4%	4%
Intermediate Mixture	13%	4.3%	4%
Surface Mixture	14%	5.4%	4%

- (E) Remaining Mix Design - The remaining mix design shall conform to the applicable KYTC mix designations Class 2 BASE 0.75D PG64-22 or Class 2 BASE 1.0D PG64-22 “Base and Intermediate Mixture” and Class 2 SURF 0.38D PG64-22 “Surface Mixture”.
- (F) Recycled Asphalt Pavement and Recycled Asphalt Shingles - Recycled Asphalt Pavement (RAP) may be used but is limited to 25 percent of the mixture by weight in the surface and 30 percent of the mixture by weight in the base. Recycled Asphalt Shingles (RAS) may be used but is limited to 3.0 percent of the mixture by weight. However, when combined, the total amount of RAP and RAS may not exceed 25 percent in the surface and 30 percent in the base with no more than three percent RAS. Warm mix Asphalt technology is allowed on a permissive base similar to the KYTC Standard Specifications. See Table A-11.

Table A-11: Maximum Recycled RAP and RAS in Asphalt Pavement			
	Maximum RAP	Maximum RAS	Maximum RAP and RAS
Base Mixture	30%	3%	30%
Intermediate Mixture	30%	3%	30%
Surface Mixture	25%	3%	25%

A.4-3 Plant Mix Operation

(A) Plant Requirements

- (1) Maximum asphalt temperature during plant operations is 330° F.
- (2) Minimum asphalt temperature in the truck at the plant is 220° F.

(B) Plant Testing Requirements

- (1) The Contractor shall monitor the plant production and perform quality control testing at the Asphalt mixing plant.
- (2) Staff shall be provided access to the facility during production and may be present to observe sampling and testing by the Contractor personnel.
- (3) A minimum of one test shall be performed per day of paving and additional tests shall be performed for each 1,000 tons produced.



- a) The Contractor may perform additional testing as desired to control mix properties.
- b) When multiple test samples are obtained, the average value of those results shall be used for acceptance.
- c) At the start of production on the project, the first sample shall be obtained after a minimum of 50 tons have been loaded.
- d) Samples shall be tested for conformance to gradation and Asphalt content requirements (AASHTO T164 & AASHTO T30).
- e) Testing results from any offsite laboratory testing shall be reported to Staff, the applicant and the Qualified Material Testing Lab within 24 hours.

A.4-4 Minimum and Maximum Lift Thicknesses

Minimum and maximum thicknesses for asphalt lifts are indicated in Table A-12.

Table A-12: Minimum and Maximum Lift Thickness		
	Minimum Lift	Maximum Lift
Base	3"	5"
Intermediate	2-1/4"	4-1/4"
Surface	1-1/4"	1-3/4"

A.4-5 Placement Procedures

(A) General

- (1) All Contractors must be prequalified by KYTC or demonstrate experience and success on similar projects in order to perform this work.
- (2) Immediately before placing Asphalt materials, remove loose and deleterious materials using a power broom or street sweeping equipment.

(B) Subgrade

- (1) Asphalt placement is prohibited on subgrade with free water on the surface.
- (2) Pavement Subgrade cross slopes shall vary from 3.7 percent to 5 percent depending on the applicable Street cross section.

(C) Overlay

- (1) A tack coat shall be evenly applied across the width of the lane at a rate of 0.10 gallons per square yard. Adjust spray bars as necessary to avoid streaks.
- (2) A tack coat is not required when placing Asphalt base mixtures on granular base layers.



- (3) When Asphalt surface abuts a barrier Curb or similar vertical surface, the abutting surface shall be tack coated prior to construction of the Asphalt course.

(D) Equipment

- (1) The Contractor shall furnish dump trucks with clean, smooth metal beds to transport materials and shall use approved and environmentally friendly release agents.
- (2) Use of diesel fuel is strictly prohibited in truck beds.
- (3) Sufficient trucks should be scheduled to allow for a continuous paving operation without significant delays between trucks.
- (4) The Contractor shall furnish a self-propelled paver with the capacity of spreading and finishing all courses to the indicated widths, depths, line, grade and cross section, with a smooth finish, uniform in density and texture.
- (5) Rollers must also be self-propelled and capable of reversing smoothly. Steel wheel rollers must be equipped with adjustable scrapers, spray bars, and/or wetting pads to keep wheels clean at all times.
- (6) Hand tampers may also be used in tight areas inaccessible by rollers.

(E) Temperatures for Asphalt, Ambient Air and Subgrade

- (1) Do not place Asphalt mixtures when the ambient air temperature and existing surface temperatures on the project are less than those specified below or when weather conditions otherwise prevent the proper handling or finishing of the Asphalt mixtures.
 - a) Minimum ambient air and existing surface temperature shall be 40° F (and rising) prior to placement of Asphalt Base Mixture.
 - b) Minimum ambient air and existing surface temperature shall be 40° F (and rising) prior to placement of Asphalt Surface Mixture:
- (2) The maximum temperature of the mixture shall not exceed 330° F at any time, and the minimum temperature (measured in the truck at the project site) shall not fall below 200° F for all mixtures.
- (3) Compaction efforts shall be completed before the Roadway mix temperature falls below 150° F.

(F) Application of Asphalt Mixes

- (1) All courses shall be placed and spread as continuously as possible, keeping the number of joints to a minimum.



- (2) The longitudinal joint in the final surface course shall be placed along the dividing line between the lanes.
- (3) Best paving practices shall be utilized to ensure the proper amount of material at the joint and to make the same number of passes over the joint as the middle of the mat.
- (4) The finished Joint shall be smooth and tight and free from voids or coarse material.

(G) Surface Course Application

- (1) The surface course application shall be provided no later than 12 months from the date the base Asphalt was placed.
- (2) Prior to the surface course application, Staff shall inspect the Asphalt base course. Damage to the Asphalt base course that will affect the structural integrity or future maintainability of the pavement section shall be repaired prior to placement of the surface course.
- (3) Damage to Curb and gutter sections identified by Staff that will affect the structural integrity and/or future maintainability of the Curb and gutter shall be removed and replaced prior to the placement of surface Asphalt course.
- (4) The surface course shall be compacted to between 1/8" and 1/2" above adjacent Concrete Curb apron.
- (5) The pavement surface cross slope shall be three percent.
- (6) The joint between Curb and gutter and Asphalt pavements shall be sealed in accord with Subsection A.4-7: Joint Sealing.

A.4-6 Density Testing Requirements

- (A) Sampling - All base and surface Asphalt and aggregate materials shall be sampled, tested, and reported by a Qualified Material Testing Lab in accordance with the KYTC Roadway Manual Division 400.
- (B) Testing Frequency and Results
 - (1) Density tests shall be performed at least every 150 feet along each lane of asphalt placed.
 - (2) At the discretion of Staff, a quality assurance check (including cores) of the sampling and testing may be required if deficiencies are suspected.
 - (3) Asphalt base and surface courses shall be compacted to an average density of between 90 and 97 percent of solid volume.
 - (4) Density testing shall be per ASTM D2950 "Density of Bituminous Concrete In Place by Nuclear Density Methods" or ASTM D7113 "Density of Bituminous Mixtures In Place by Electromagnetic Surface Contact Methods".



A.4-7 Joint Sealing

- (A) Compound Material - The Joint Sealing Compound shall conform to the following standard designations:
- (1) Hot-Poured Elastic Type, as specified by AASHTO, latest edition; or
 - (2) Silicone Rubber Sealant Type (Non-Sag, Self-Leveling, or Rapid Cure) conforming to the KYTC Roadway Manual, latest edition; or
 - (3) An approved equal, as determined and approved by Staff.
 - (4) The use of AC-20 as joint sealant is prohibited.
- (B) Air Temperature - The application of joint sealant is prohibited at air temperatures below 40° F.
- (C) Application
- (1) Joint Sealant shall be applied to all Joints abutting the Asphalt, which includes the Joint between the base Asphalt and the Curb if the surface course is not going to be applied immediately.
 - (2) Joint sealant shall be applied to the Curb line immediately upon placement of the surface Asphalt.



A.4-8 Acceptance

- (A) All Asphalt pavement materials shall be evaluated by the Staff, per the requirements set forth in this specification and the KYTC Roadway Manual. Asphalt mixtures will be considered acceptable if the test results determine the materials are within the acceptable limits, as shown in Table A-13 and Table A-14. Any materials deemed to be outside of these ranges shall be retested for compliance.

Table A-13: Acceptable Ranges for AC and Density	
Asphalt Content	Density
±0.6%	90%-97%

Table A-14 : Acceptable Gradation Ranges			
Sieve Size	Acceptable Ranges Percent Passing		
	1.0 Base Mixture	0.75 Intermediate Mixture	0.38 Surface Mixture
1-1/2"	94-100	--	--
1"	84-100	94-100	--
3/4"	<90	84-100	--
1/2"	--	<90	94-100
3/8"	--	--	84-100
#4	--	--	<90
#8	14-50	18-54	32-73
#16	--	--	--
#200	1-10	1-10	1-10

- (B) When test results are in the "Acceptable Ranges," the material will be accepted. Staff shall require the Applicant to "Remove and Replace" the materials when the test results indicate they are outside the limits of the "Acceptable Ranges".
- (C) The surface of each course shall be inspected for uniformity and adequate thickness. Base courses shall be placed within a 1/2 inch tolerance and surface courses within 1/4 inch tolerance. All irregularities exceeding the allowable tolerances must be repaired as directed by the Staff.



APPENDIX B
GEOTECHNICAL EXPLORATION AND EARTHWORK
CONSTRUCTION REQUIREMENTS

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SECTION B.1: GEOTECHNICAL EXPLORATIONS

B.1-1 Purpose

This section fulfills the infrastructure requirements of Kentucky Revised Statutes (KRS) 100.273 through 100.292 by determining that: (1) important in situ Subdivision soils and geologic features that will impact the functional use of public and private improvements have been identified; and (2) that soils and geologic aspects of the design and construction of public and private improvements within the Public Street Right of way or Private Street easements meet the support requirements of their intended use.

- (A) All earthwork and geotechnical exploration requirements within Appendix B shall apply to areas within the Public Street Right-of-way and Private Street easements, and areas structurally supporting the Public Street Right-of-way and Private Street easements;
- (B) All Geotechnical Engineering and Geotechnical Technician work and reporting required under Appendix B shall be provided by the Applicant of the proposed Subdivision. The Geotechnical Technician must be under the direction and control of the Geotechnical Engineer who has been employed by the Applicant for the proposed Subdivision. The proposed Subdivision's Geotechnical Engineer shall have substantial professional engineering discretion to determine when the Geotechnical Engineering intent of the requirements of this Appendix is being met.
- (C) The Applicant shall submit all Geotechnical Engineering and Geotechnical Technician reports and testing results to staff at the appropriate submittal time, as noted in Appendix B.

B.1-2 Geotechnical Explorations Outside of Right-of-Way

- (A) Prior to the approval of the preliminary plat, a geotechnical engineer shall complete a preliminary report that addresses the soil and bedrock types and any existing slope stability issues that are expected in the proposed Subdivision.
 - (1) The Geotechnical Engineer's preliminary report will render a preliminary engineering opinion about the suitability of those soil and bedrock types and existing slopes to provide the necessary support for the intended private property use of the Subdivision.
 - (2) The opinion of expected soil and bedrock types and opinion of soil support suitability can be based on the Geotechnical Engineer's local soil and bedrock knowledge, USGS maps, and a visual field reconnaissance.
- (B) The requirement for preliminary and final geotechnical explorations outside of the Public Right-of-way may be further regulated by the applicable legislative body's zoning ordinance.

B.1-3 Geotechnical Explorations Within Right-of-Way

- (A) Preliminary Geotechnical Exploration



- (1) Prior to the approval of the preliminary plat a geotechnical engineer shall complete a preliminary geotechnical exploration report. The report will address the soil and bedrock types that are expected on the project site, and present an engineering opinion about the suitability of the soil and bedrock types (when properly prepared and constructed) to provide adequate proposed Public Street Right-of-way structural support, including the minimum required CBR (subgrade support) values for asphalt and/or concrete pavements described herein.
- (2) The opinion of expected soil and bedrock types and opinion of Subgrade support suitability can be based on the Geotechnical Engineer's local soil and bedrock knowledge, USGS maps, and a visual field reconnaissance.
- (3) Campbell County soil types that may require replacement or other form of remediation during Subgrade construction in order to provide the minimum required CBR values for Concrete and Asphalt pavement designs shown in Table A-1 are non-plastic silts (soils that classify ML according to the Unified Soil Classification System (USCS)) and highly plastic silts and clays (MH and CH soils) with standard Proctor maximum dry densities less than 100 pounds per cubic foot and plasticity indices greater than 30 percent.

(B) Final Geotechnical Exploration

Prior to approval of the Improvement Plans or Grading Plans a Geotechnical Engineer shall complete a final geotechnical exploration report that identifies the soil and bedrock types present on the project site covered by the Improvement Plans or Grading Plans and presents a written engineering opinion about the suitability of the soils and bedrock to provide stable Right-of-way earthwork construction, and to provide the minimum CBR values for Asphalt and Concrete pavement.

- (1) This written report shall be submitted to staff and be based on the results of soil borings, test pits, field and laboratory soil testing, etc. that are sufficient for the Geotechnical Engineer to render his/her engineering opinion.
- (2) If the soils are not suitable to provide the minimum CBR values, the Geotechnical Engineer shall include recommendations in the written report for subgrade improvement or alternate pavement designs.

SECTION B.2: EARTHWORK SPECIFICATIONS

B.2-1 Purpose

The purpose of this section is to establish the appropriate earthwork specifications and material testing requirements so that the Public Street Right-of-way and Private Street easements have adequate earthwork structural support and the required pavement subgrade support.

B.2-2 Earthwork Excavations

The following shall apply to earthwork excavations other than trenches or temporary excavations:



- (A) All topsoil shall be stripped from proposed cut, fill and pavement areas.
- (B) Excavations shall be made to approximate grade or Subgrade elevations consistent with approved plans.
- (C) Final cut slopes shall not be steeper than a slope of 3.0 horizontal to 1.0 vertical unless otherwise designed by a Geotechnical Engineer, but in no case shall be steeper than 2.0 horizontal to 1.0 vertical.
- (D) Any spongy, unstable, or organic material that is exposed at the finished Subgrade level must be removed to expose stiff, non-yielding, non-organic soils and the excavated material replaced with soils capable of producing the required Subgrade CBR for the pavement design being used for the project (see Section A.1: Pavement Design Method and Required Thicknesses of these regulations).
- (E) When excavating at the cut/fill transition during earthwork, remove spongy or unstable material, organic matter, or other unsuitable materials that are exposed. The Contractor shall remove same to expose stiff, non-yielding, non-organic soils and shall replace with approved materials, placed and compacted in accordance with these regulations and the recommendations of the geotechnical engineer.
- (F) Excavations can be backfilled with the same soils that were removed, provided they meet the requirements of Subsection B.2-3: Controlled Fill, Subsection B.2-4: Trench Backfill, Subsection B.2-5: Shallow Trench Backfill, and Subsection B.2-6: Deep Trench Backfill.

B.2-3 Controlled Fill Other than Trench Backfill

- (A) Construction of controlled fills shall be observed and tested by a Geotechnical Technician. Density testing and reporting is required at a minimum frequency of one density test per 500 cubic yards.
- (B) Organic or vegetative soils shall not be used in the construction of the controlled fill.
- (C) Controlled fills shall be constructed of natural soils or bedrock to approximate Subgrade elevation in level lift thicknesses that are approved by the Geotechnical Engineer. All shale used in controlled fills shall be pulverized to a soil-like consistency and moisture-conditioned the same as a soil. Limestone shall be laid flat and shall be broken up and dispersed in the fill so that it does not nest or impede compaction. The incorporation of limestone floaters in the fill shall be in accordance with the recommendations of the Geotechnical Engineer.
- (D) Except for the top one foot of earthwork finished grades, which is the pavement subgrade, controlled fills shall be constructed with soils that are within two percent below to three percent above their optimum moisture content and



compacted to a firm, non-yielding condition and to dry densities at least 95 percent of the maximum dry density, as determined by the standard Proctor moisture-density test (ASTM D698, latest edition), or 87 percent of maximum dry density as determined by the modified Proctor moisture-density test (ASTM D1557, latest edition).

- (E) Clean granular soils that do not exhibit a well-defined moisture-density curve shall be compacted to a firm, non-yielding condition and to at least 75 percent relative density as determined by the testing methods contained in ASTM D4253 and D4254, latest edition.
- (F) Controlled fill slopes shall not be steeper than 3.0 horizontal to 1.0 vertical unless otherwise designed by a Geotechnical Engineer. In no case shall unreinforced fill slopes be steeper than 2.5 horizontal to 1.0 vertical.
- (G) Lime stabilization in controlled fills is prohibited unless designed and approved by a Geotechnical Engineer.
 - (1) Prior to using lime stabilization, staff shall approve the recommended lime stabilization specifications from a Geotechnical Engineer.
 - (2) The Geotechnical Engineer shall be required to monitor the lime stabilization process in the field to determine that it is consistent with their recommended specifications.
 - (3) A letter from the Geotechnical Engineer shall be submitted to staff confirming that the lime stabilization process used in the field was consistent with their written recommendations.
- (H) Heavy equipment used for compaction shall be capable of producing the required controlled fill densities without lamination.
 - (1) Cohesive soils shall be compacted with kneading type compaction equipment.
 - (2) Cohesionless soils shall be compacted with smooth face vibratory equipment.

B.2-4 Trench Backfill

The following general information shall apply to all trench backfill:

- (A) Trench backfill is defined as the backfill material used to refill the trench excavation above the initial utility conduit bedding and cover that is a part of underground utility installation.



- (B) Natural non-organic soils, bedrock, approved aggregates, and Controlled Low Strength Material shall be used to backfill utility trenches as defined herein.
- (C) Backfill shall not be flushed with water to obtain compaction.
- (D) A Geotechnical Technician shall observe, test and report on the trench backfill compaction at least once per day when said trench backfill operations are occurring.

B.2-5 Shallow Trench Backfill

The following shall apply to shallow trench backfill:

- (A) Shallow trenches are defined as the utility trenches where the backfill material (the material above the granular utility conduit bedding and cover material) is less than three feet deep to finish earthwork grade.
- (B) Shallow trench backfill under the pavement and within a 1 horizontal to 1 vertical projection downward from the bottom edge of curb shall be dense graded aggregate (DGA), No. 57 crushed limestone (only when connected to a Drainage structure) or controlled low strength material (CLSM) as set out in Appendix C: Details C.2 and C.3. Aggregates shall be compacted as shown in the above noted details.
- (C) Shallow trench backfill within the Right of Way but outside of the pavement and beyond a 1.0 horizontal to 1.0 vertical projection downward from the bottom edge of curb shall be natural, nonorganic soil or bedrock (no pieces of limestone thicker than six inches or more than 12 inches long/wide or specified aggregates as set in Appendix C: Details C.2 and C.3.
 - (1) All shale shall be pulverized to a soil-like consistency and moisture-conditioned as a soil.
 - (2) All limestone shall be laid flat, broken up, and dispersed so it does not nest or impede compaction.
 - (3) All backfill shall be moisture-conditioned to within two percent below to three percent above the optimum moisture content for compaction, shall be placed in layers of 8 to 10 inches in thickness, and each lift shall be thoroughly compacted to densities not less than 90 percent of the standard Proctor maximum dry density, or 82 percent of the modified Proctor maximum dry density for that soil.
 - (4) Backfill method shall be either a sheepsfoot roller attachment on a track mounted excavator or a self-propelled kneading-type compactor operating longitudinally in the trench excavation.



B.2-6 Deep Trench Backfill

The following shall apply to deep trench backfill:

- (A) Deep trench backfill is defined as any trench with backfill deeper than shallow trench backfill.
- (B) Deep trench backfill shall consist of natural non-organic soil or bedrock (no pieces of limestone thicker than six inches or more than 12 inches long/wide) or specified aggregates as set out in Appendix C: Details C.2 and C.3.
 - (1) All shale shall be pulverized to a soil-like consistency and moisture-conditioned as a soil.
 - (2) All limestone shall be laid flat, broken up and dispersed so that it does not nest or impede compaction.
 - (3) All backfill shall be moisture-conditioned to within two percent below to three percent above the optimum moisture content for compaction.
 - (4) Backfill lifts shall be 10 inches thick or less (unless otherwise specified by the Geotechnical Engineer), and compacted to not less than 95 percent of the standard Proctor maximum dry density for that soil.
 - (5) Backfill method shall be either a sheepsfoot roller attachment on a track mounted excavator or a self-propelled kneading-type compactor operating longitudinally in the trench excavation.
- (C) Where depths of trenches are more than four feet and worker safety is at risk, the technician shall observe the compaction process in layers with an appropriate type of compaction equipment and document observations until worker safety is assured when compaction testing, as required, is resumed.

B.2-7 Street Pavement Subgrade

- (A) Subgrade Preparation During Excavation

Subgrade is defined as the top one foot of the soils under the pavement. The pavement Subgrade must provide adequate support for the pavement structure as defined in these regulations.

 - (1) During earthwork and initial pavement subgrade preparation, the Geotechnical Engineer or Geotechnical Technician shall evaluate in situ pavement subgrade materials on the site and develop an opinion about their suitability to provide the minimum CBR values when compacted to the required densities at the specified moisture contents.



- (2) Any soils identified as unsuitable to prove the minimum CBR values will be removed from the subgrade and replaced with suitable soils, or otherwise improved as recommended by the Geotechnical Engineer.

(B) Final Subgrade Preparations and Testing

- (1) At the time of final Subgrade preparation, density testing and proofrolling before paving, the Subgrade shall be within two percent of its optimum moisture content and compacted to a firm, non-yielding condition and to dry densities at least 98 percent of the maximum dry density, determined by the standard Proctor moisture-density test (ASTM D698, latest edition) or 89 percent of the maximum dry density as determined by the modified Proctor moisture-density test (ASTM D1557, latest edition). Cohesive Subgrade material shall be properly knit together and free of loose, dry, crumbly, baked or crusted soil material.
- (2) The Subgrade shall consist of cohesive soils, clean #57 crushed limestone, crushed stone base, or Controlled Low Strength Material (CLSM). Any aggregate material used to replace part of the cohesive Subgrade soil must be drained, so that no standing water can collect and be held in the aggregate Subgrade.
- (3) Clean granular soils that do not exhibit a well-defined moisture-density curve shall be compacted to a firm, non-yielding condition and to at least 80 percent relative density as determined by the testing methods contained in ASTM D4253 and D4254, latest edition.
- (4) The Subgrade shall be shaped to plan elevation and cross-section and checked by the Staff inspector for conformity with the cross section shown on the approved Improvement Drawings immediately prior to placing the pavement. Pavement shall not be placed on any part of the Subgrade which does not conform to the cross section shown on the approved Improvement Drawings.

(C) Final Subgrade Proofrolling

- (1) Subgrade Proofrolling is the final test to be performed immediately prior to beginning the paving operations.
- (2) Prior to the placement of pavement materials and after confirming proper density and moisture content of the Subgrade soils, all Street Subgrades shall be proofrolled to test the stability and uniformity of Subgrade materials.
- (3) Subgrade Proofrolling shall be performed with a dual axle dump truck fully loaded with clayey soils or aggregate.



- (4) Subgrade Proofrolling shall be performed at walking speed with at least two passes made in each drive lane direction with the outside wheel generally traveling along the inside line of the future Curb during one pass, and the wheel-paths offset one-half of the truck width during the second pass to maximize subgrade coverage. Extra proofroll passes shall be made at the discretion of the Staff inspector.
- a) Where proofrolling indicates areas of soft or unsuitable Subgrade soils or areas of non-uniform Subgrade stability, the area shall be delineated and repaired.
 - b) Areas of soft or unsuitable Subgrade soils or areas of non-uniform Subgrade stability shall be identified by observing Pumping and/or Rutting. Pumping is defined as movement or deflection of the Subgrade soil that extends beyond the limits of the direct wheel load. Unless accompanied by Rutting (which is common), the pumping Subgrade soil may rebound back to its original position after the wheel load passes. Pumping failures are typically caused by Subgrade soils with higher than optimum moisture content located within a zone up to several feet below the Subgrade surface. Rutting is defined as imprints or depressions in the Subgrade caused by direct wheel loads. Rutting failures are typically caused by inadequate compaction of near surface soils.
 - c) Rutting in excess of one inch in depth shall be deemed a Subgrade failure requiring Subgrade repair.
 - d) Pumping or deflection of less than one inch is acceptable so long as the Subgrade soil rebounds back to its original position after the wheel load passes. Pumping or deflection greater than one inch or areas of permanent deflections shall be deemed a Subgrade failure requiring Subgrade repair.
 - e) For larger areas of subgrade proofroll failure, the alternative pavement design procedures in Subsection A.1-2(B) can be implemented by the Applicant.
- (5) Subgrade repairs shall be performed by scarifying, aerating and recompacting the Subgrade soils. As an alternative, the failed Subgrade soils can be removed and replaced with properly compacted soils capable of producing the required CBR value.
- (6) In all cases, repaired areas shall be retested for compaction and proofrolled again before proceeding with the placement of pavement materials. Rutting can typically be repaired by scarifying, aerating, and recompacting, while areas of pumping will more likely require a more significant repair with depth



often including the removal and replacement of unsuitable Subgrade materials.

(D) Final Subgrade Inspection Testing and Reporting Requirements

- (1) Both the Staff inspector and the Geotechnical Technician have final Subgrade review, testing, and reporting responsibilities.
- (2) The Geotechnical Engineer shall provide soil testing to develop an opinion of adequate bearing characteristics of the final Subgrade soils. Those tests will include, but are not limited to, moisture content testing, density testing, and verification of soil types being adequate to produce the required CBR values for the pavement. Moisture content testing, density testing, and verification of soil types being adequate to produce the required CBR values for the pavement shall be performed by the Geotechnical Engineer at intervals no less than one test per 100 lineal feet of Street for Streets of 500 lineal feet or less, or one test per 200 lineal feet for Streets over 500 lineal feet.
- (3) The Geotechnical Technician and the Staff Inspector shall review the proofrolling described in Subsection B.2-7(C): Final Subgrade Proofrolling and determine whether the Subgrade passes the proofroll.
- (4) Paving operations shall only be permitted to begin after passing inspection results are achieved from Subsection B.2-7: Street Pavement Subgrade, Subsection B.2-7(C): Final Subgrade Proofrolling, and Clause B.2-7(D)(2). Inspection reports referenced in Clause B.2-7(D)(1) and Clause B.2-7(D)(2) shall be placed in the Staff project file and Staff shall make their inspection records available to the Developer.
- (5) Street paving shall occur within 30 hours after passing inspection results are achieved from Clause B.2-7(D)(1) and Clause B.2-7(D)(2). A ¼ inch rain event or sub-freezing temperature occurrence between a passing proofroll and Street paving shall void the proofroll and geotechnical testing and shall require re-evaluation.
- (6) For concrete pavements, small pours of up to one hundred square yards to complete intersections, cul-de-sacs, etc. do not require subgrade re-proofrolling after initially passing a proofroll as part of a large subgrade preparations and testing. Moisture conditioning and rerolling may be required.

B.2-8 Controlled Low Strength Material

- (A) CLSM may be used in place of compacted clayey soils to uniformly backfill utility trenches, manholes, etc.



- (B) CLSM shall not be used in place of clean, free-draining #57 crushed limestone specified for and intended as Drainage backfill around catch basins and manholes or in trench drains, such as between catch basin pairs.
- (C) CLSM shall be transported by mixing truck to ensure proper suspension when placed. Constant agitation is required.
- (D) Flotation of pipes should be avoided by backfilling in 8 to 12 inch lifts until fluid head subsides.
- (E) Adequate separation from aluminum pipe, such as a bituminous coating, is required.
- (F) CLSM shall extend from the top of compacted bedding or other backfill to bottom of pavement structure.
 - (1) CLSM placement shall begin no greater than six inches above the top of the pipe.
- (G) CLSM shall have a minimum excavatable strength of 20 pounds per square inch at three days and 30 pounds per square inch at 28 days. CLSM shall have a maximum excavatable strength of 100 pounds per square inch at 28 days for potential future excavatability.

B.2-9 Construction Equipment on Paved Surfaces

Only rubber tired or rubber tracked equipment shall be used on paved surfaces.

B.2-10 Work Adjacent to Plastic Concrete

Grading operations adjacent to Concrete Curb are prohibited for a minimum of 24 hours after Concrete placement has been completed.

B.2-11 Final Geotechnical Reporting

After the completion of all earthwork covered under this Appendix, for each Subdivision section that is constructed and is to be recorded, the Geotechnical Engineer shall complete a final written report for that Subdivision section. The report will include the following:

- (1) All relevant construction inspection results; and
- (2) A statement from the project Geotechnical Engineer that, to the best of his/her knowledge and belief, all earthwork operations within the Public Street Right-of-way, Private Street easements and areas structurally supporting the Public



Street Right-of-way and Private Street easements were performed in general conformance with the requirements of this Appendix and the recommendations for the areas within the Public Street Right-of-way, Private Street easements and areas structurally supporting the Public Street Right-of-way and Private Street easements contained in the associated geotechnical exploration report.



APPENDIX C

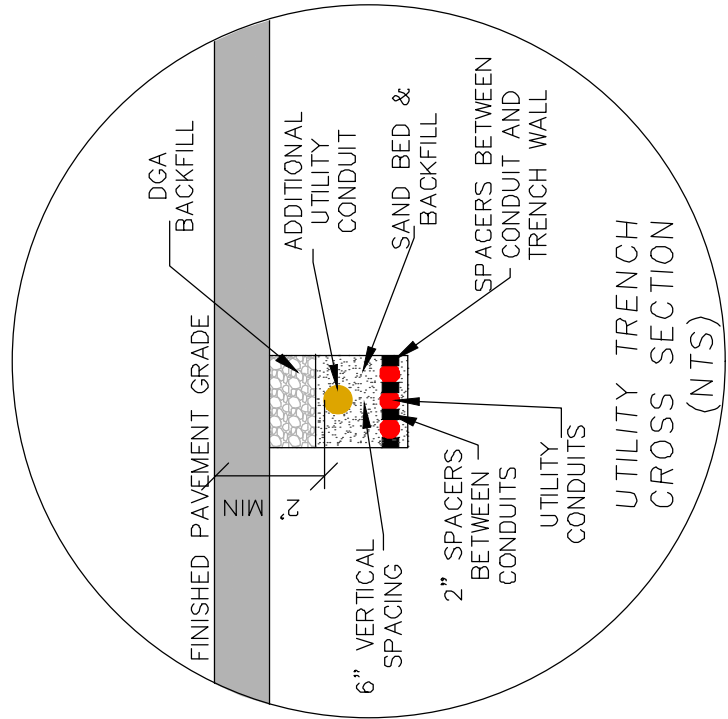
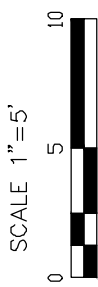
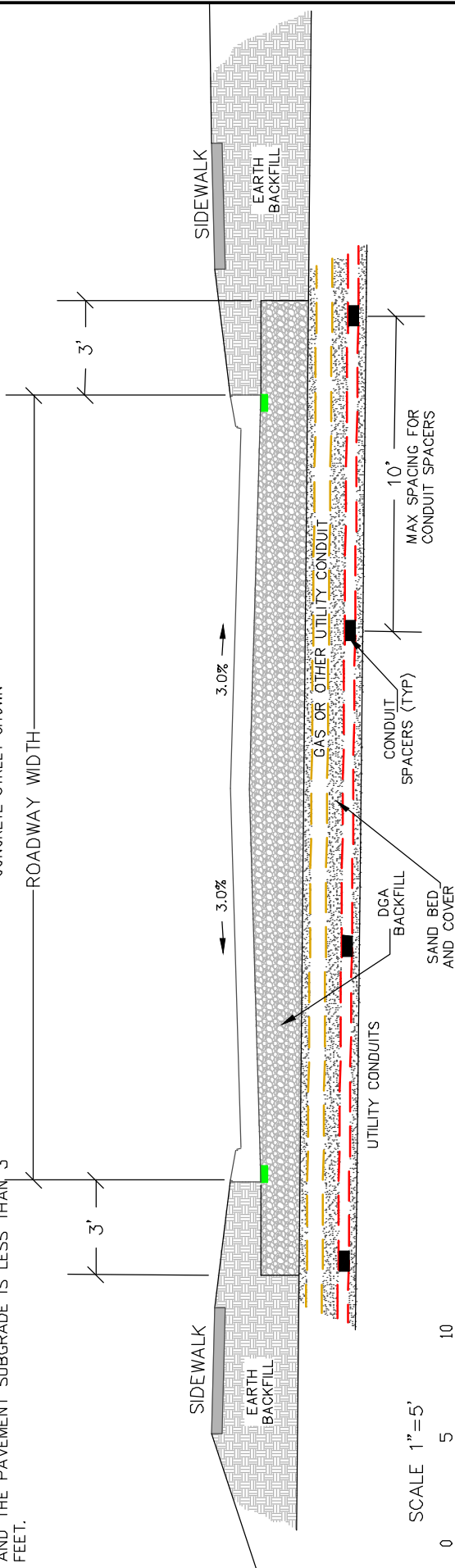
STANDARD CONSTRUCTION REQUIREMENTS AND DETAILS FOR STREETS, SIDEWALKS, DRIVEWAYS



THIS DETAIL SHALL APPLY TO ALL SHALLOW UTILITY CROSSINGS UNDER THE STREET. SHALLOW IS DEFINED AS WHEN THE DISTANCE BETWEEN THE TOP OF THE INITIAL GRANULAR COVER & BEDDING AND THE PAVEMENT SUBGRADE IS LESS THAN 3 FEET.

STREET CROSS SECTION AT SHALLOW UTILITY CROSS OVER

CONCRETE STREET SHOWN

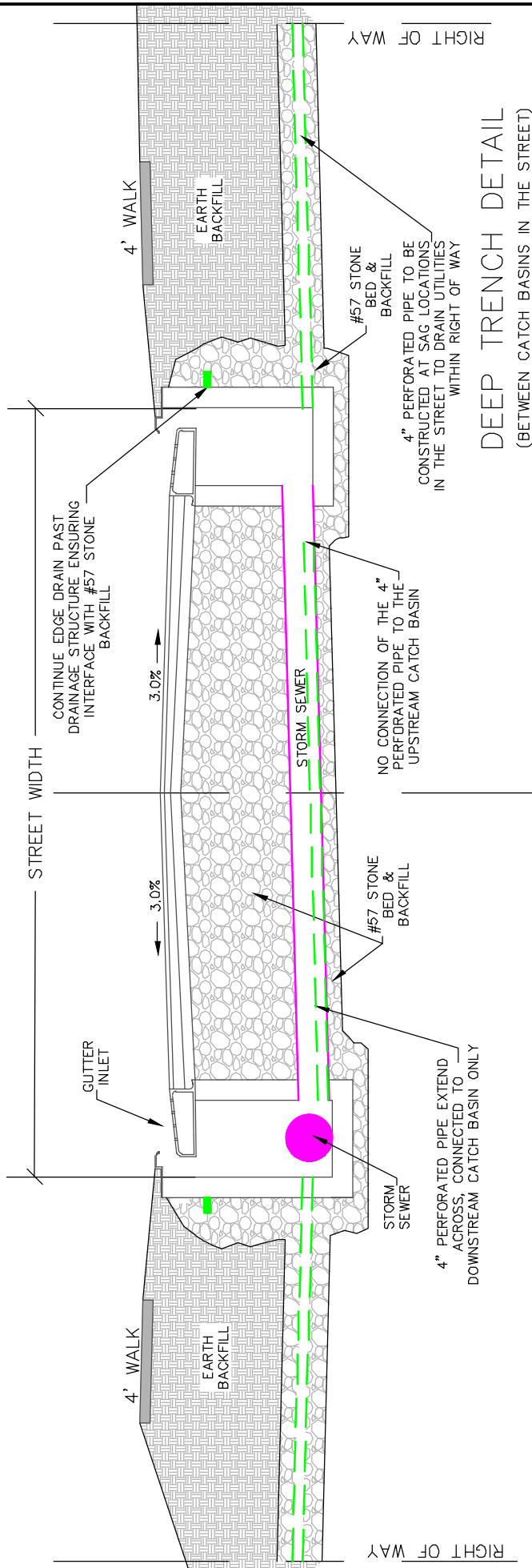


SHALLOW UTILITY CROSSOVER INSTALLATION PROCEDURE

1. ALL UTILITY CONDUITS SHALL BE SDR-35 OR EQUAL.
2. A MINIMUM OF 4" BETWEEN EACH OUTSIDE CONDUIT AND THE WALL OF THE TRENCH. (EACH CONDUIT MUST HAVE A MINIMUM SPACING OF 2" BETWEEN THE OUTSIDE EDGE OF EACH CONDUIT)
3. INSTALL A MINIMUM SAND BEDDING OF 3" IN THE BOTTOM OF THE TRENCH.
4. INSTALL UTILITY CONDUITS IN ONE SINGLE ROW (DO NOT STACK CONDUITS DIRECTLY ON TOP OF EACH OTHER) WITH A MINIMUM SPACING OF 2" BETWEEN THE OUTSIDE EDGE OF EACH CONDUIT AND A MINIMUM OF 4" BETWEEN THE LAST CONDUIT AND THE TRENCH WALL. THE MINIMUM 2" SPACING BETWEEN CONDUITS MUST BE ACCOMPLISHED USING SPACERS SUCH AS MANUFACTURED SPACERS, BRICKS, BLOCKS, ETC. THERE SHALL BE BLOCKS / SPACERS BETWEEN THE TRENCH WALL AND EACH OUTSIDE CONDUIT. SPACERS SHALL BE INSTALLED AT THE BEGINNING AND THE END OF EACH UTILITY TRENCH AND AT MINIMUM OF EVERY 10 FEET ALONG THE CONDUIT IN THE TRENCH.
5. BACKFILL CONDUITS WITH SAND TO A MINIMUM COVER OF 6" AND COMPACT WITH VIBRATORY PLATE COMPACTOR MAKING A MINIMUM OF 2 PASSES.
6. INSTALL NEXT ROW OF CONDUITS (IF NECESSARY) A MINIMUM OF 6" VERTICAL ABOVE THE FIRST ROW OF CONDUITS (MEASURED FROM THE TOP OF THE LOWER CONDUIT TO THE BOTTOM OF THE UPPER CONDUIT)
7. BACKFILL CONDUITS WITH SAND TO A MINIMUM COVER OF 6" AND COMPACT WITH VIBRATORY PLATE COMPACTOR MAKING A MINIMUM OF 2 PASSES.
8. INSTALL DGA BACKFILL (PUG MILLED) UP TO SUBGRADE OF STREET USING MAXIMUM LIFTS OF 8" AND COMPACTING WITH A VIBRATORY PLATE COMPACTOR MAKING A MINIMUM OF 2 PASSES.
9. THIS METHOD SHALL APPLY TO ALL SHALLOW UTILITY CROSSINGS (WATER MAIN, WATER SERVICES, ELECTRIC, TELEPHONE, CABLE, ETC.).

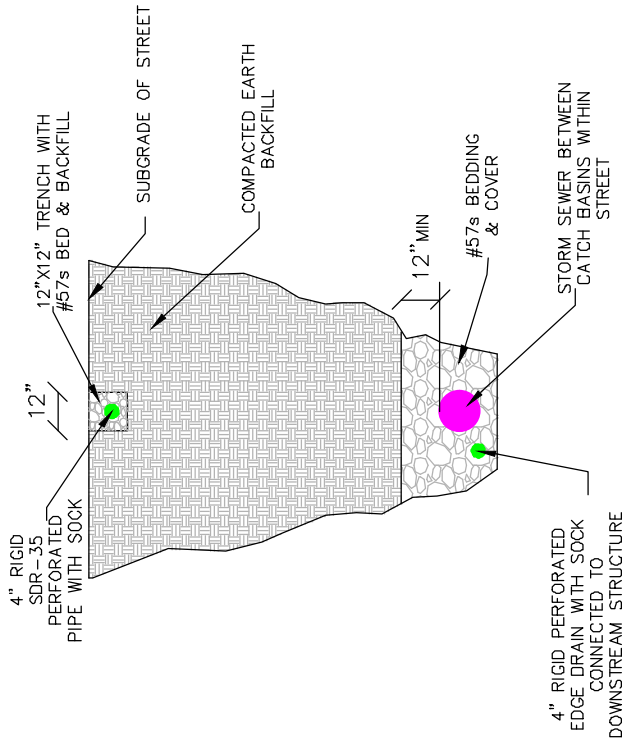
STREET CROSS SECTION AT PAIRED CATCH BASIN CROSSING

(FULL-DEPTH ASPHALT STREET SHOWN)



DEEP TRENCH DETAIL

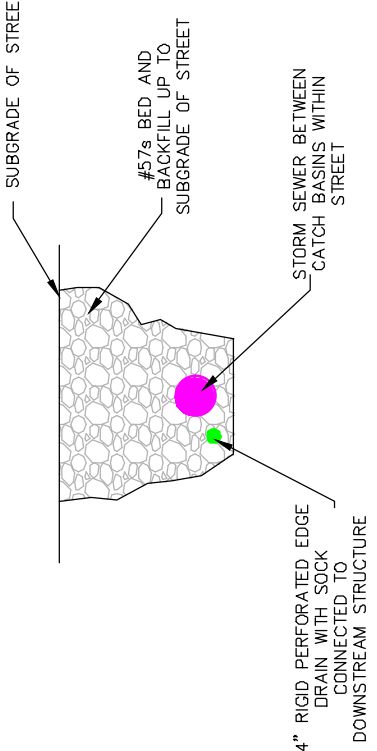
(BETWEEN CATCH BASINS IN THE STREET)



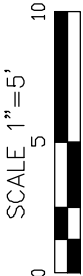
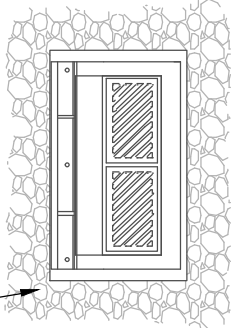
NOTE: DEEP TRENCH DETAIL CAN BE USED WHEN THE DISTANCE BETWEEN THE TOP OF THE GRANULAR COVER & BEDDING AND THE SUBGRADE OF THE STREET IS 3 FEET OR GREATER.

SHALLOW TRENCH DETAIL

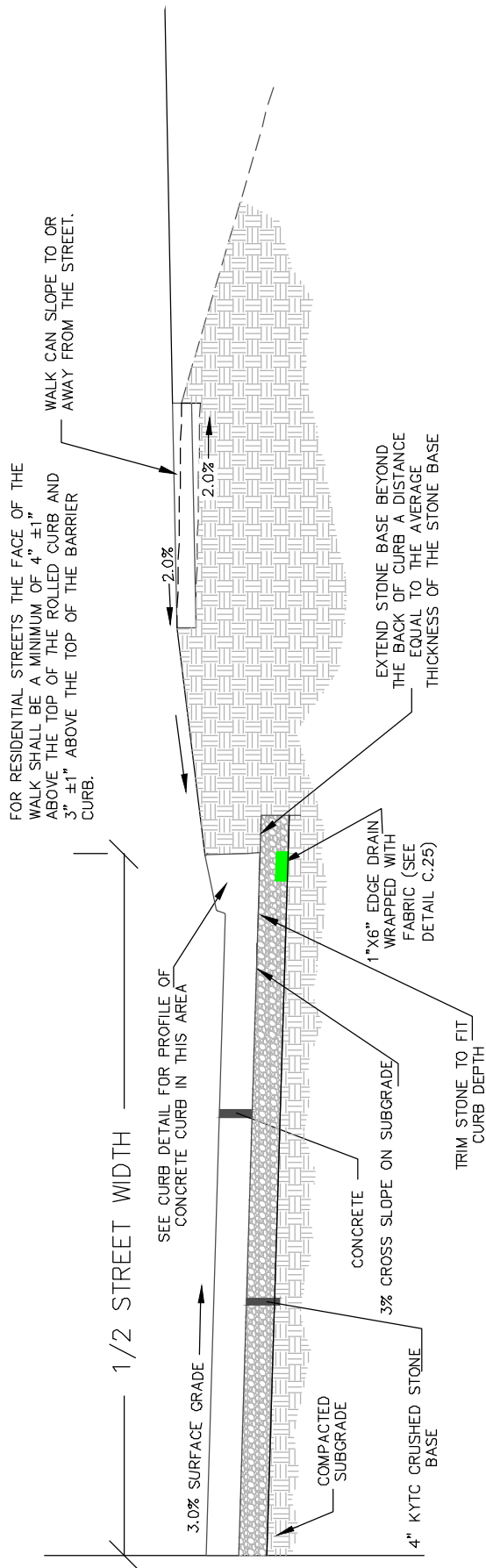
(BETWEEN CATCH BASINS IN THE STREET)



BACKFILL ALL SIDES OF CATCH BASIN FROM BOTTOM TO SUBGRADE WITH #57 STONE FOR BOTH SHALLOW AND DEEP TRENCH APPLICATIONS



SUBURBAN & URBAN PAVEMENT SECTIONS



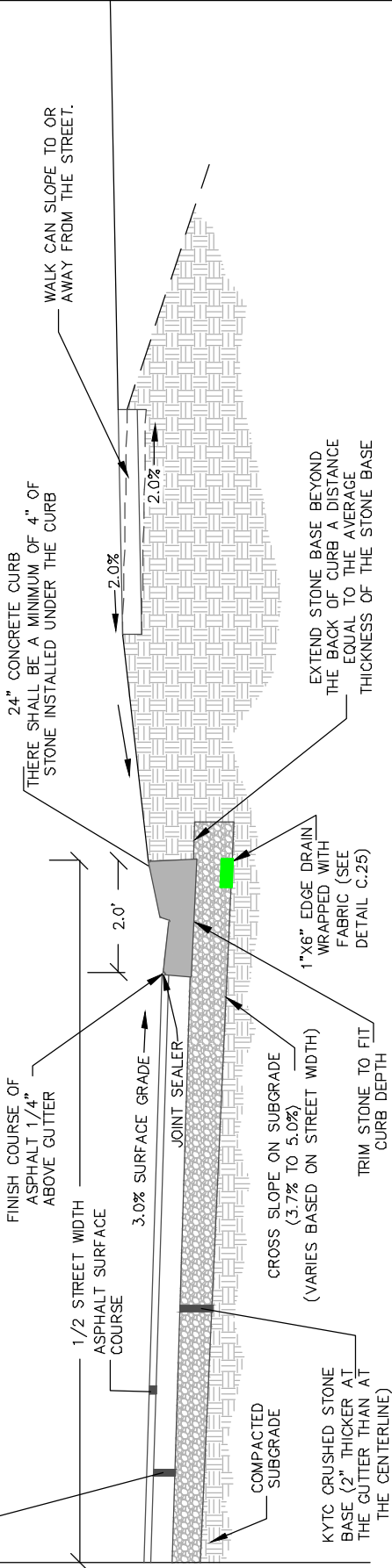
SEE TABLE A-2 FOR ALL PAVEMENT THICKNESSES

CONCRETE

SUBURBAN & URBAN PAVEMENT SECTIONS

ASPHALT INTERMEDIATE COURSE

1. IF SURFACE IS INSTALLED IMMEDIATELY THIS COURSE CAN BE INSTALLED AS AN ASPHALT BASE COURSE
2. IF SURFACE IS NOT INSTALLED IMMEDIATELY THIS COURSE SHALL BE INSTALLED USING AN INTERMEDIATE ASPHALT COURSE. IF THIS COURSE IS INSTALLED IN TWO LIFTS THEN ONLY THE SECOND LIFT SHALL BE REQUIRED TO BE AN INTERMEDIATE ASPHALT COURSE.



FOR RESIDENTIAL STREETS THE FACE OF THE WALK SHALL BE A MINIMUM OF 4" ±1" ABOVE THE TOP OF THE ROLLED CURB AND 3" ±1" ABOVE THE TOP OF THE BARRIER CURB.

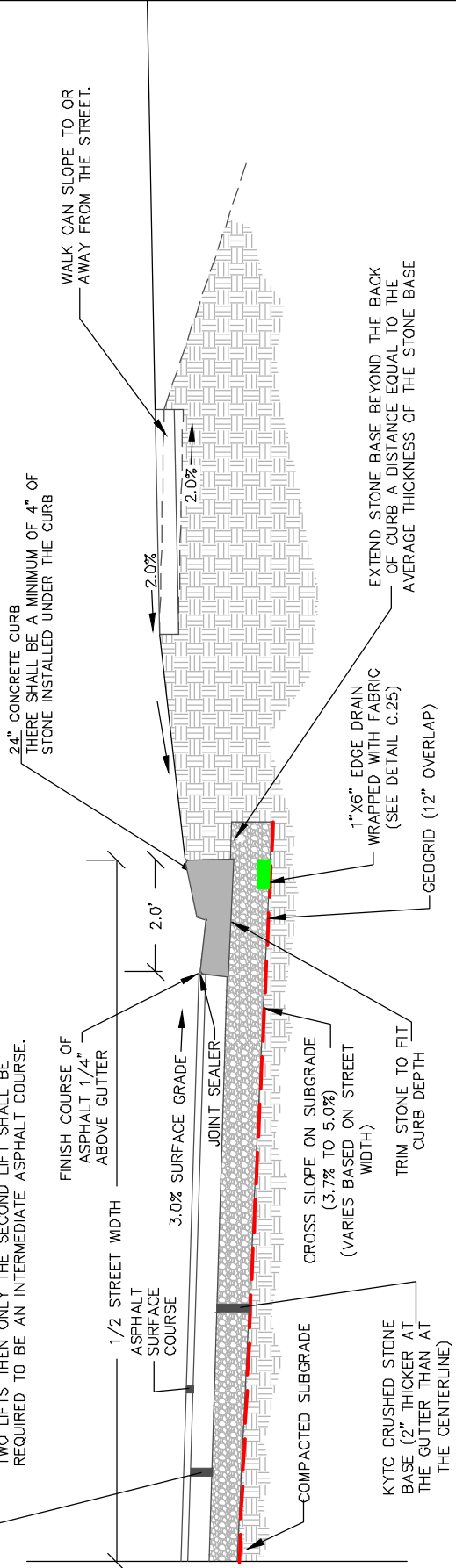
WALK CAN SLOPE TO OR AWAY FROM THE STREET.

EXTEND STONE BASE BEYOND THE BACK OF CURB A DISTANCE EQUAL TO THE AVERAGE THICKNESS OF THE STONE BASE

ASPHALT WITH STONE BASE

ASPHALT INTERMEDIATE COURSE

1. IF SURFACE IS INSTALLED IMMEDIATELY THIS COURSE CAN BE INSTALLED AS AN ASPHALT BASE COURSE
2. IF SURFACE IS NOT INSTALLED IMMEDIATELY THIS COURSE SHALL BE INSTALLED USING AN INTERMEDIATE ASPHALT COURSE. IF THIS COURSE IS INSTALLED IN TWO LIFTS THEN ONLY THE SECOND LIFT SHALL BE REQUIRED TO BE AN INTERMEDIATE ASPHALT COURSE.



SEE TABLE A-2 FOR ALL PAVEMENT THICKNESSES

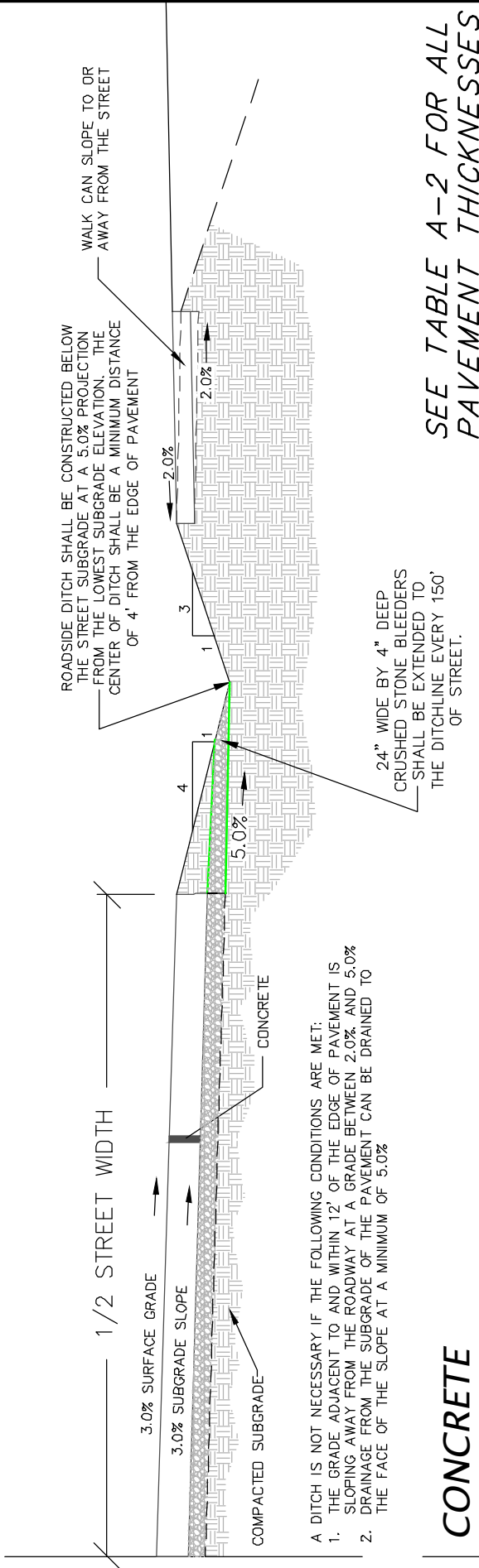
FOR RESIDENTIAL STREETS THE FACE OF THE WALK SHALL BE A MINIMUM OF 4" ±1" ABOVE THE TOP OF THE ROLLED CURB AND 3" ±1" ABOVE THE TOP OF THE BARRIER CURB.

WALK CAN SLOPE TO OR AWAY FROM THE STREET.

EXTEND STONE BASE BEYOND THE BACK OF CURB A DISTANCE EQUAL TO THE AVERAGE THICKNESS OF THE STONE BASE

ASPHALT WITH STONE BASE & GEOGRID

RURAL PAVEMENT SECTIONS



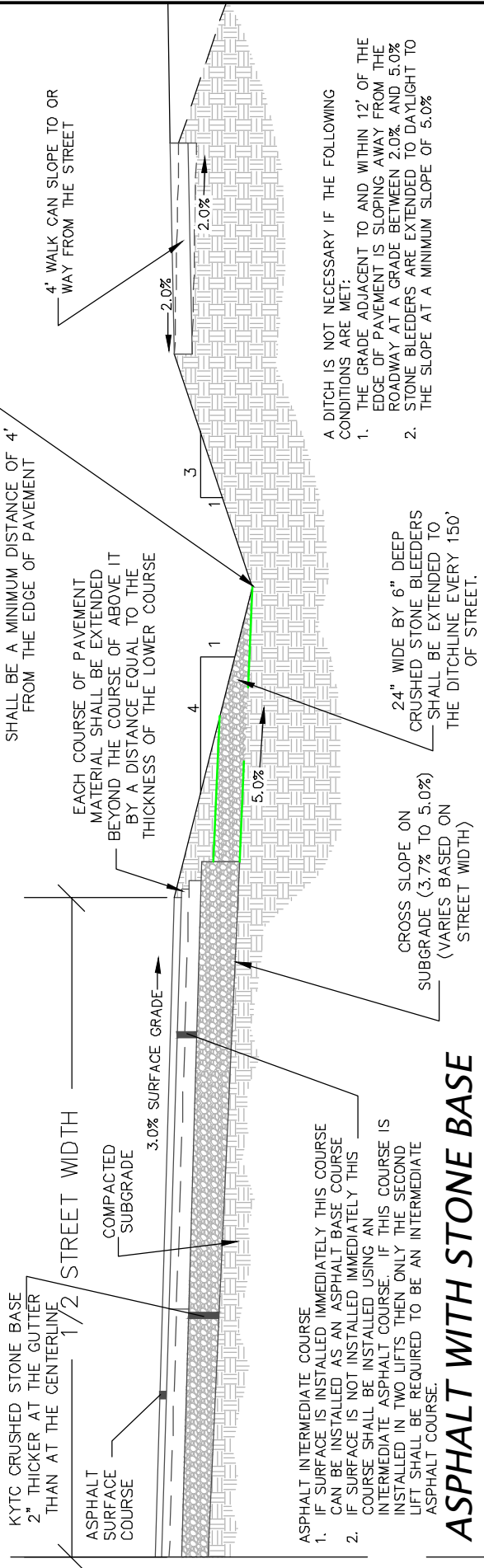
SEE TABLE A-2 FOR ALL PAVEMENT THICKNESSES

CONCRETE

A DITCH IS NOT NECESSARY IF THE FOLLOWING CONDITIONS ARE MET:

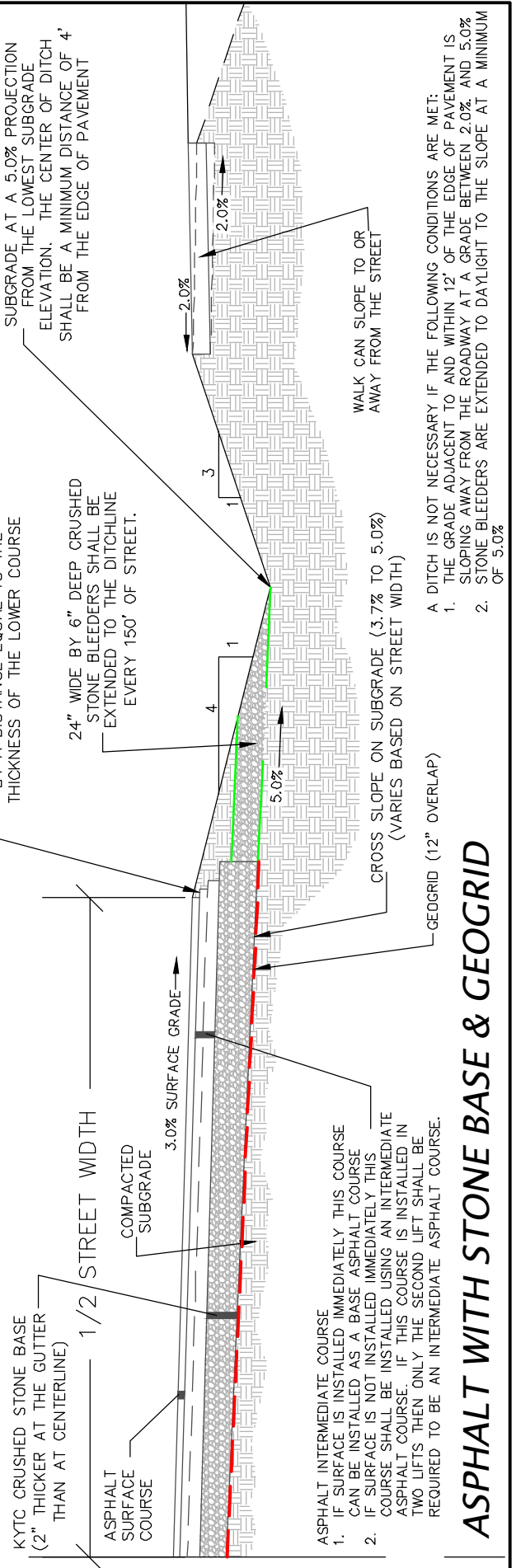
1. THE GRADE ADJACENT TO AND WITHIN 12' OF THE EDGE OF PAVEMENT IS SLOPING AWAY FROM THE ROADWAY AT A GRADE BETWEEN 2.0% AND 5.0%
2. DRAINAGE FROM THE SUBGRADE OF THE PAVEMENT CAN BE DRAINED TO THE FACE OF THE SLOPE AT A MINIMUM OF 5.0%

RURAL PAVEMENT SECTIONS



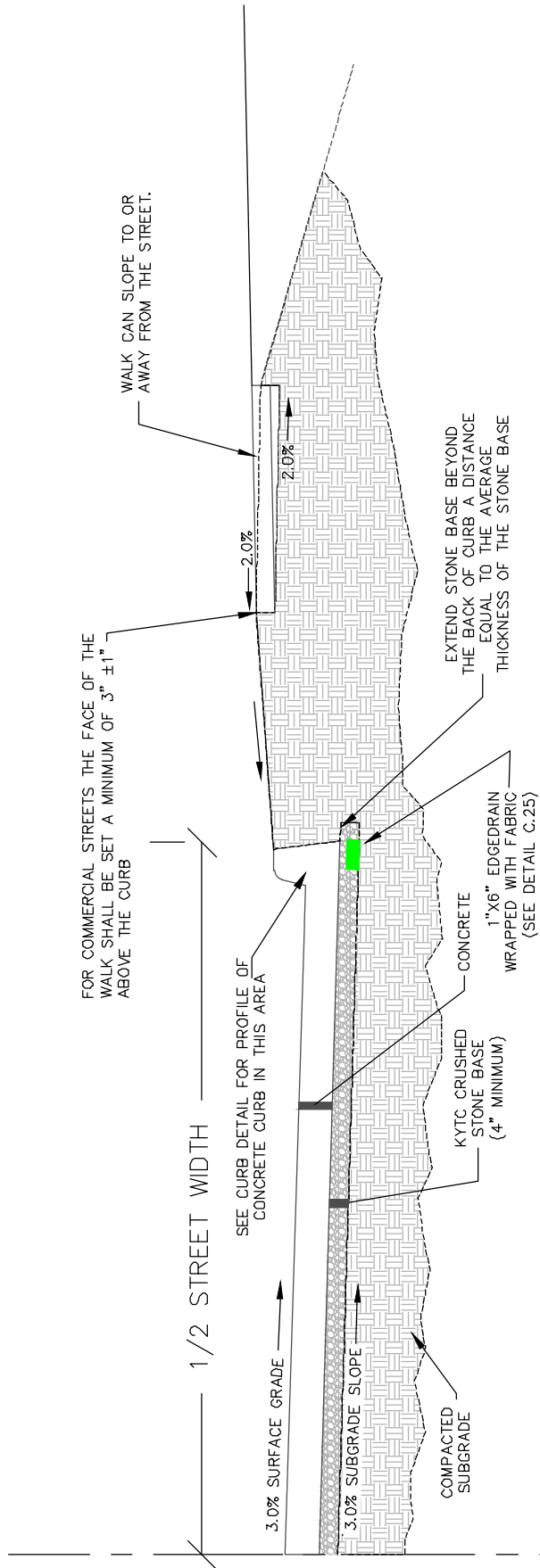
ASPHALT WITH STONE BASE

SEE TABLE A-2 FOR ALL PAVEMENT THICKNESSES



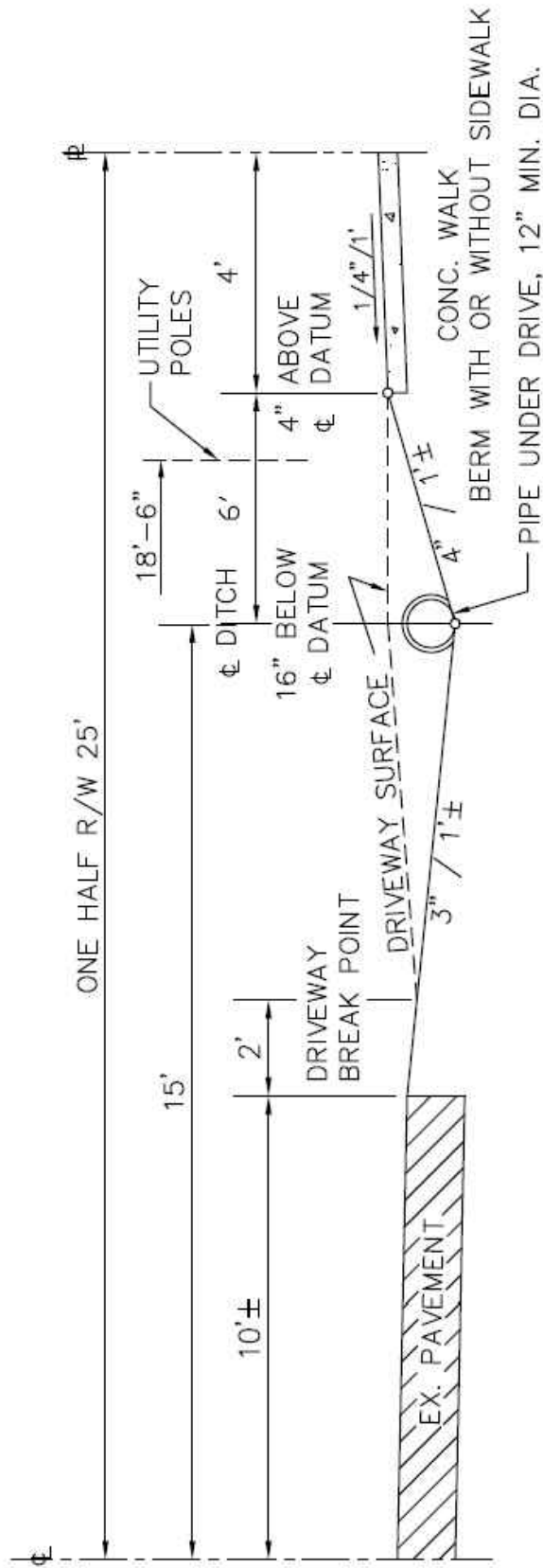
ASPHALT WITH STONE BASE & GEOGRID

COMMERCIAL/INDUSTRIAL PAVEMENT SECTION

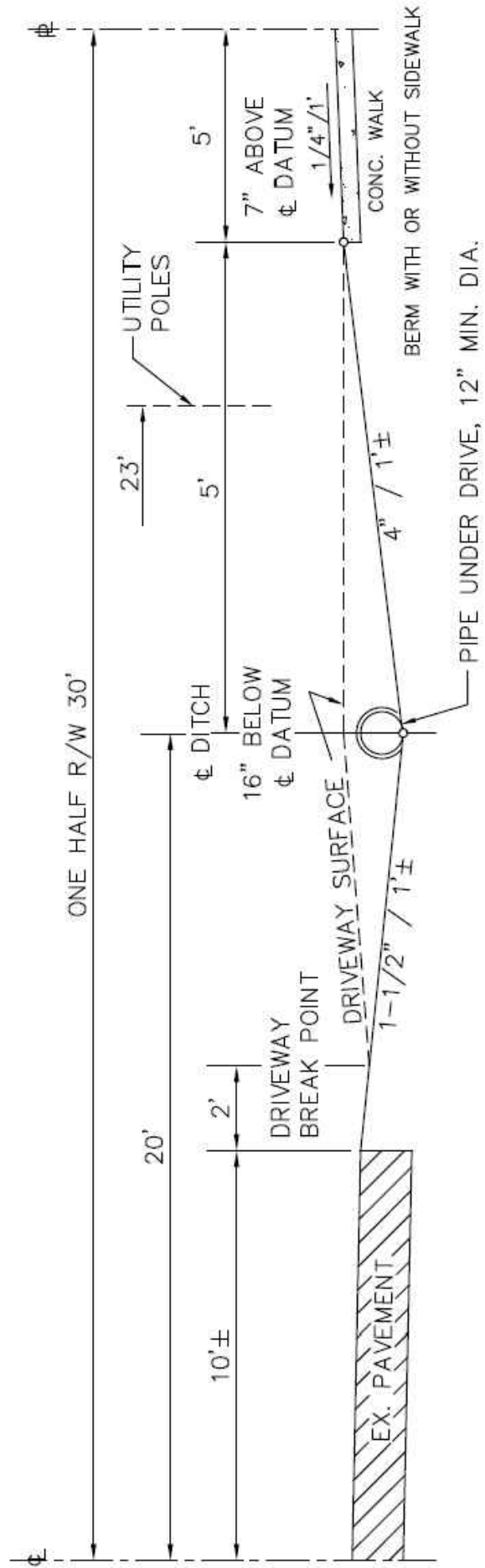


SEE TABLE A-2 FOR ALL PAVEMENT THICKNESSES

TYPICAL SECTION - SIDE DITCH DRAINAGE AT DRIVEWAY

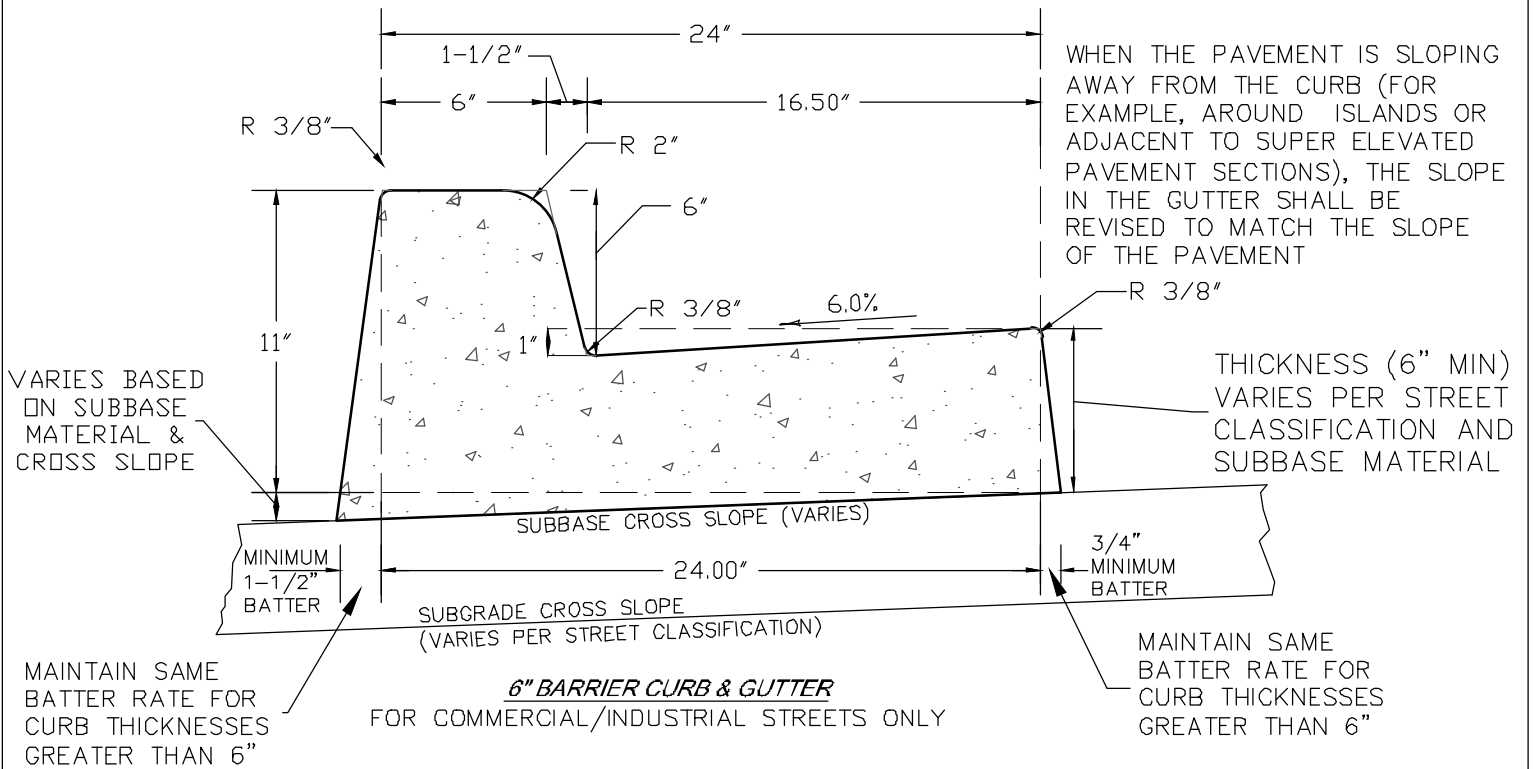


50 FOOT RIGHT-OF-WAYS

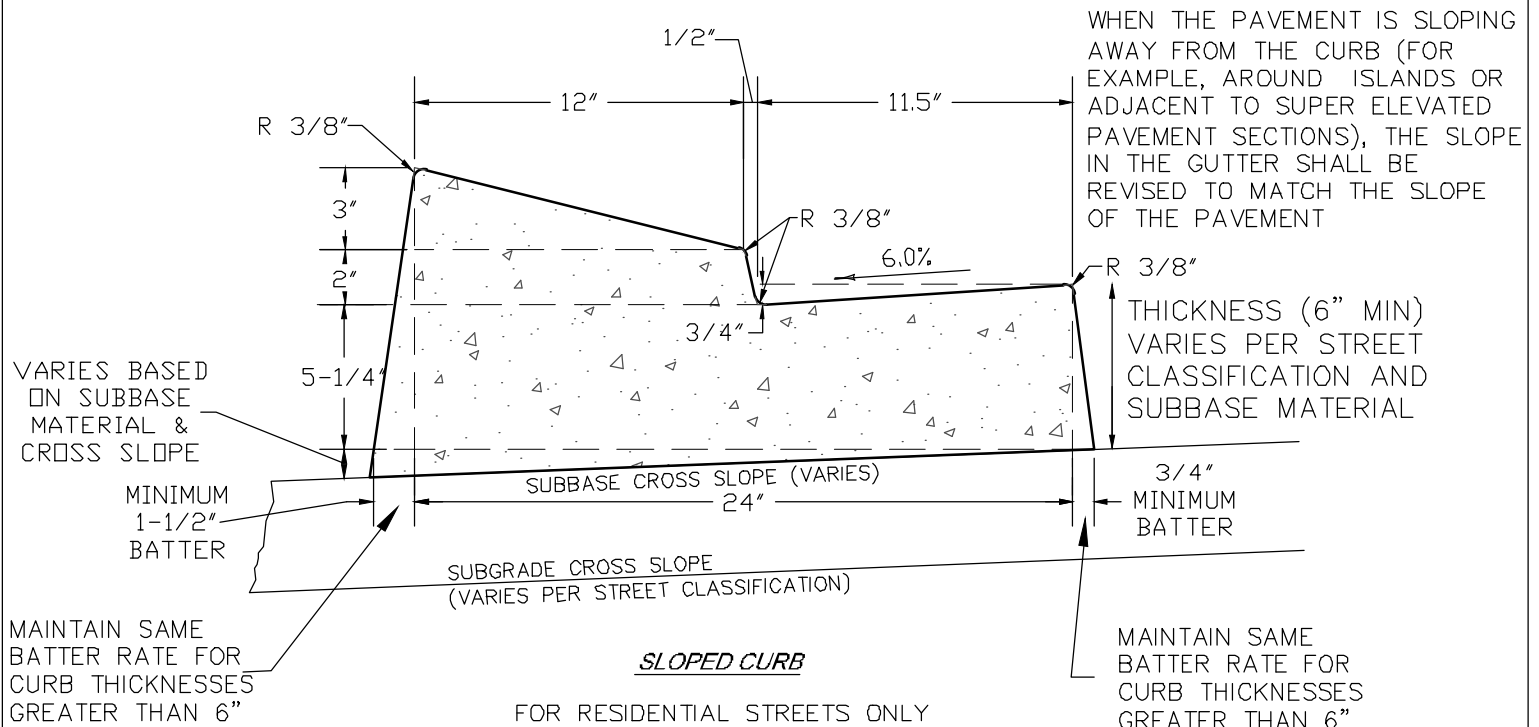


60 FOOT RIGHT-OF-WAYS

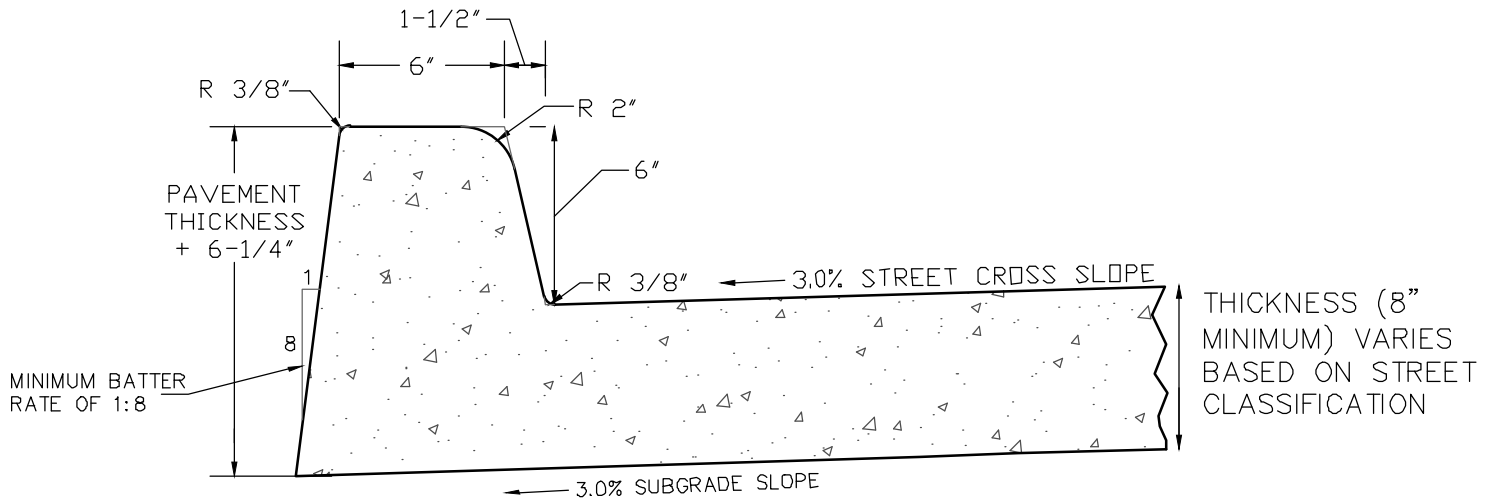
MACHINE PLACED CURB DETAILS ASPHALT STREETS



BATTER SHOWN ON THESE DETAILS ARE THE MINIMUM FOR MACHINE FORMED CURBS. HAND FORMED AND PLACED CURBS DO NOT REQUIRE THE BATTER SHOWN

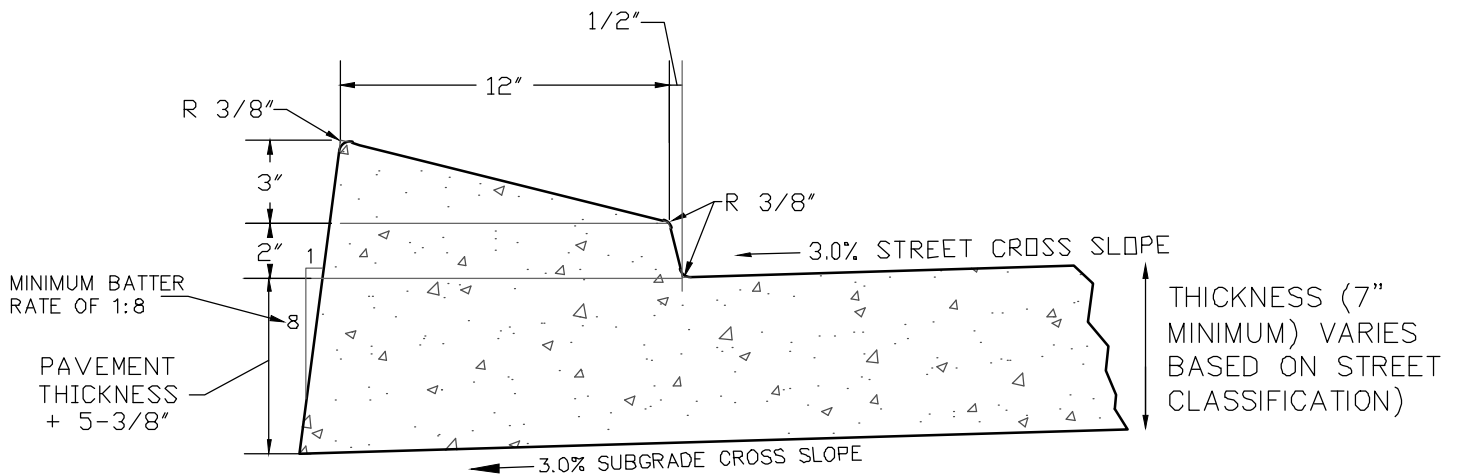


MACHINE PLACED CURB DETAILS CONCRETE STREETS



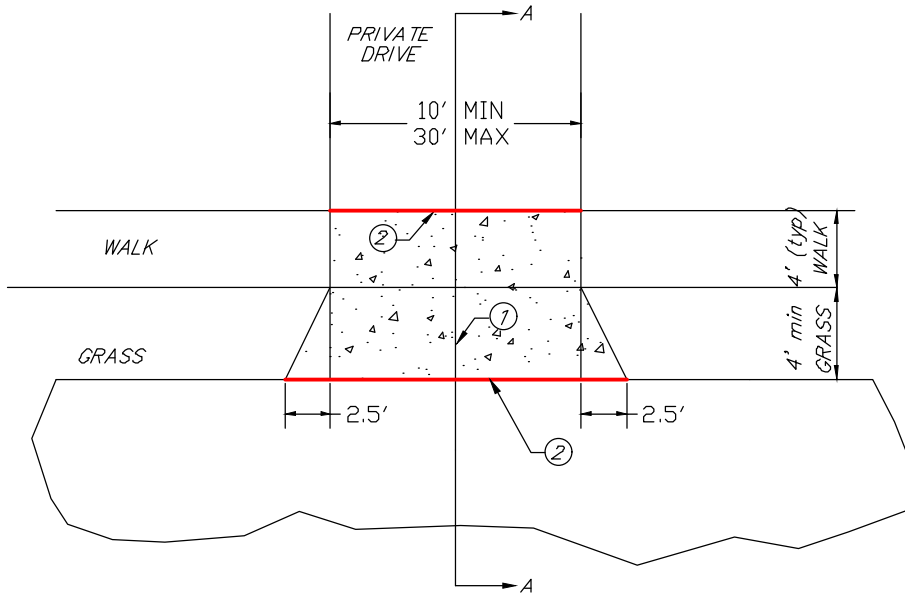
6" BARRIER INTEGRAL CURB
FOR COMMERCIAL/INDUSTRIAL STREETS ONLY

BATTER SHOWN ON THESE DETAILS ARE THE MINIMUM FOR MACHINE FORMED CURBS. HAND FORMED AND PLACED CURBS DO NOT REQUIRE THE BATTER SHOWN

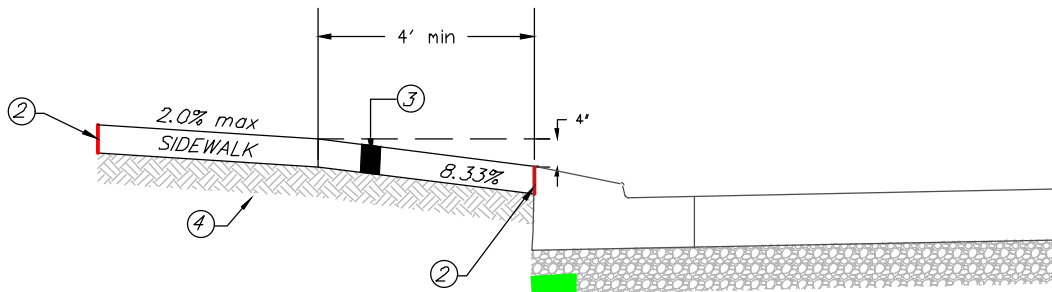


SLOPED INTEGRAL CURB
FOR RESIDENTIAL STREETS ONLY

RESIDENTIAL DRIVEWAY APRON SLOPED CURB



PLAN

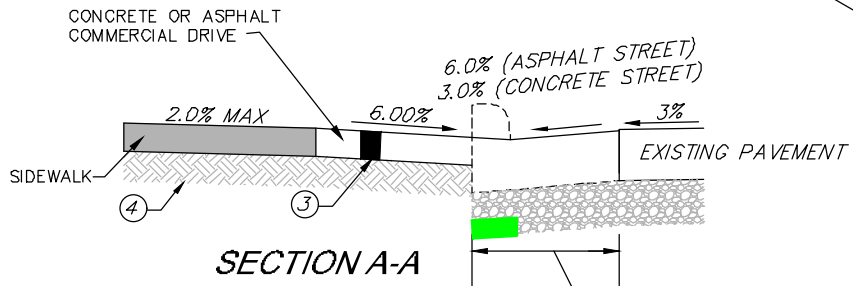
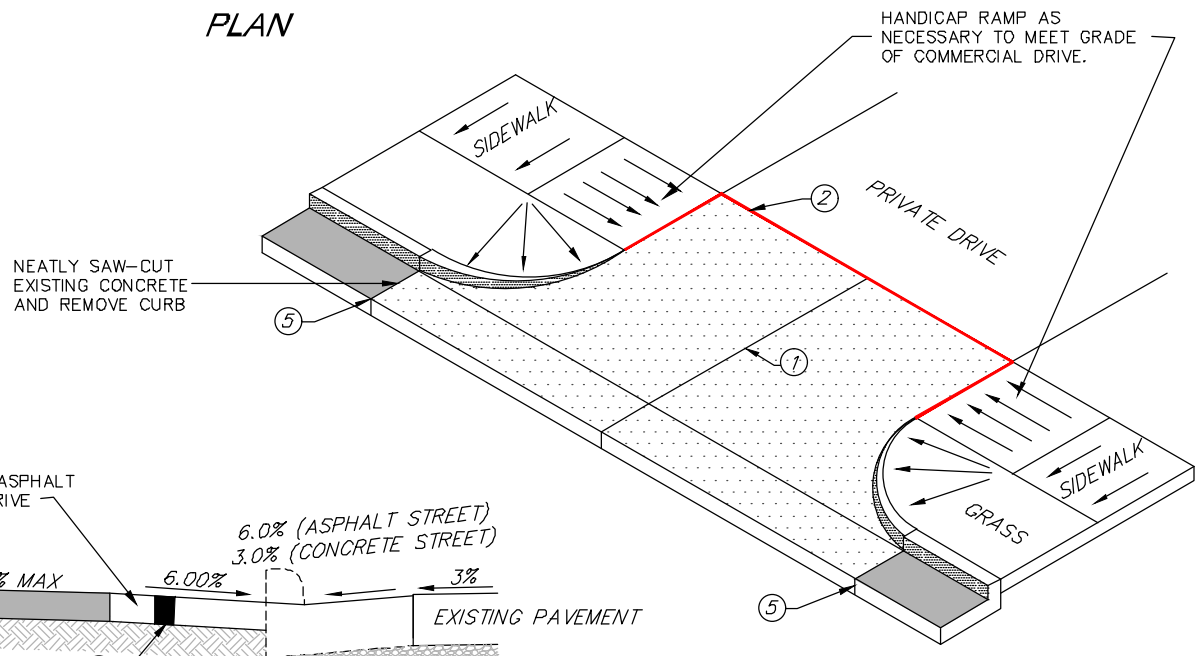
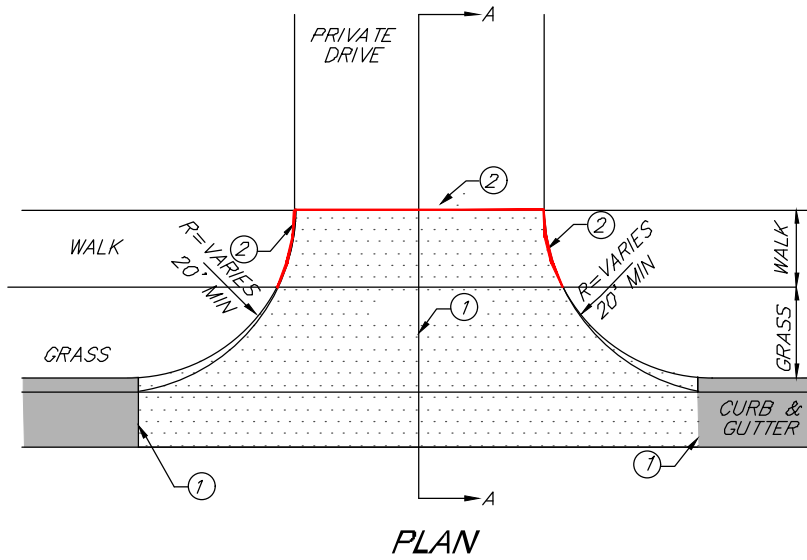


SECTION A-A

- ① CONTRACTION JOINT
- ② 1" EXPANSION JOINT
- ③ 5" CONCRETE RESIDENTIAL DRIVE
- ④ PREPARED SUBGRADE

EXPANSION JOINTS MUST EXCEED THE DEPTH OF THE DRIVEWAY PAVEMENT

COMMERCIAL DRIVEWAY APRON VERTICAL CURB & GUTTER



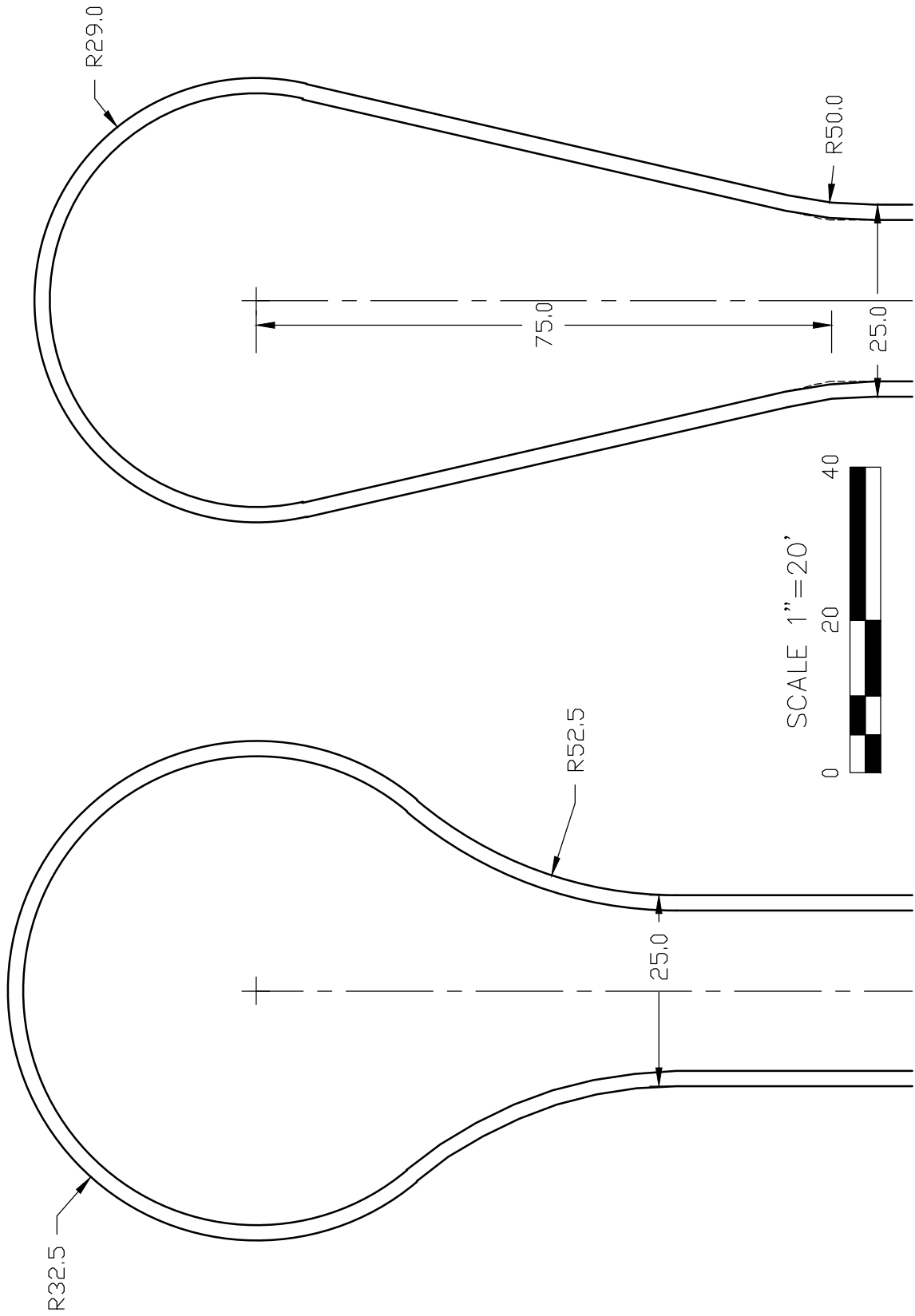
COMMERCIAL ASPHALT DRIVE IN THIS AREA TO MATCH THE DEPTH OF THE ASPHALT STREET. COMMERCIAL CONCRETE DRIVE SHALL MATCH CURB THICKNESS

CONCRETE COMMERCIAL DRIVE NOTES

- ① CONTRACTION JOINT
- ② 1" EXPANSION JOINT
- ③ 7" COMMERCIAL DRIVE
- ④ PREPARED SUBGRADE
- ⑤ CONSTRUCTION JOINT

EXPANSION JOINTS MUST EXCEED THE DEPTH OF THE DRIVEWAY PAVEMENT

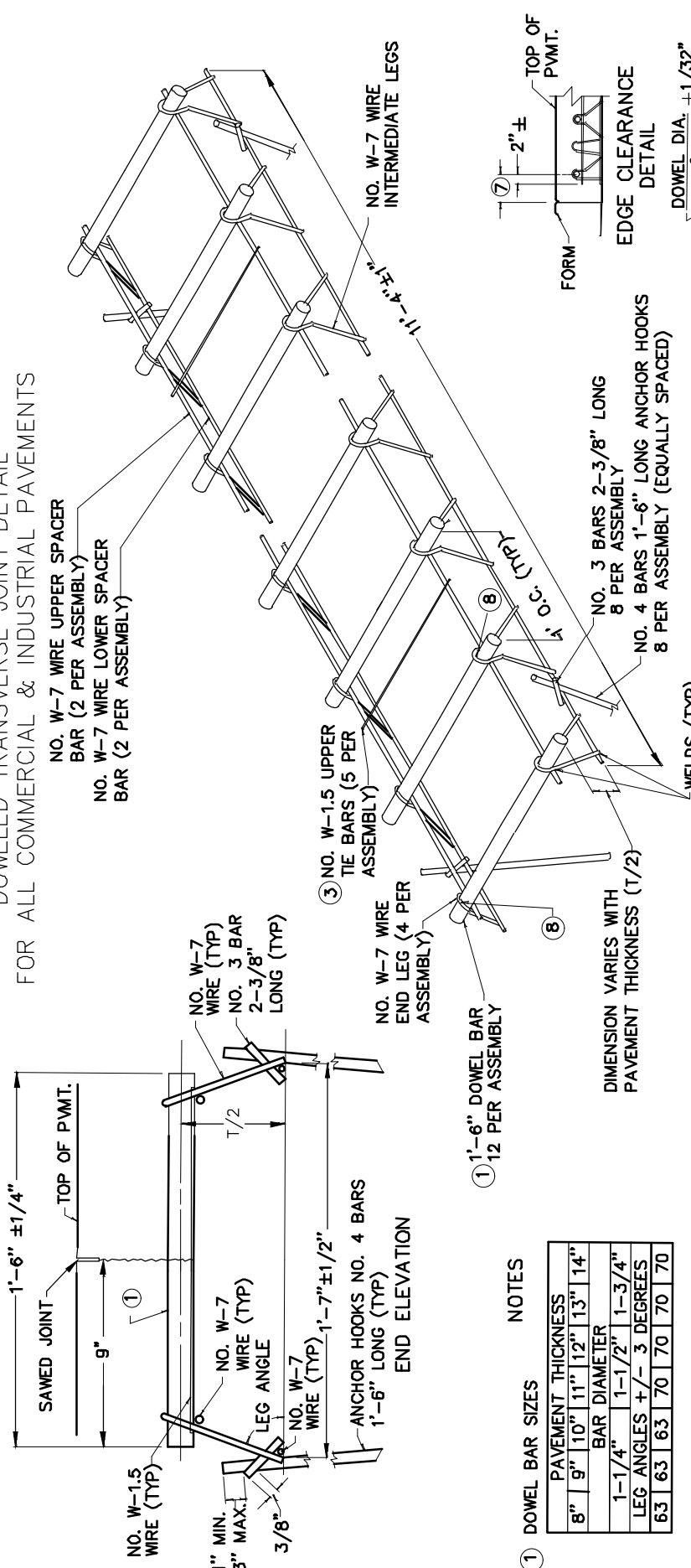
CUL-DE-SAC DETAILS



STANDARD CUL-DE-SAC

OPTIONAL TEAR DROP CUL-DE-SAC

DOWELED TRANSVERSE JOINT DETAIL
FOR ALL COMMERCIAL & INDUSTRIAL PAVEMENTS

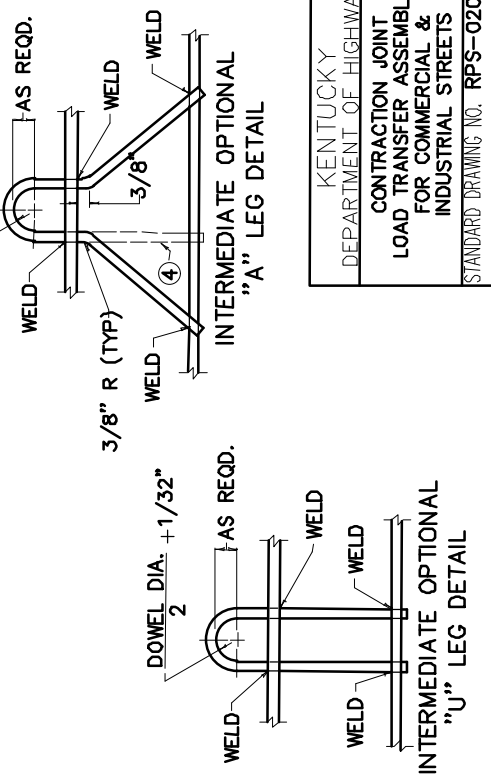


NOTES

DOWELED BAR SIZES	
PAVEMENT THICKNESS	BAR DIAMETER
8" 9" 10" 11" 12" 13" 14"	1-1/4"
	LEG ANGLES + / - 3 DEGREES
63 63 63 70 70 70 70	70 70 70 70

- ① NOT USED
- ② NOT USED
- ③ NO. W-1.5 UPPER TIE BARS WELDED TO UPPER SPACER BARS CUT AFTER FIRST CONCRETE PLACEMENT.
- ④ FOR END LEGS, BEND WIRE AS SHOWN BY PHANTOM LINES IN INTERMEDIATE LEG DETAIL.
- ⑤ REFERENCE POINTS SHALL BE REQUIRED ON EACH SIDE OF THE LOAD TRANSFER ASSEMBLY, IN ORDER TO LOCATE THE INTENDED SAWED JOINT AFTER PAVING. ALL SAWING SHALL BE ACCURATELY CONTROLLED TO THE CENTERLINE OF THE LOAD TRANSFER ASSEMBLIES. LONGITUDINAL ORIENTATION OF DOWEL BARS SHALL BE SUCH THAT ALL DOWEL BARS ARE PARALLEL WITH THE CENTERLINE OF EACH PAVING LANE.
- ⑥ NOT USED
- ⑦ 4-1/2" MIN. AND 10-1/2" MAX. FOR VARIABLE SLAB WIDTH. 6" FOR UNIFORM OR STD. SLAB WIDTH. LOCATION AND SPACING SEE APPLICABLE PAVEMENT STANDARD DRAWINGS.
- ⑧ WELD EITHER NO. W-7 UPPER SPACER BAR OR LEG SUPPORT TO ALTERNATE ENDS OF DOWEL BARS AS TYPICALLY SHOWN.
- ⑨ DOWEL ENDS SHALL NOT VARY MORE THAN 1/4" FROM A STRAIGHT LINE.
- ⑩ DOWELS SHALL BE PARALLEL WITH BASE, WITH A TOLERANCE OF 1/4".
- ⑪ EPOXY SHALL BE CLEANED OFF TO BARE METAL BEFORE WELDING DOWEL TO WIRE.
- ⑫ "U" LEG OR "A" LEG ARE ACCEPTABLE ALTERNATES PROVIDING MATCHED LEGS ARE SUPPLIED.

ISOMETRIC VIEW



KENTUCKY
DEPARTMENT OF HIGHWAYS
CONTRACTION JOINT
LOAD TRANSFER ASSEMBLIES
FOR COMMERCIAL &
INDUSTRIAL STREETS
STANDARD DRAWING NO. RPS-020-13

SUBMITTED _____ DATE _____
APPROVED _____ STATE HIGHWAY ENGINEER _____

CONCRETE JOINT DETAILS

FILL WITH JOINT SEALER PER APPENDIX A SAWED AND/OR TOOLED JOINT PER APPENDIX A



TRANSVERSE CONTRACTION
JOINT
(SAWED OR TOOLED JOINT)

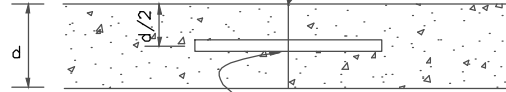
NOTE: TRAVERSE JOINTS FOR COMMERCIAL AND INDUSTRIAL PAVEMENTS SHALL USE LOAD TRANSFER ASSEMBLIES PER DETAIL C.16.

FILL WITH JOINT SEALER PER APPENDIX A TOOLED JOINT PER APPENDIX A



TRANSVERSE CONSTRUCTION
JOINT
(PLANNED OR EMERGENCY)
COINCIDE WITH CONTRACTION JOINT

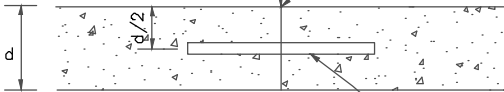
FILL WITH JOINT SEALER PER APPENDIX A SAWED OR TOOLED JOINT PER APPENDIX A



LONGITUDINAL SAWED OR
TOOLED JOINT
(PLANNED)
COINCIDE WITH CONTRACTION JOINT

1/2" DIAMETER REBAR
18" LONG @ 5' O.C.
HELD IN PLACE WITH
METAL CHAIRS

FILL WITH JOINT SEALER PER APPENDIX A EDGED JOINT PER APPENDIX A



1/2" DIAMETER REBAR 18"
LONG @ 4' O.C., 9" DEEP
DRILLED AT 30 DEGREE
ANGLE OR INJECTED INTO
FRESH CONCRETE

LONGITUDINAL CONSTRUCTION
JOINT
(DRILLED OR INJECTED)

CONCRETE PAVEMENT JOINT PLAN

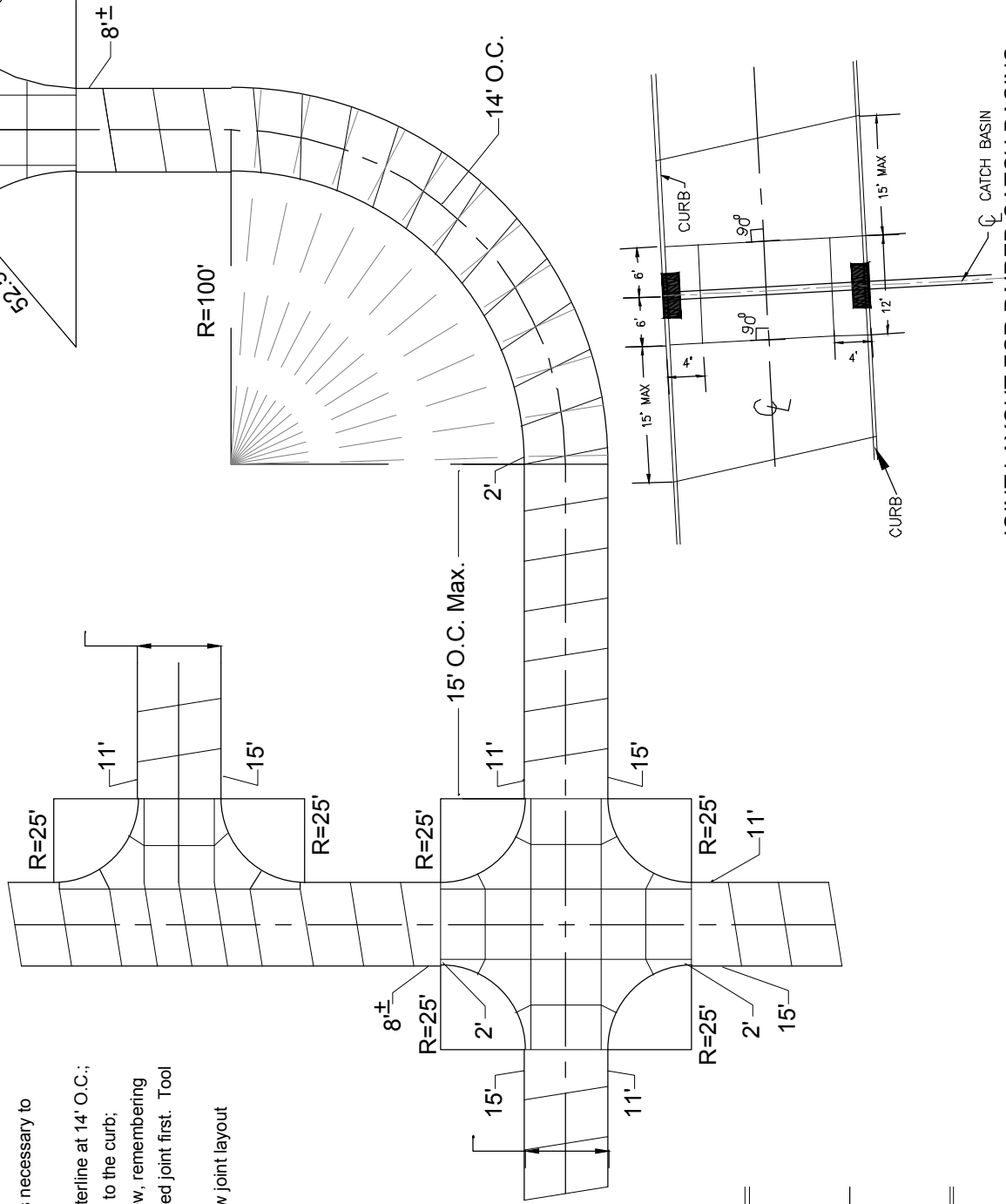
GENERAL RULES OF TOOLED CONTRACTION

JOINT LAYOUT

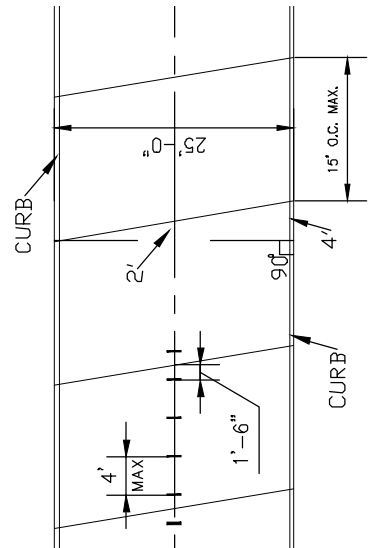
- 1.) Skew joints 2' in each 12.5' lane; 2'-4" skew in each 14' lane.
- 2.) Always have the driver's side front wheel of the vehicle hit the skewed joint first.
- 3.) Maximum joint spacing = 15'; adjust joint spacing as necessary to keep spacing above a 8' minimum.
- 4.) On horizontal curves, layout joint spacing along centerline at 14' O.C.; visually determine a radial line from the centerline back to the curb; measure back (forward) from that point 2' to set the skew, remembering the driver's side front wheel of the vehicle hits the skewed joint first. Tool the joint at the skewed line.
- 5.) At intersections, catch basins and cul-de-sacs, follow joint layout shown.

NOTE:

ALL CONSTRUCTION JOINTS ARE DOWELED JOINTS.

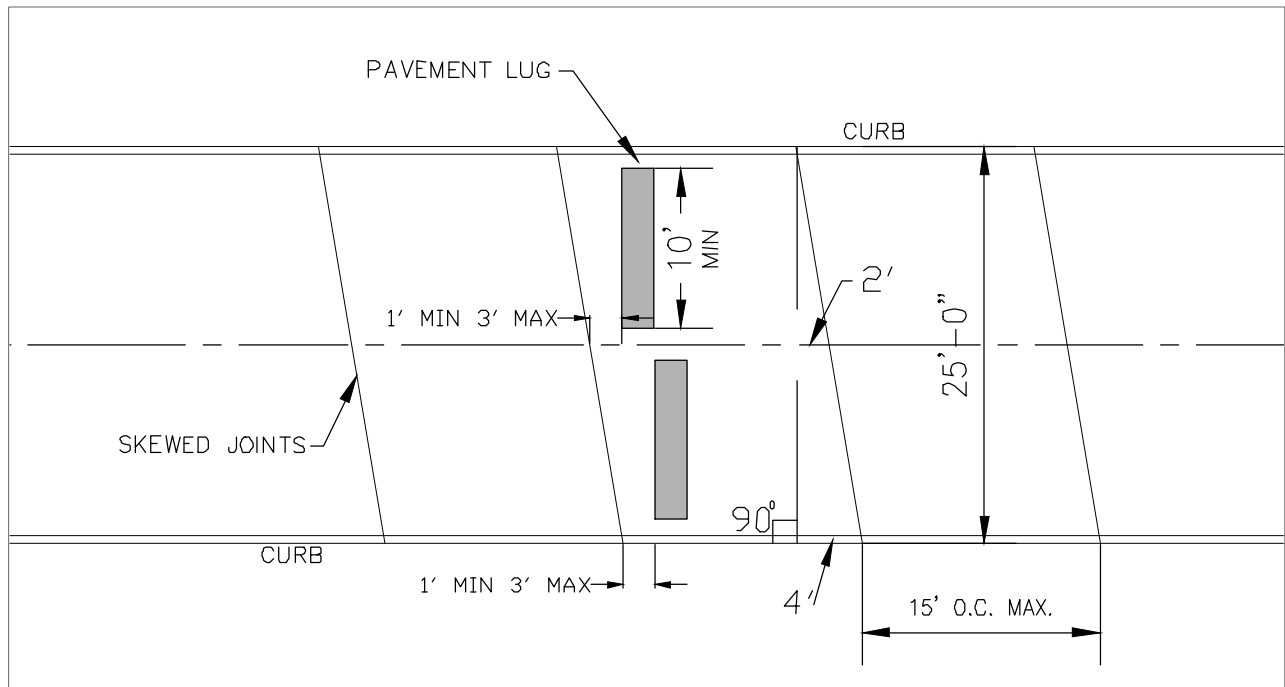
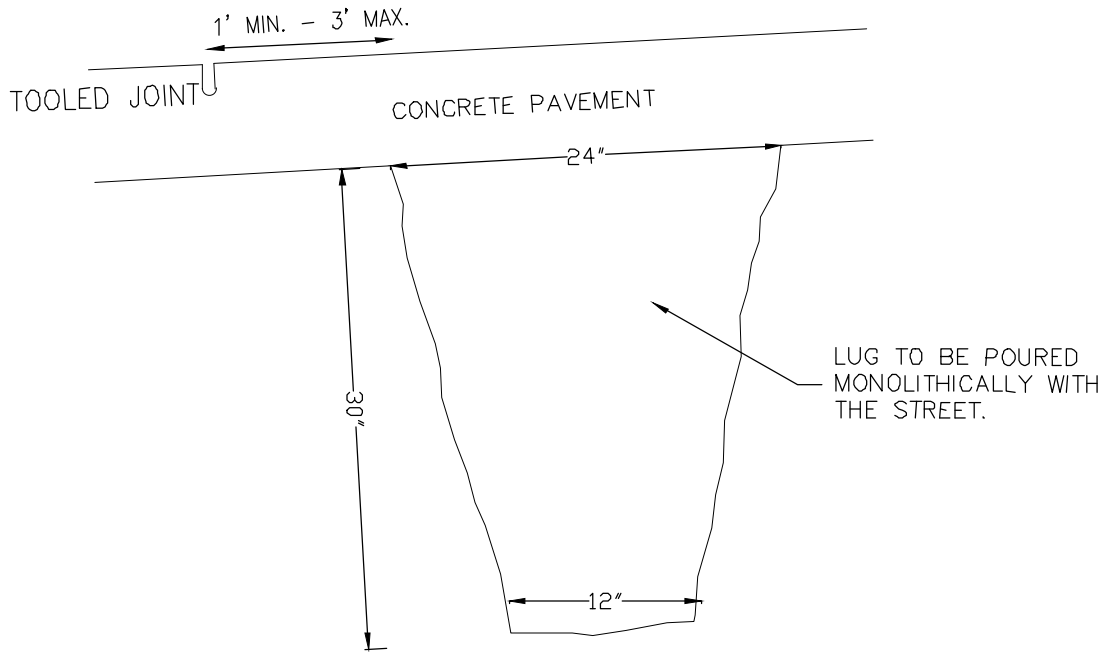


TYPICAL SKEWED JOINT AND ϕ BENT BAR LAYOUT
SCALE: N.T.S.

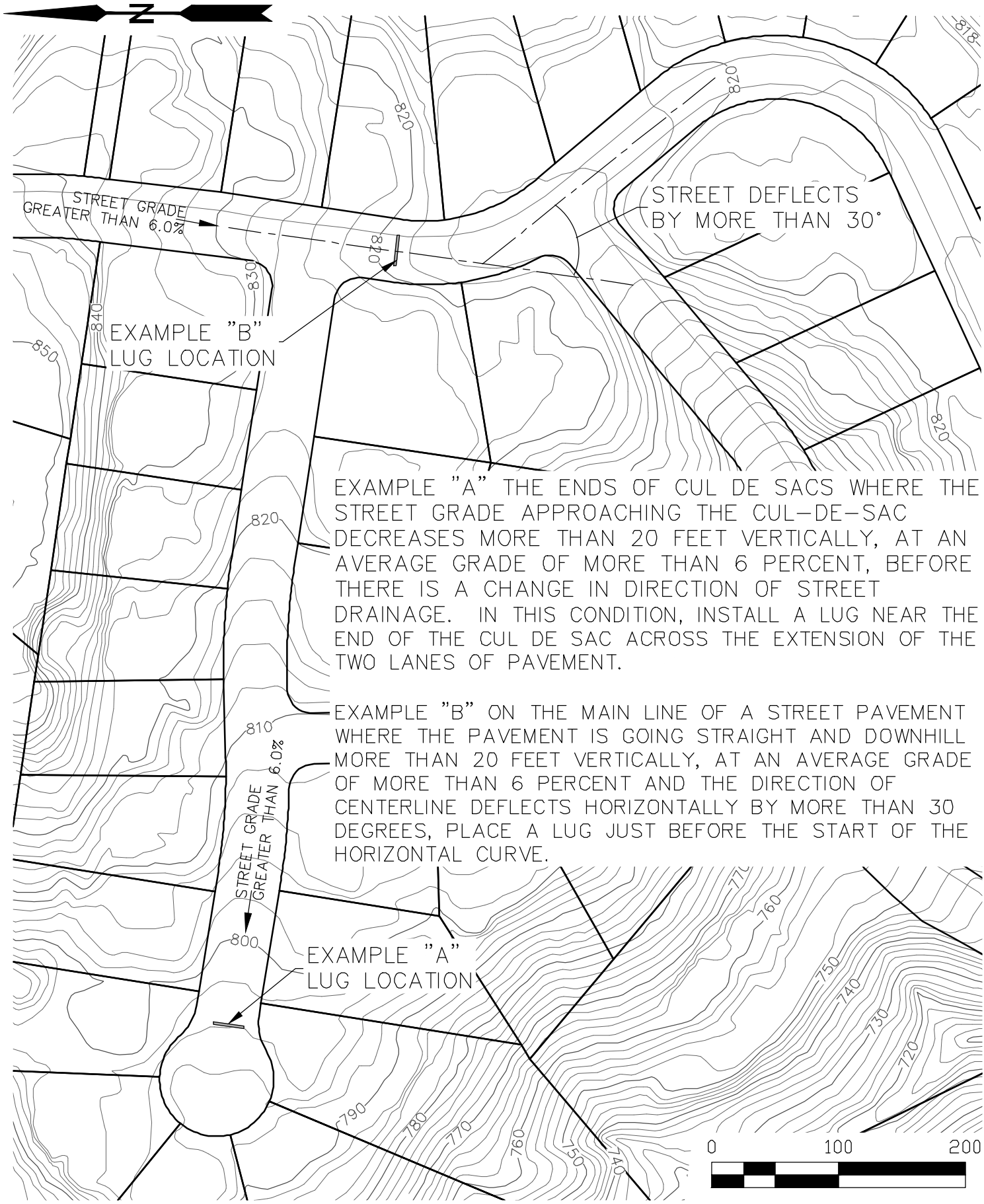


JOINT LAYOUT FOR PAIRED CATCH BASINS

PAVEMENT LUG DETAIL



EXAMPLE PAVEMENT LUG LOCATION

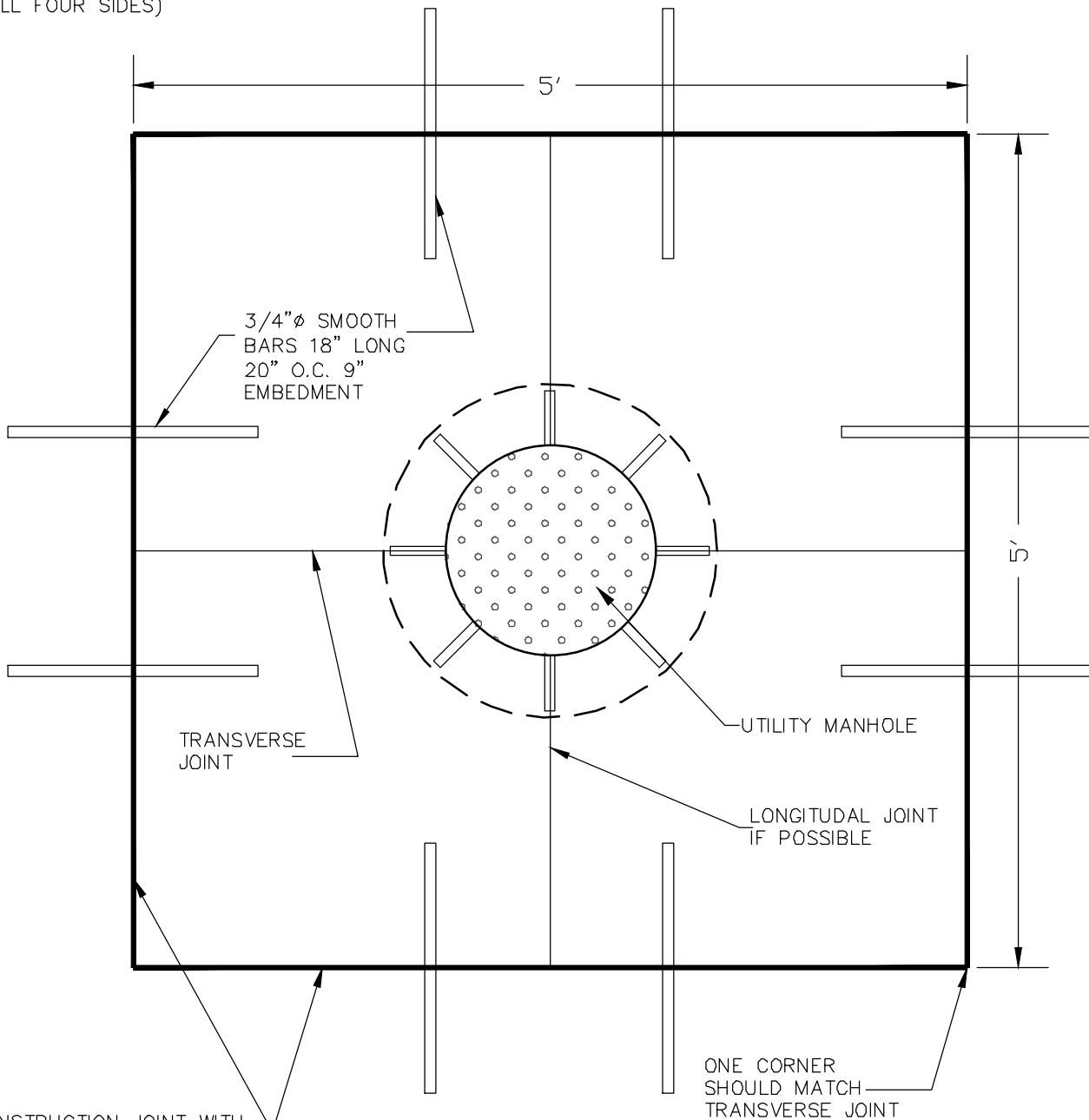


EXAMPLE "A" THE ENDS OF CUL DE SACS WHERE THE STREET GRADE APPROACHING THE CUL-DE-SAC DECREASES MORE THAN 20 FEET VERTICALLY, AT AN AVERAGE GRADE OF MORE THAN 6 PERCENT, BEFORE THERE IS A CHANGE IN DIRECTION OF STREET DRAINAGE. IN THIS CONDITION, INSTALL A LUG NEAR THE END OF THE CUL DE SAC ACROSS THE EXTENSION OF THE TWO LANES OF PAVEMENT.

EXAMPLE "B" ON THE MAIN LINE OF A STREET PAVEMENT WHERE THE PAVEMENT IS GOING STRAIGHT AND DOWNHILL MORE THAN 20 FEET VERTICALLY, AT AN AVERAGE GRADE OF MORE THAN 6 PERCENT AND THE DIRECTION OF CENTERLINE DEFLECTS HORIZONTALLY BY MORE THAN 30 DEGREES, PLACE A LUG JUST BEFORE THE START OF THE HORIZONTAL CURVE.

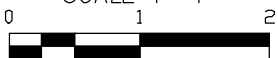
**MANHOLE BLOCK-OUT DETAIL
(CONCRETE PAVEMENT)
THIS DETAIL DOES NOT APPLY FOR UTILITIES
ALREADY BROUGHT TO GRADE**

1" EXPANSION MATERIAL
(ALL FOUR SIDES)

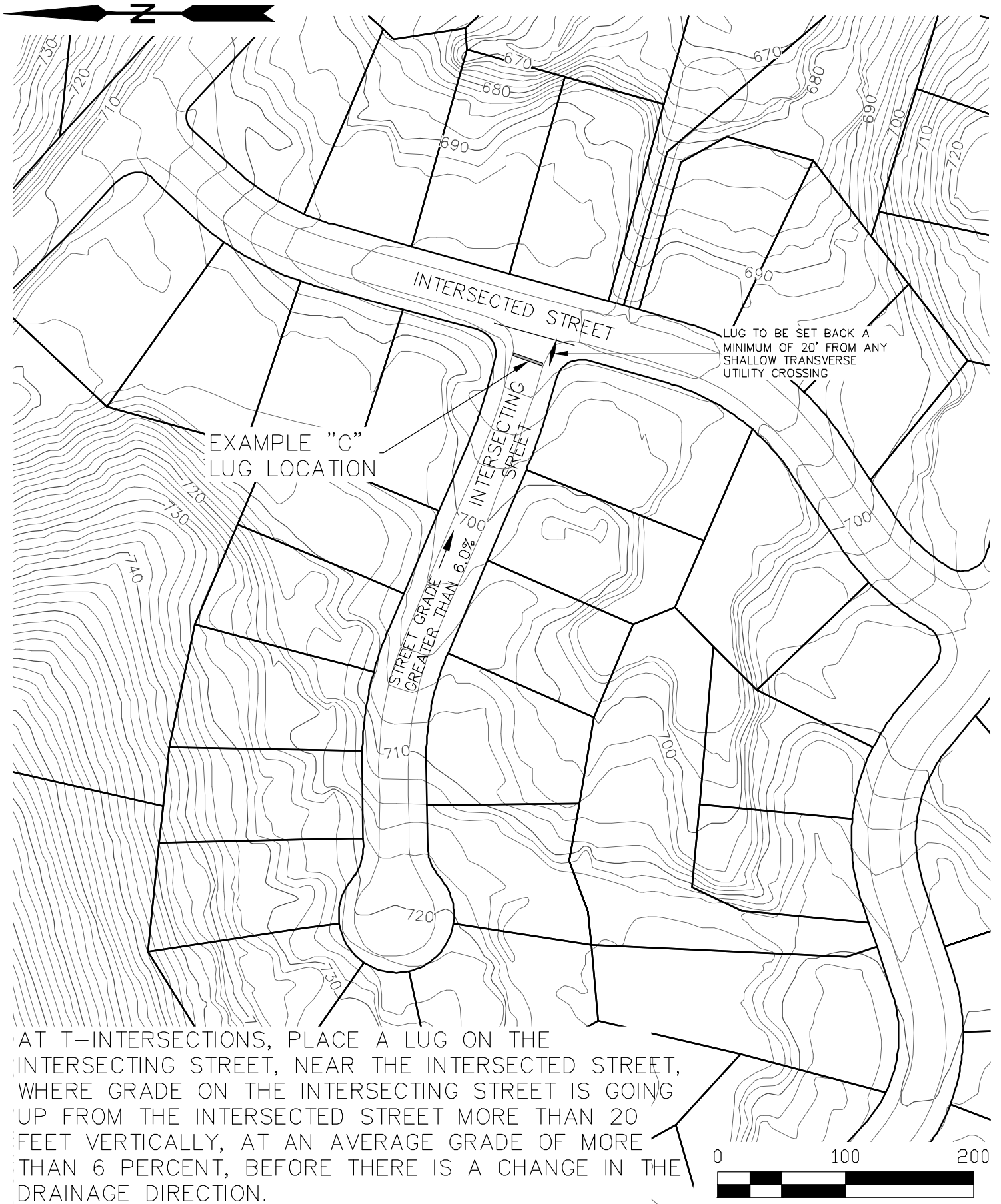


CONSTRUCTION JOINT WITH
1" EXPANSION MATERIAL
(ALL FOUR SIDES)

SCALE 1"=1'

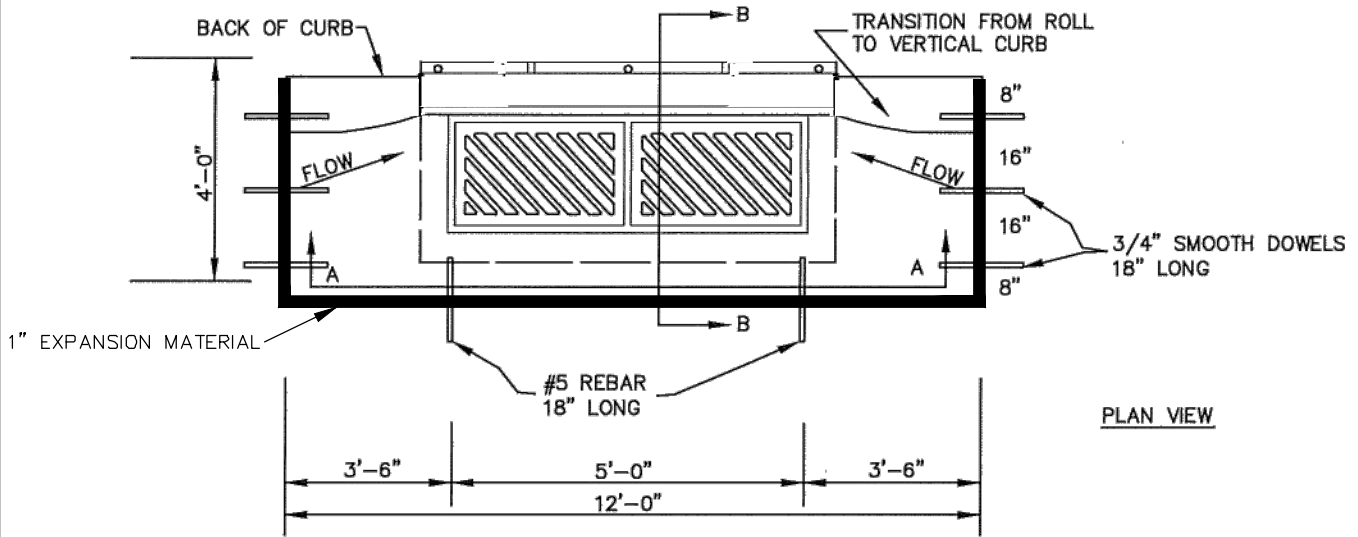


EXAMPLE PAVEMENT LUG LOCATION

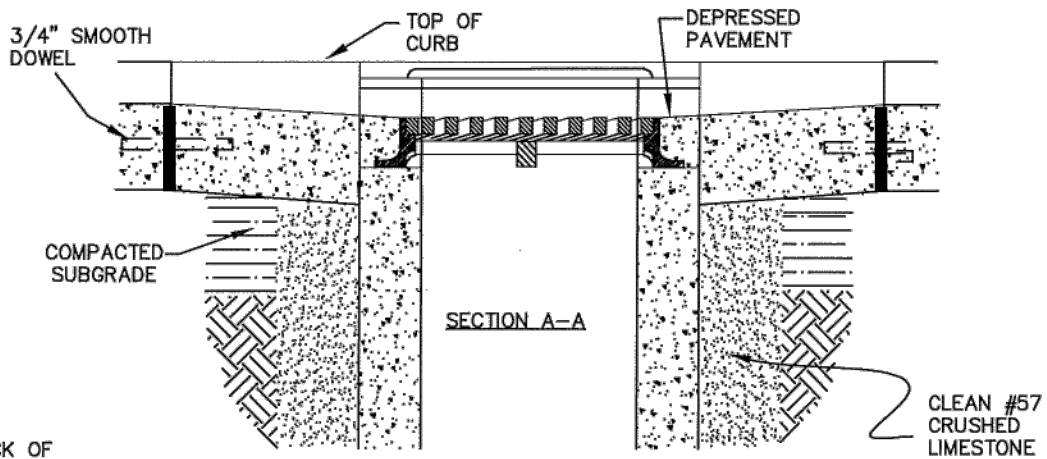


AT T-INTERSECTIONS, PLACE A LUG ON THE INTERSECTING STREET, NEAR THE INTERSECTED STREET, WHERE GRADE ON THE INTERSECTING STREET IS GOING UP FROM THE INTERSECTED STREET MORE THAN 20 FEET VERTICALLY, AT AN AVERAGE GRADE OF MORE THAN 6 PERCENT, BEFORE THERE IS A CHANGE IN THE DRAINAGE DIRECTION.

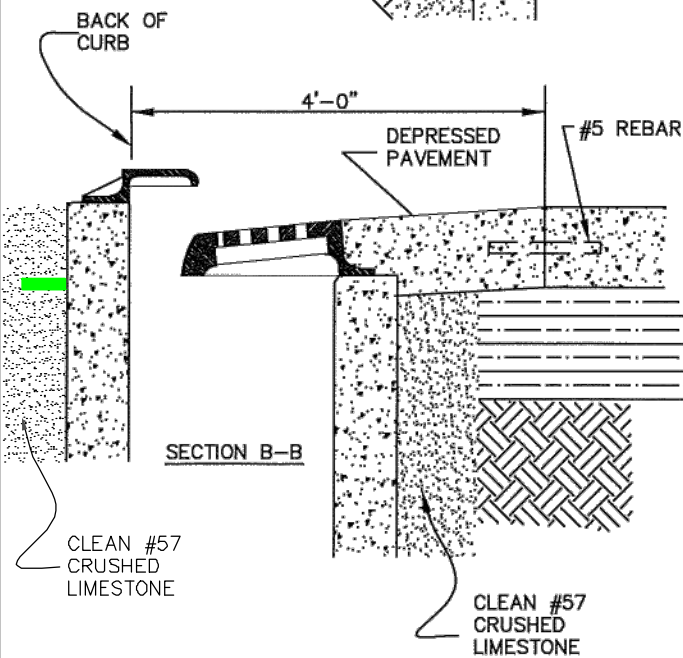
**STANDARD CURB INLET
(CONCRETE PAVEMENT BLOCKOUT DETAIL)**



PLAN VIEW



SECTION A-A



SECTION B-B

NOTES:

CONCRETE PAVEMENT FOR THE BLOCKOUTS SHALL MEET THE SAME REQUIREMENTS AS THE CONCRETE PAVEMENT.

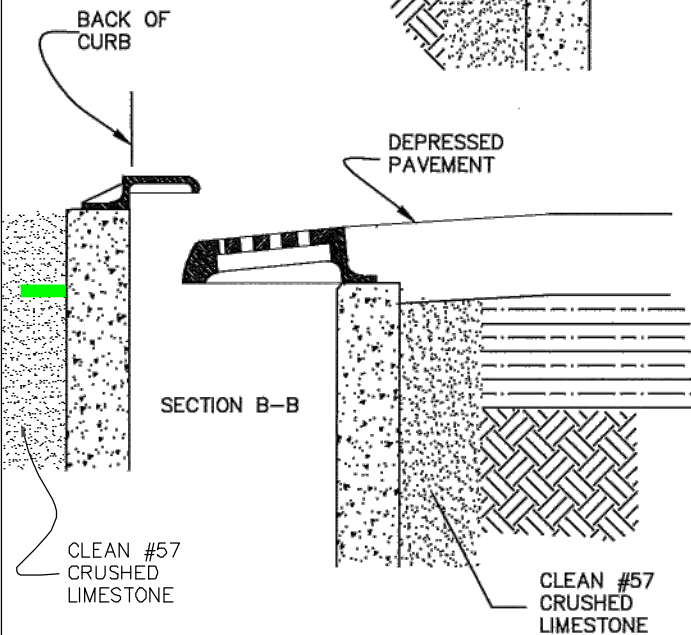
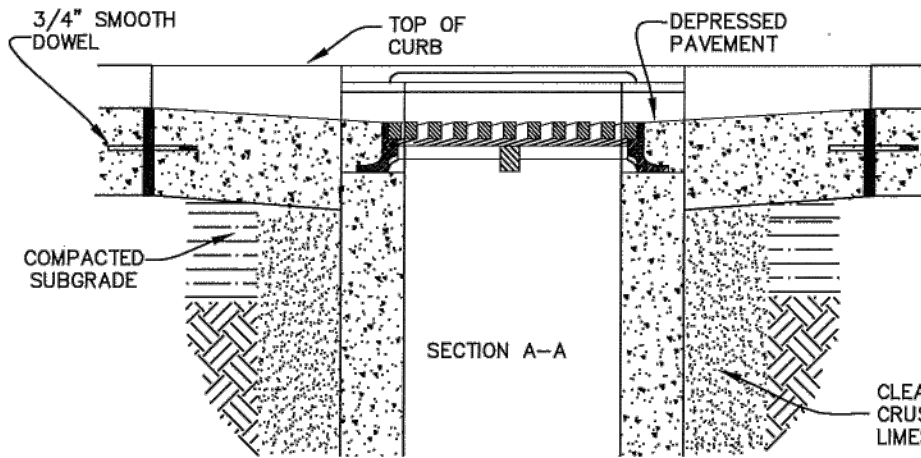
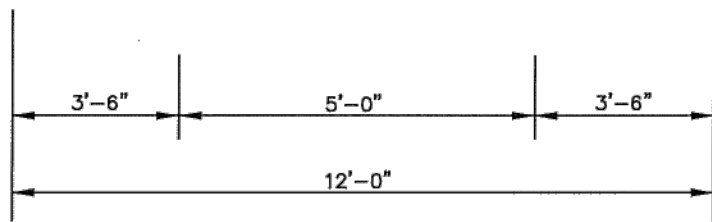
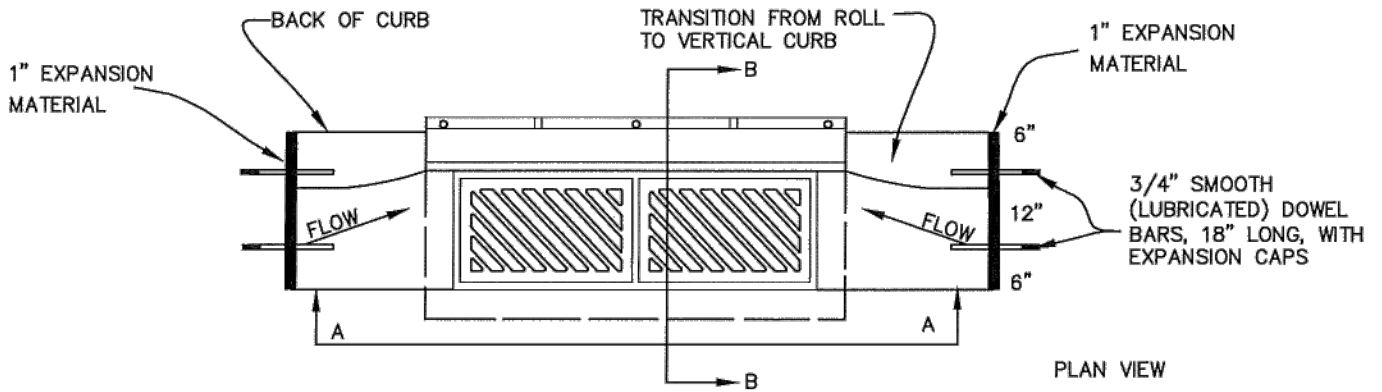
BLOCKOUTS FOR SINGLE INLET CATCH BASINS SHALL BEAR THE SAME DIMENSIONS AS THE DOUBLE INLET CATCH BASIN.

3/4"x18" DOWELS ARE REQUIRED FOR CONCRETE PAVEMENT OR GUTTER BLOCKOUT.

TWO #5 BARS, 18" LONG ARE REQUIRED ALONG BUTT JOINT OF ISOLATION AREA.

ALL GRATES SHALL BE VANE GRATES

**STANDARD CURB INLET
(ASPHALT PAVEMENT BLOCKOUT DETAIL)**



NOTES:

CONCRETE PAVEMENT FOR THE BLOCKOUTS SHALL MEET THE SAME REQUIREMENTS AS THE CONCRETE PAVEMENT.

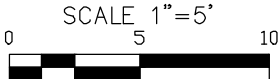
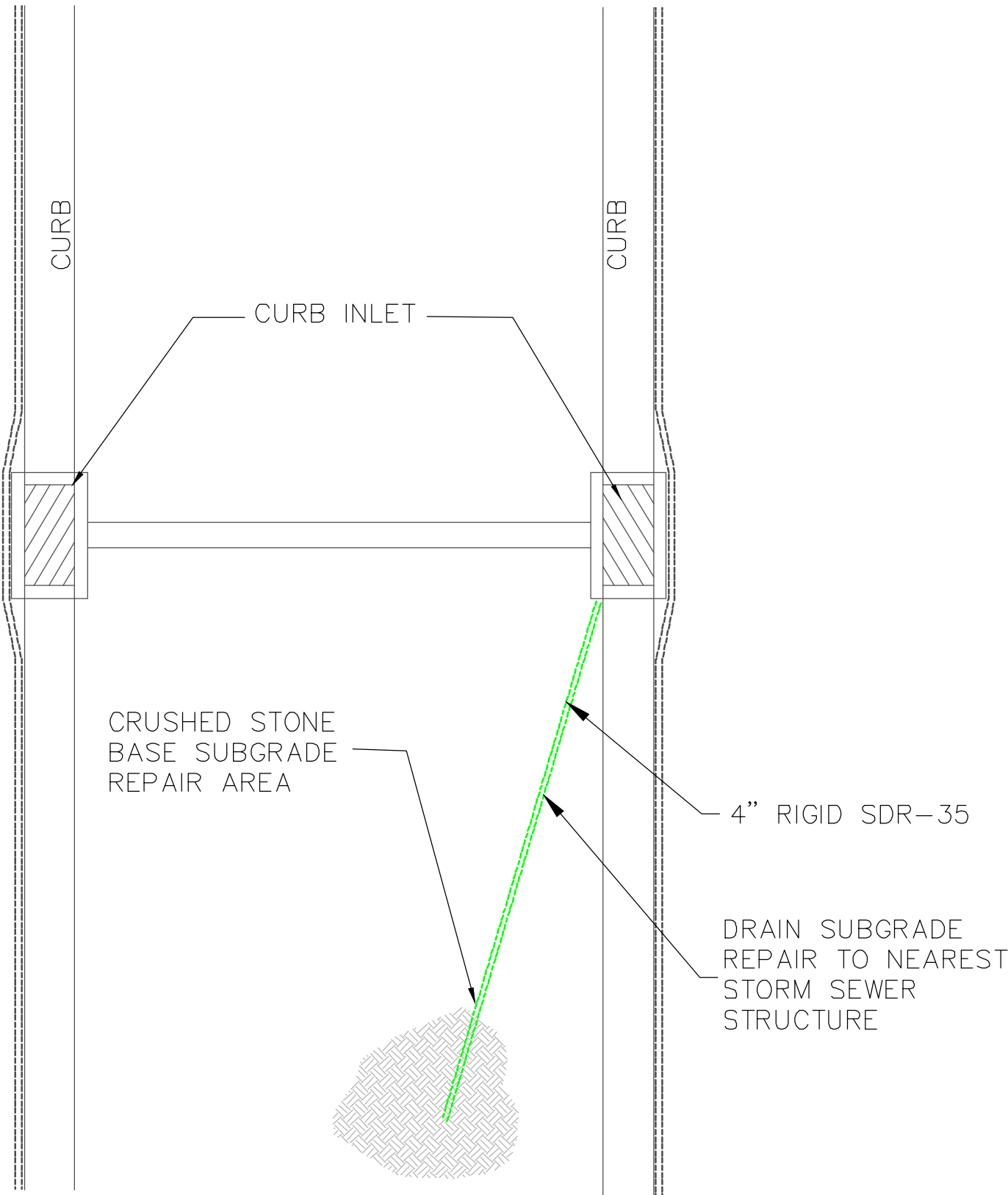
BLOCKOUTS FOR SINGLE INLET CATCH BASINS SHALL BEAR THE SAME DIMENSIONS AS THE DOUBLE INLET CATCH BASIN.

3/4"x18" DOWELS ARE REQUIRED FOR CONCRETE PAVEMENT OR GUTTER BLOCKOUT.

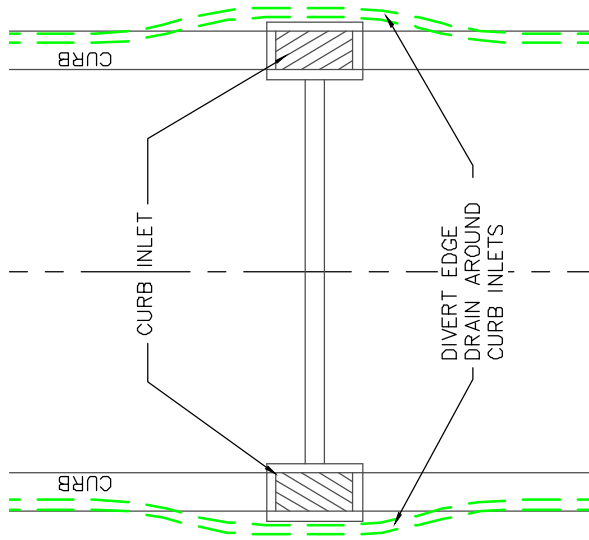
PAVEMENT THICKNESS SHALL CONFORM TO THE RELATED STREET CLASSIFICATION.

ALL GRATES SHALL BE VANE GRATES

DRAINAGE FOR SUBGRADE REPAIR

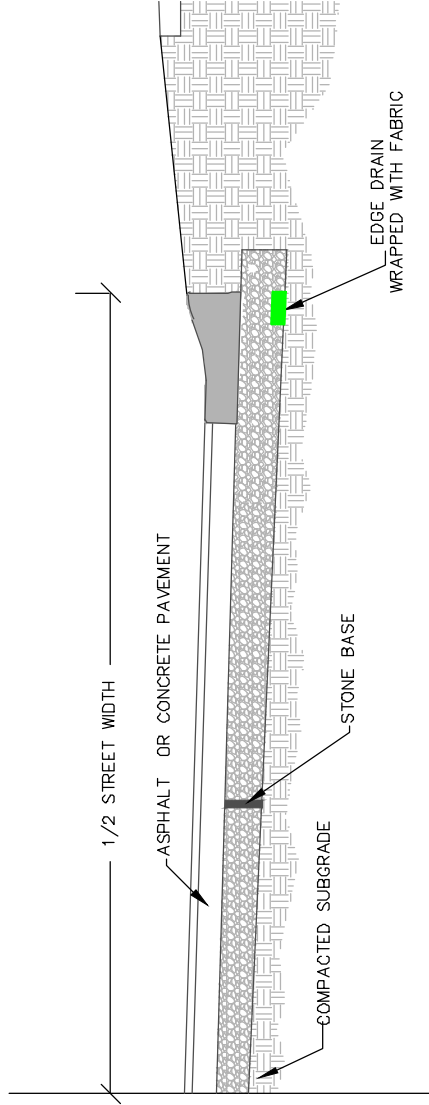


EDGE DRAIN INSTALLATION WITH STONE BASE STREETS



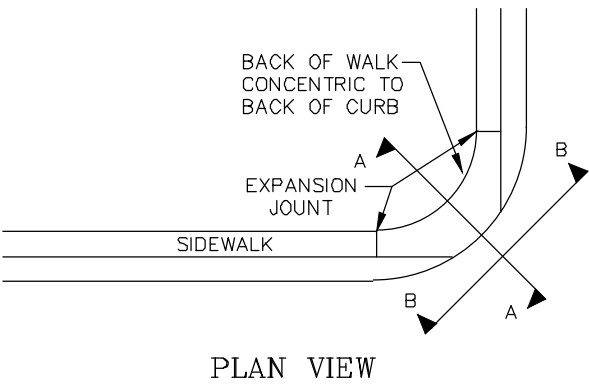
EDGE DRAIN INSTALLATION PROCEDURE FOR STONE BASE STREETS

1. ROLL OUT EDGE DRAIN FLAT (HORIZONTAL) SO THAT OUTSIDE FACE OF EDGE DRAIN ALIGNS WITH THE OUTSIDE EDGE OF CURB.
2. TACK EDGE DRAIN EVERY 5 FEET TO THE SUBGRADE USING 16 PENNY NAILS OR EQUAL.
3. DO NOT DRIVE CONSTRUCTION EQUIPMENT DIRECTLY ON EDGE DRAIN.
4. INSTALL STONE BASE TO A MINIMUM THICKNESS OF 4" OVER EDGE DRAIN.
5. COMPACT STONE BASE AS NECESSARY AND PROCEED WITH REMAINING PAVEMENT INSTALLATION.
6. AT CATCH BASINS CONTINUE EDGE DRAIN ALONG THE BACK SIDE OF CATCH BASIN.
7. EDGE DRAIN SHALL BE CONTINUOUS ALONG BOTH SIDES OF CURB.
8. EDGE DRAIN SHALL BE IN DIRECT CONTACT WITH #57 STONE BACKFILL AT ALL CATCH BASINS.
9. SPLICES IN EDGE DRAIN SHALL BE MADE WITH MANUFACTURER'S COUPLERS OR OTHER APPROVED CONNECTION BY MANUFACTURER.



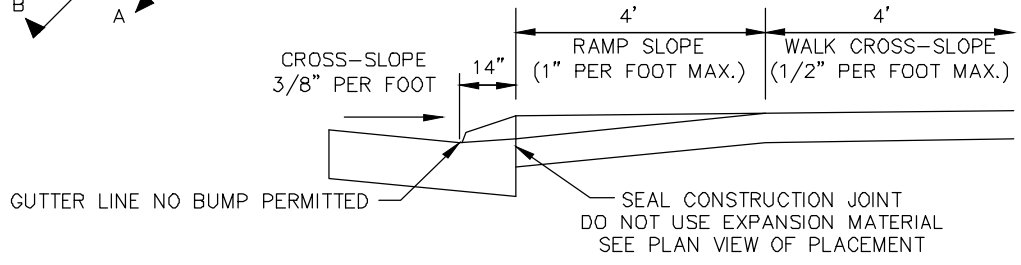
EDGE DRAIN MATERIAL SPECIFICATIONS

- A. CORE
1. MATERIAL: POLYETHYLENE OR POLYPROPYLENE. POLYSTYRENE WILL NOT BE ACCEPTED.
 2. MINIMUM THICKNESS: 1.0"
 3. WIDTH = 6" (MINIMUM)
 4. MINIMUM COMPRESSIVE STRENGTH: ONE-SIDED (OPEN-CORE) NOT ACCEPTED
CLOSED CORE CONDUIT = 6,000 PSF (ASTM D-1621) OR = 4,000 PSF (ASTM D-6364)
- B. GEOTEXTILE FILTER FABRIC:
1. MATERIAL: NON-WOVEN NEEDLE PUNCH GEOTEXTILE FABRIC THAT MEETS AASHTO CLASS 3.
 2. ATTACHMENT: THE GEOTEXTILE FILTER FABRIC SHALL BE WRAPPED AROUND THE DRAINAGE COMPOSITE CORE AND SECURED IN PLACE.
- C. CERTIFICATIONS
1. CONTRACTOR SHALL SUPPLY MANUFACTURER'S CERTIFICATION THAT THE EDGE DRAIN INSTALLED MEETS PERFORMANCE SPECIFICATION AND THE INTENDED USE SHOWN ON THIS DETAIL.
- D. APPROVED PRODUCTS: ADS ADVANEDGE, MULTI-FLOW OR EQUAL

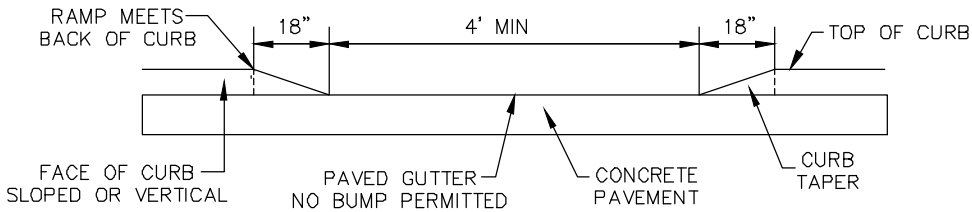


NOTES

1. SIDEWALK RAMP SHALL BE CONSTRUCTED OF MINIMUM 4000 PSI AIR-ENTRAINED CONCRETE. A BROOM FINISH OR EQUAL NON-SKID FINISH IS REQUIRED.
2. NORMAL GUTTER LINE SHALL BE MAINTAINED THROUGH THE AREA OF THE RAMP FOR DRAINAGE.
3. MINIMUM THICKNESS FOR RAMP, SHALL BE 4 INCHES, SAME AS SIDEWALKS
4. NO FREE DRAINING GRANULAR FILL PERMITTED UNDER RAMP.
5. HANDICAP RAMP SHALL MEET ADA REQUIREMENTS AND CONTAIN DETECTABLE WARNINGS CONSISTING OF RAISED TRUNCATED DOMES. ONLY COMPOSITE INLAYS WILL BE PERMITTED.



SECTION A-A

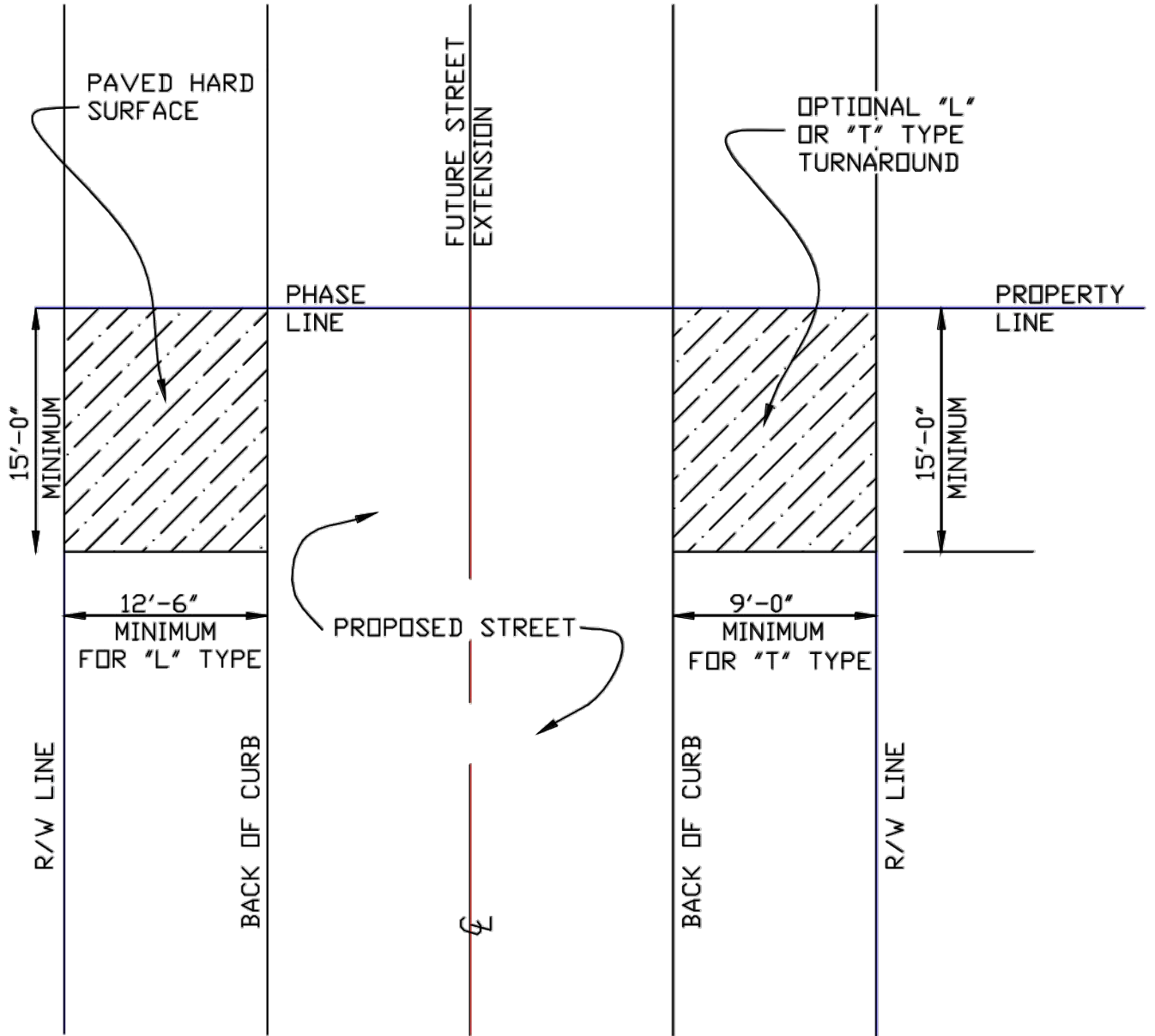


SECTION B-B

SIDEWALK RAMP AT INTERSECTION

N.T.S.

TEMPORARY TURN-AROUND DETAIL



APPENDIX D - STORM DRAINAGE SYSTEMS, EROSION CONTROL

ITEM 1.0 GENERAL

- 1.01 GENERAL: Each applicant or developer shall follow the storm sewer specifications and erosion control measure adopted by the appropriate sanitary sewer district:

Sanitation District #1
1045 Eaton Drive
Ft. Wright, KY 41017
(859) 578-7450

- 1.02 All trenches within the Public Right of Way shall be backfilled with controlled low strength material (CLSM) (flowable fill).
- 1.03 In areas where downspouts and/or sump pumps are directed toward a public street, all sump pumps and downspouts shall be tied directly into the storm collection system or via a downspout collector pipe that gets installed along the edge of the pavement.
- 1.04 Any driveway that slopes down from the edge of pavement toward a property shall include storm inlets and piping that will adequately prevent water from entering the building and transport it into the public stormwater collection system. Selected alternative to be reviewed and approved by the City.
- 1.05 For any driveway that slopes away from a residence to a public road, any slope that is more than 8 percent or greater must include storm drains/inlets at the bottom of the driveway to collect stormwater from the driveway, which must be piped into the public stormwater collection system.



APPENDIX E - WATER LINE SPECIFICATIONS

ITEM 1.0 GENERAL

- 1.01 GENERAL: Each applicant or developer shall follow the water specifications adopted by the appropriate water district. The water district(s) serving Campbell County include the following:

Northern Kentucky Water District
2835 Crescent Springs Road
Erlanger, Kentucky 41018
(859) 578-9898

- 1.02 All trenches within the Public Right of Way shall be backfilled with controlled low strength material (CLSM) (flowable fill).
- 1.03 Water Mains on Private Property - Water mains installed on private property, which are going to be maintained by the Northern Kentucky Water District (the District), shall have a twenty foot (20') wide easement with the water main centered in the easement area and shall have a justifiable benefit to the District (serving more than one property owner, hydraulic benefits, etc.) A four foot (4') area over the water main shall be a non-paved strip totally unobstructed with the exceptions outlined in DESIGN GUIDELINES, water mains. With appropriate justification, paving may be approved within the four foot (4') area over cross-country water mains. Outside the ten foot (10') area over the water main, five feet (5') either side but within the overall easement area, other utilities may be placed in this area. Proper documentation shall be provided for all easement areas. For areas that are on recorded subdivision plats, the following statement may be used in lieu of the grant of easement forms:

WATER MAIN EASEMENT(S)

The Water Main Easement(s) as shown on this plat are subject to the DECLARATION OF MASTER WATER FACILITY EASEMENT AGREEMENT as set forth in _____ (Select One of the following: In Alexandria - Easement Book 129, Page 145 OR In Newport - Easement Book 304, Page 466) of the Campbell County Clerk's records at _____ select the appropriate city location either Alexandria OR Newport), KY.

For other areas, the Design Engineer shall prepare an easement document suitable for recording with the County Clerk. Documents shall consist of a sketch (8½" by 14"), a legal description of the twenty foot (20') easement with back references to the Deed Book and Page Number, and a signed Grant of Easement Form (Restoration Agreement) provided by the District prior to filling the main for sterilization.



APPENDIX F - SANITARY SEWER SPECIFICATIONS

ITEM 1.0 GENERAL

- 1.01 GENERAL: Each applicant or developer shall follow the sanitary sewer specifications adopted by the appropriate sanitary sewer district.

Sanitation District #1
1045 Eaton Drive
Ft. Wright, KY 41017
(859) 578-7450

- 1.02 All trenches within the Public Right of Way shall be backfilled with controlled low strength material (CLSM) (flowable fill).



**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#17**

**AN ORDINANCE ESTABLISHING A NON-EXCLUSIVE
FRANCHISE FOR THE USE OF THE PUBLIC STREETS,
ALLEYS, AND OTHER PUBLIC GROUNDS OF THE CITY
FOR CABLE TELEVISION SYSTEMS, INTERNET, OR
TELEPHONE SERVICES WITHIN THE CITY; AND
PROVIDING THE TERMS THEREOF.**

WHEREAS, Sections 163 and 164 of the Kentucky Constitution prohibits public utilities from using the streets, alleys, and other public grounds within a city without a franchise for that use; and

WHEREAS, the City desires to issue non-exclusive franchise(s) for the use of the City streets, alleys, and public grounds for cable television systems, internet service, or telephone systems through and for consumption within the City; and

WHEREAS, this ordinance is enacted for the purpose of complying with the Constitution and statutes of Kentucky and pursuant to the authority and requirements of Sections 163 and 164 of the Kentucky Constitution and applicable Kentucky Revised Statutes.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:

SECTION I – Definitions

As used herein, the following words and phrases have the meanings indicated for them:

- a) “City” means the City of Dayton in Campbell County, Kentucky.
- b) “Facilities” means the tangible apparatus, equipment, and instrumentalities and the appurtenances thereto used for the transmission and distribution of cable television systems, internet services, or telephone services through and within public property in the City, including, without limitation, poles, wires, cables, cross-arms, conduits, anchors, junction boxes, manholes, mains, pipes, valves, and other equipment and facilities.
- c) “Franchisee” means the company or person to whom the City has awarded and granted a franchise hereby established.
- d) “Public property” means real estate in the City of Dayton that has been dedicated or is otherwise open to public use and is subject to regulation by the City of Dayton.
- e) “Calendar quarter” mean three months of a calendar year composed of the months of either: (a) January, February, and March; or (b) April, May and June; or (c) July, August, and September; or (d) October, November, and December.

SECTION II. – Franchise

The City hereby establishes a non-exclusive franchise for the use of the public property within the City for cable television system, internet services, or telephone services for consumption both within and outside of the City.

SECTION III – Terms of Franchise

The terms and conditions of the franchise hereby established are as follows:

- a) Bidding Requirement. Pursuant to Section 164 of the Kentucky Constitution, before granting the franchise hereby established, the City shall first, after due advertisement, receive bids therefor publicly, and award it to the highest and best bidder; but the City retains the right to reject any and all bids. Bids for said franchise shall be due on October 31, 2024.
- b) Franchise Non-exclusive. The franchise hereby established is not an exclusive franchise. Under this non-exclusive franchise, the City reserves the right to also grant the franchise hereby established to others in accordance with applicable law.
- c) Franchise Not Assignable. The franchise established hereby shall not be assignable without the written consent of the City; however, the Franchisee may assign the franchise to any affiliate which may, during the term of the franchise, assume the obligation.
- d) Franchise Area. The franchise established hereby shall be for the use of those portions of the public property within the City.
- e) Effective Period of Franchise. The franchise established hereby may be effective for a period of five (5) years, beginning on the first day of the calendar month immediately following the grant and award of a franchise hereby established to a Franchisee unless previously terminated by the City pursuant to the provisions hereof or as otherwise provided by operation of law. The Franchisee shall have the option to renew the franchise agreement for a maximum of three, separate five (5) year terms, unless the Franchisee is in default. Under no circumstances shall the total length of the franchise agreement exceed twenty (20) years.
- f) Termination. In the event of any default by a Franchisee that continues longer than thirty (30) days of any of the obligations of the franchise hereby established, and after a written notice and description thereof to the Franchisee from the City by certified mail, return receipt requested, and upon the failure of the Franchisee to reasonably cure this default within a reasonable period of time, the City may terminate the franchise awarded and granted to the defaulting Franchisee, through a written notice thereof to the Franchisee, by certified mail, return receipt requested, to be effective no less than ninety (90) days from delivery of said written notice.

- g) Franchisee Rights and Privileges During Effective Period. While the franchise established hereby is effective, the Franchisee may engage in the following activities:
- a. Continuation of Existing Facilities. The continued operation, use, maintenance, repair construction and/or re-construction to the existing condition thereof all of the facilities of the Franchisee within or upon any public property within the City.
 - b. New Facilities. The Franchisee shall provide commercially reasonable notice of any non-emergency extension or expansion of any existing facilities of the Franchisee, or the construction or installation of new facilities within the franchise area and shall provide the plans and specifications for such new facilities to the City. The Franchisee shall abide by the City's permitting process and receive the necessary approval thereof from the City, which approval shall not be withheld unless the extension, expansion, construction, or installation described in those plans and specifications is contrary to the public health, safety, welfare, and convenience. In the event that any request for the extension or expansion of any existing facilities of the Franchisee or the construction or installation of new facilities of the Franchisee is denied by the City, such denial shall be set forth in writing with the basis of the denial set forth therein within thirty (30) days of the Franchisee's notice. If written denial or approval is not received within thirty (30) days of the Franchisee's notice, the extension, expansion, construction, or installation request shall be deemed approved. The City acknowledges that the Franchisee has a statutory duty to provide adequate efficient and reasonable service and that the Franchisee shall not be prevented from fulfilling that statutory obligation due to any delay by the City in giving or failing to give any approval described herein.
 - c. Pavement Removal, Excavation, and Grading. The Franchisee shall provide commercially reasonable notice of any non-emergency removal or revision of any pavement and any excavation and grading reasonably necessary within any public property in the franchise area and the plans and specifications for such new facilities to the City. Before undertaking such work, the Franchisee shall abide by the City's permitting process and receive necessary approval thereof by the City, which approval shall not be withheld unless the proposed pavement removal, excavation, or grading are contrary to the public health, safety, welfare, and convenience. The Franchisee shall also comply with all ordinances and regulations of City, including, but not limited to, the City's Public Right-of-Way Ordinance, § 96.50 *et seq.* of the City Code of Ordinances ("Code") and its Historic Preservation Ordinance, § 156.01 *et seq.* of the Code, and any regulations adopted in connection with these ordinances. In the event that any request for pavement removal or revision, excavation or grading is denied by the City, such denial shall be set forth in writing with the basis of the denial set forth therein within thirty (30) days of the Franchisee's notice. If a written denial or approval is not received within thirty (30) days, the removal or revision of any pavement and any excavation and grading shall be deemed approved. The City acknowledges that the Franchisee has a statutory duty to provide adequate efficient and reasonable service and that the Franchisee shall not be prevented

from fulfilling that statutory obligation due to any delay by the City in giving or failing to give any approval described herein.

- d. Right-of-Way Maintenance. The Franchisee shall have the right to cut, trim or remove any trees, overhanging branches, or other obstructions on public property which in the reasonable opinion of the Franchisee may endanger or interfere with the efficient installation or maintenance of facilities subject to compliance with § 96.50 *et seq.* and § 156.01 *et seq.* of the Code.
 - e. Other Activities. All other activities that are reasonably necessary for the use by the Franchisee of the public property within the franchise area pursuant to the provisions of the Franchise hereby established.
- h) Franchisee Obligations During Effective Period. While this franchise is in effect, the Franchisee shall:
- a. Surety Bond. Provide the City with and continually maintain a surety bond with (a) the City as the Obligee; and (b) the Franchisee as the Principal; and c) a surety approved by the City in an amount equal to \$50,000.00 conditioned upon the faithful performance by the Franchisee of the terms and conditions of the franchise hereby established; provided, however, that this requirement may be waived by the City upon the reasonable satisfaction thereof with the net worth of the Franchisee.
 - b. Liability Insurance. Provide the City with and continually maintain a comprehensive policy of liability insurance, with the Franchisee and the City as named insureds, and with limits not less than \$500,000.00 per person and \$1,000,000.00 per occurrence, by which the Franchisee and the City are insured against any legal liability to others that is in any way related to any acts or omissions of the Franchisee pursuant to the franchise hereby established; provided, however, that this requirement may be waived by the Mayor or the designee thereof upon the reasonable satisfaction thereof with the net worth of the Franchisee.
 - c. Maintenance of Facilities. Cause the facilities of the Franchisee within the franchise area to be maintained and repaired to a condition that is functional and safe and not a hazard to the public health, safety, welfare, and convenience.
 - d. Prosecution of Work. During the construction, maintenance, repair, replacement, re-construction, expansion, extension, new construction, or installation of any of the facilities of the Franchisee, the Franchisee shall promptly and diligently prosecute such activities to completion within a reasonable time, and at the least possible hazard to the public health, safety, inconvenience and general welfare. Upon completion of this work, the public property of the City in which those activities occurred shall be restored by the Franchisee to a condition that is as good or better than the condition thereof at the time of the commencement of those activities as outlined in the City's Public Right-of-Way Ordinance, § 96.50 *et seq.* of the Code.

- e. Relocation of Facilities. During any construction, maintenance, repair, replacement, improvement, or expansion by the City of any of the public property within the franchise area or any improvements therein other than the facilities of the Franchisee, or at any other time, the Franchisee shall, remove, relocate, or adjust any of the facilities of the Franchisee in such public property within a reasonable time after a written request therefor from the City at no cost to the City.
- f. Reserved Rights of the City. Comply with the exercise by the City of all the rights thereof reserved by the City pursuant to the provisions of the paragraph c) of Section III.
- g. Franchise Fee. Pay to the City within thirty (30) days after the end of each calendar quarter a franchise fee at a percentage rate based on gross receipts from the sale of services granted in the franchise for consumption within the City as agreed upon by the City and Franchisee during the previous calendar quarter, along with a certification signed by an officer of the Franchisee or a Certified Public Accountant employed by or on behalf of the Franchisee indicating the quarter's gross receipts, payment calculation, and any necessary gross-ups for collections by the Franchisee. The franchise fee required hereby is not in substitution or in lieu of any other tax, fee, imposition, or charge for which the Franchisee would otherwise be responsible and liable. The franchise fee required hereby is in consideration of the use of the public streets, alleys, and other public grounds within the City by the Franchisee pursuant to the provisions of the franchise hereby established, since such use is a valuable right in property, the acquisition and maintenance of which is very expensive to the City; and, without such use, the Franchisee would be required to acquire easements in private property for the transmission and distribution of its services to the public at considerable expense to the Franchisee.
- h. Release. Except to the extent otherwise prohibited under Kentucky law, release acquit and forever discharges the City, and all of the officers, agents, employees, successors and assigns thereof, from each, every, any and all uninsured obligations and liabilities of any of them to the Franchisee and the successors and assigns thereof for each, every, any and all personal injuries, property damage, costs, expenses, losses, compensation and all other damages of every kind and nature, and all claims and causes of action therefore, at law, or in equity, which may accrue to the Franchisee and the successors and assigns thereof, through any act, omission, event or occurrence proximately caused by any negligence of the City that is in any way related to the administration of the franchise established hereby or the award or grant thereof by the City to the Franchisee or the use of the public streets, alleys and other public grounds within the City by the Franchisee pursuant to the franchise established hereby.
- i. Indemnification. Pay, indemnify, and hold the City and the officers, agents, employees, successors, and assigns thereof harmless from and to defend them at the request of the City and at the sole cost and expense of the Franchisee, from each, every, any, and all obligations and liabilities of any of them to others and the executors, administrators, heirs, successors and assigns of such others for

each, every, any and all personal injuries, property damage, costs, expenses, losses, compensation and all other damages of every kind and nature, and all claims and causes of action therefore, at law, or in equity, including, without limitation, claims of third parties for indemnification and/or contribution, which may accrue to such others and their executors, administrators, heirs, successors and assigns, through any act, omission, event or occurrence proximately caused by the negligence of the Franchisee which is in any way related to the franchise established hereby or the award or grant thereof by the City to the Franchisee or the use of the public streets, alleys, and other public grounds within the City by the Franchisee pursuant to the franchise hereby established.

- j. Franchisee Obligations After Effective Period. The Release obligations of the Franchisee provided in paragraph g of Section III and the Indemnification obligation of the Franchisee provided in paragraph h of Section III above shall continue after the effective period of the franchise hereby established regarding all such claims that accrue during the effective period.

SECTION IV. – Construction

This ordinance shall not be construed in a manner which would create an obligation, requirement, or duty on the part of the Franchisee which is in any way inconsistent with Kentucky law or its tariff on file with and approved by the Commonwealth.

SECTION V. – Conflicting Ordinances Repealed

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION VI. – Effective Date

This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED by the Board of Council of the City of Dayton, Campbell County, Kentucky, assembled in regular session.

First Reading: September 10, 2024

Second Reading:

Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk/Treasurer of the City Council of Dayton, Kentucky (the “City”), and as such I further certify that the foregoing Ordinance is a true, correct, and complete copy of the Ordinance duly adopted by the City Council of the City after two readings on the dates referenced above, and has been signed by the Mayor and is now in full force and effect, all as appears from the official records of the City in my possession and under my control.

IN WITNESS WHEREOF, I have hereunder set my hand this _____ day of _____
2024.

Tristan Klein
City Clerk/Treasurer

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#18**

AN ORDINANCE OF THE BOARD OF COUNCIL OF THE CITY OF DAYTON, KENTUCKY, PROVIDING FOR THE CREATION OF A FRANCHISE FOR THE DISTRIBUTION OF ELECTRICAL AND NATURAL GAS ENERGY WITHIN THE CITY OF DAYTON, KENTUCKY, DEFINING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR A BID PROCEDURE THEREFOR; AND ALTERNATIVELY, PROVIDING FOR THE PAYMENT OF MINIMUM FRANCHISE FEE FOR ALL PUBLIC UTILITIES DOING BUSINESS IN THE CITY OF DAYTON, KENTUCKY, NOT NOW COVERED BY A CURRENT FRANCHISE.

WHEREAS, certain public utilities operate their respective businesses within the corporate limits of the City of Dayton, Kentucky, without current valid franchises from the City of Dayton; and

WHEREAS, the Board of Council of the City of Dayton, Kentucky (“Board of Council”) has determined that all public utilities operating within the City of Dayton utilize public streets and rights of way for their operation and that such utilization is a valuable property right and benefits said utilities in that such utilities would otherwise be required to invest substantial capital in right of way costs and acquisition without the use of public streets and rights of way, and such use by utilities results in certain added burden and/or damages to public improvements thereon, so that a public purpose would be served by requiring all public utilities operating within the City to be covered by the terms of the franchise therein; and

WHEREAS, the Constitution of the Commonwealth of Kentucky, Section 162, 163, and 164 and Chapter 96 of the Kentucky Revised Statutes authorize municipal corporations to require public utilities operating within their boundaries to operate under franchise agreements and to grant utilities the right to use public properties on such conditions as seem proper, and further, KRS 82.082 authorizes the City to exercise such powers within its boundaries as are not in conflict with other state law.

BE IT ORDAINED BY THE CITY OF DAYTON, KENTUCKY, AS FOLLOWS:

SECTION I

CREATION OF FRANCHISE. The City of Dayton (“City”) hereby creates a franchise granting the right, privilege, and franchise for furnishing and to furnish to the City of Dayton, Kentucky, and to its citizens, residents, and industries, electricity and natural gas for heat, fuel, light and power purposes by one or more persons, companies, or corporations, or other entities capable and willing to provide such service by and through a non- exclusive franchise, and such franchisee shall be granted the right to go upon or under the streets, alleys, or other public ways or places of the City, to lay, maintain, operate and remove poles, electric lines, or other suitable structures and wires

or any other appurtenance necessary to transmit electrical current and to lay and maintain mains and other suitable structures or any other appurtenance necessary for the providing of natural gas, subject to limitations by state and local law, and the franchise agreement so entered. This franchise, granted herein by the City, shall not be exclusive and the City reserves the right to grant a similar franchise to any other person or entity at any time. Upon application by franchisee to the Board of Council, any franchise granted hereunder may be extended to newly annexed territory upon the same terms and conditions herein, subject to approval of the state regulatory authorities if applicable.

SECTION II

TERM OF FRANCHISE. The franchise herein, pursuant to Kentucky Constitution §164, shall be for a minimum term of five (5) years and a maximum term of twenty (20) years, as may be bid, from the date of the franchise as awarded by the Board of Council.

SECTION III

OPERATION AND MAINTENANCE. In the maintenance and operation of its transportation and distribution system in the streets, alleys and other public places and in the course of any new construction or addition to its facility, franchisee shall proceed so as to cause the least possible inconvenience to the general public. Franchisee shall be subject to all state and county laws, rules and regulations; in addition, franchisee shall be subject to all ordinances and regulations of City, including, but not limited to, the Historical Preservation Commission and the City's Public Right-of-Way Ordinance, § 96.50 *et seq.* of the City Code of Ordinances ("Code").

SECTION IV

FRANCHISE REQUIREMENTS. In addition to any other franchise requirements in this ordinance or made or adopted herein as provided, the following requirements shall apply to any franchise granted hereunder.

a) Franchise fee – in consideration of the granting and exercise of a franchise herein, and in further consideration of the grant to the franchisee the right to make use of public streets, alleys, or other public ways in the City, since such public properties are valuable properties acquired and maintained at great expense to the taxpayers of the City, and the grant to franchisee of the right to use same is a valuable property right without which the franchisee would be required to invest substantial capital in right-of-way costs and acquisitions, franchisee shall pay to the City during the entire life of the franchise a sum equal to three and one-half percent (3½%) annually of the franchisee's gross service revenues, for sales generated within the corporate limits. Franchisee shall pay such sum monthly, on the 15th day after the end of each month and shall furnish to the City a certified copy by a public account of its gross revenues received.

b) Any franchise payments to the City by franchisee shall not be in lieu of any occupational, income, license, or property tax, or similar levy, assessment, fee, license or charge which would otherwise apply to be payable by franchisee.

c) Franchisee shall file with the City Clerk of the City of Dayton, Kentucky, and shall thereafter during the entire term of this franchise, maintain in full force and effect, a corporate surety bond or other adequate surety agreement in the and kind specified in this ordinance and conditioned

that in the event franchisee shall fail to comply with any one or more of the provisions of the franchise, then there shall be recoverable, jointly and severally, from the principal and surety, any damages or costs suffered or incurred by the City or by any customer of franchisee herein, including attorneys' fees and costs of any action, or proceedings, and including the full amount of any compensation, indemnification, cost of removal of any property, or other costs which may be incurred to the principal amount of such bond; and said condition shall be a continuing obligation during the entire term of this franchise, and thereafter, until franchisee shall have satisfied in full any and all obligations of the City and any of its customers hereunder, or other person or entity, which arise out of or pertaining to this franchise. Neither the provisions of this section, nor any bond accepted by the City pursuant hereto, nor any damages recovered by the City thereunder shall be construed to excuse faithful performance by the franchisee or limit the liability of the franchisee under any franchise issued pursuant to this ordinance.

d) Upon acceptance of such franchise, franchisee shall file with the City Clerk of the City of Dayton, Kentucky, and shall thereafter during the entire term of such franchise, maintain in full force and effect a single limit comprehensive liability policy of insurance with limit comprehensive liability policy of insurance with limits of not less than Two Million Dollars (\$2,000,000) each occurrence and Four Million Dollars (\$4,000,000) aggregate, and which shall insure franchisee, and shall provide primary coverage for the City, its officers, boards, commissions, agents and employees against liability for loss or damage for personal injury, death, and property damage occasioned by any activity or operation of franchisee under such franchise and which shall contain and include a standard cross-liability endorsement thereto. City shall be a named insured on any such policy.

e) Franchisee shall indemnify and hold harmless, the City of Dayton, Kentucky, its officers, boards, commissions, agents, and employees, against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages, costs or liabilities (including costs or liabilities of the City with respect to its employees), of every kind and nature whatsoever, including, but not limited to, damages for injury or death or damage to persons or property, and regardless of the merit of any of the same, against all liability to others, and against any loss, costs and expenses resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expense arising out of or pertaining to actions of franchisee in the exercise or the enjoyment of any privilege hereunder by franchisee, or the granting thereof by the City.

f) Defense of Litigation. Franchisee shall, at its sole risk and expense, upon demand of the City made by and through the City Attorney, Alex Edmondson, Esq., or his successor, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the City, its officers, boards, commissions, agents, or employees, and arising out of or pertaining to action of franchisee in the exercise or the enjoyment of such franchise or the granting thereof by the City.

Franchisee shall pay, and satisfy, and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand rendered, made, or issued against franchisee, the City, its officers, boards, commissions, agents or employees in any of these premises, and such indemnity shall exist and continue without reference to the limitation by the amount of any bond, policy or insurance, deposit, undertaking, or other assurance required hereunder, or otherwise; provided that neither

franchisee nor city shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit or other proceeding, without first obtaining the written consent of the other.

g) Franchisee shall abide by all provisions of the franchise agreement, and shall further agree that it will not, at any future time, set up as against the City the claim that the provisions of the franchise agreement are unreasonable, arbitrary, or void.

SECTION V

The purchase or purchasers of the franchise or franchises created hereunder shall provide the highest and best service, equipment, and repairs/replacements in accordance with accepted standards of the industry and shall maintain a convenient place to be open at reasonable hours for the purposes of paying bills and transacting business with the public, and further, shall keep and maintain such personnel as are reasonable necessary to provide the service so franchised hereby and to respond to customer complaints and to correct defective service.

SECTION VI

The purchaser or purchasers of any franchise created hereby shall have the right to break, take up, and remove such portion or part of any pavement to make such excavation in the streets and public ways of the City as may be deemed necessary to provide the service so franchised by this ordinance; provided, however, that any such work first be properly approved pursuant to the Code of Ordinances of the City of Dayton, including, but not limited to, § 96.50 *et seq.* of the Code and any subsequent amendments thereto, and further provided that any such work or project so commenced by franchisee hereunder be promptly and diligently prosecuted to completion and upon such completion the streets, alleys, sidewalks, and public ways of the City shall exist in as good condition and repair, as before such work was commenced, pursuant to the Code or Ordinances of the City of Dayton, or as they may be hereafter amended and/or the franchise agreement. Further, the franchisee shall, upon request by the City, move and adjust any of its facilities or properties as shall be located on City property on right-of-way at its own expense, during construction or reconstruction of the improvements on such property right-of-way, and such movement or adjustment shall be accomplished within thirty (30) days after request by the City. In the event of noncompliance with the foregoing, the franchisee shall be liable to the City or the contractor, as the case may be, for damages for delay in construction occasioned thereby.

SECTION VII

The consideration paid by franchisee hereunder shall be the full and complete consideration for the franchise, privilege, and right granted by the City of Dayton, and shall be expressly in lieu of any street or alley rental or of any charge for the use or occupancy of said streets, alleys, or public places in the City.

SECTION VIII

It shall be the duty of the City Administrator Jay Fossett or his successor as soon as practical after the passage of this ordinance to offer for sale at public auction the franchise and privilege involved herein. Bids for said franchise shall be due on October 31, 2024, and said franchise shall be sold to the best available bidder to be effective on the 1st day of January 2025. The City Clerk shall

give notice by advertising pursuant to KRS Chapter 424 for request for bids and the time for receipt of same. Any utility subject to the terms and provisions of this ordinance may provide for in its bid any special or extraordinary matters or circumstances which relate or apply to this particular business; all subject, however to the right of rejection of any such bid by the City of Dayton.

After the time set for the deadline for receipt of bids hereunder, the City Administrator shall report and submit to the Board of Council at the time of its next regular meeting the bids and proposals for its approval. The Board of Council reserves the right for and on behalf of the City to reject any and all bids for said franchises and privileges, and the Board of Council may direct by resolution or ordinance said franchise or franchises to be again offered for sale from time to time until a satisfactory bid or bids shall be received and approved. Each such bid shall be accompanied by a deposit and each bidder shall post bond in accordance with the provisions of KRS 96.020; provided, however, that such deposit and bond need not be made by any bidder which owns and operates within the corporate limits of the City, the plant and equipment sufficient to render the service or services required by this ordinance.

SECTION IX

Any franchisee hereunder shall furnish to the City written notice by certified mail of the filing of any application with the Public Service Commission of Kentucky for an increase in rates and charges for a certificate of public convenience and necessity for capital investment, which notice shall be given concurrently with such filing. The City shall be given access, upon request, to all records of the franchisee related to such application.

SECTION X

In the event that no bids are received for the franchises hereunder, or in the event that the City does not accept any bids received hereunder, each and every public utility engaged in operating its respective business within the corporate limits of the City of Dayton which does not hold a valid current franchise from the City of Dayton to operate within the corporate limits shall have imposed upon it the terms, conditions, and payment of franchise fees set out hereunder, for the right, power and privilege of engaging and operating its respective business within the corporate limits and the right, power and privilege of using the streets, alleys, and other public ways or places in the City for and on behalf of the operation of its business.

SECTION XI

Any utility, agency, or other entity providing services herein contemplated which is owned and operated by the City or a subordinate agency thereof is excluded from the terms and provisions hereof.

SECTION XII

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XIII

That this ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED by the Board of Council of the City of Dayton, Campbell County, Kentucky, assembled in regular session.

First Reading: September 10, 2024

Second Reading:

Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk/Treasurer of the City Council of Dayton, Kentucky (the "City"), and as such I further certify that the foregoing Ordinance is a true, correct, and complete copy of the Ordinance duly adopted by the City Council of the City after two readings on the dates referenced above, and has been signed by the Mayor and is now in full force and effect, all as appears from the official records of the City in my possession and under my control.

IN WITNESS WHEREOF, I have hereunder set my hand this _____ day of _____
2024.

Tristan Klein
City Clerk/Treasurer

ORDER/RESOLUTION 2024# 23R

AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, AUTHORIZING THE ISSUANCE OF UP TO \$7,500,000.00 MAXIMUM AGGREGATE PRINCIPAL AMOUNT TAXABLE INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2024A AND UP TO \$1,500,000.00 MAXIMUM AGGREGATE PRINCIPAL AMOUNT TAXABLE INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2024B, ISSUED TO ASSIST SSWM DEVELOPMENT, LLC, OR ITS ASSIGNS, TO FINANCE THE COSTS RELATED TO THE ACQUISITION, INSTALLATION, CONSTRUCTION AND EQUIPPING OF AN INDUSTRIAL BUILDING FACILITY LOCATED WITHIN THE CITY OF DAYTON, KENTUCKY AND TO IMPROVE SAID FACILITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF DAYTON, KENTUCKY AND SSWM DEVELOPMENT LLC, OR ASSIGNS, WITH RESPECT TO THE FACILITY (THE “LEASE AGREEMENT”); AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT; AUTHORIZING A HOME OFFICE PAYMENT AGREEMENT; AUTHORIZING THE EXECUTION OF ONE OR MORE OPEN-END LEASEHOLD MORTGAGE AND SECURITY AGREEMENTS, WITH A JOINDER BY THE CITY; AND AUTHORIZING A PILOT MORTGAGE TO SECURE THE PAYMENT OBLIGATIONS IN THE PILOT AGREEMENT, WHICH ARE PLEDGED IN PART TO THE PAYMENT OF THE SERIES 2024B BONDS, ALL SUBJECT TO THE CONSENT OF THE DAYTON INDEPENDENT SCHOOL DISTRICT TO SUBORDINATE THE LIEN OF THE PILOT MORTGAGE (DEFINED HEREIN) TO THE LIEN OF ANY ADDITIONAL MORTGAGES

WHEREAS, the City of Dayton, Kentucky (the “Issuer”) is by virtue of the laws of the Commonwealth of Kentucky (the “State”), including Chapter 103 of the Kentucky Revised Statutes, and other authorities mentioned therein, authorized and empowered, among other things, (a) to assist in the financing of costs of industrial building facilities located within the boundaries of the Issuer, (b) to enter into an agreement with the lessee of such facilities providing for revenues sufficient to pay the principal of and interest and any premium on such revenue bonds, including the issuance of refunding bonds, (c) to secure such revenue bonds by a trust agreement or indenture between the Issuer and a corporate trustee, and by a pledge and assignment of such revenues, as provided for herein, and (d) to enact the Bond Legislation and enter into the Indenture and the Lease Agreement, as hereinafter identified, upon the terms and conditions provided therein; and

WHEREAS, by the terms of a Resolution No. 13-R (the “Resolution”) the Legislative Authority agreed to provide certain incentives to encourage SSWM Development LLC, a

Kentucky limited liability company, (the “Company”) to undertake a residential condominium project in the City referred to as the High Point Project (the “Project”);

WHEREAS, pursuant to the Resolution and subject to the conditions precedent set forth herein, the Issuer has agreed to issue bonds pursuant to KRS Chapter 103 to pay for the costs of acquisition, installation, construction, and equipping of the Project; and

WHEREAS, the issuance and sale of the Bonds (as hereinafter defined) shall be conditioned on the Company complying with the provisions of the Lease Agreement, the PILOT Mortgage and the PILOT Agreement (each as hereinafter defined), and the consent of the Dayton Independent School District (the “School District”) to subordinate the lien of the PILOT Mortgage to additional mortgages granted in favor of the Lender (defined herein) securing an amount not to exceed \$9,000,000.00; and

WHEREAS, based on the representations of the Company, it is hereby determined by this Legislative Authority that the acquisition, construction and equipping of the Project, and improvement to said Project will require the issuance, sale and delivery of the bonds in separate series with up to \$7,500,000.00 maximum aggregate principal amount taxable industrial building revenues bonds Series 2024A (the “Series 2024A Bonds”), and up to \$1,500,000.00 maximum aggregate principal amount taxable industrial building revenues bonds Series 2024B (the “Series 2024B Bonds”), for a not to exceed amount for the combined Series 2024A Bonds and the Series 2024B Bonds being \$9,000,000.00 (with the Series 2024A Bonds and the Series 2024B Bonds collectively being referred to herein as the “Bonds”), and hereafter may, with the prior written consent of the Issuer, involve the Issuer’s issuance, sale and delivery of Additional Bonds (as defined in the Indenture) on a parity therewith, all of which Bonds and Additional Bonds shall be equally and ratably payable and secured as provided herein and in the Indenture authorized herein;

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, KENTUCKY, as follows:

That the provisions hereof shall be, as follows:

Section 1. Definitions. All defined terms used herein and not otherwise defined herein shall have the respective meanings given to them in the Trust Indenture with respect to the Bonds (the “Indenture”) between the Issuer and The Huntington National Bank and its successors in trust, as trustee (the “Trustee”).

Any reference herein to the Issuer, to the Legislative Authority, or to any officers thereof, shall include any person or entity which succeeds to its or their duties or responsibilities pursuant to or by operation of law. Any reference to a section or provision of the Kentucky Constitution or the Act or to a section, provision or chapter of the Kentucky Revised Statutes shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented or superseded; provided, however, that no such change in the Kentucky Constitution or laws (a) shall alter the obligation to pay the Bond service charges in the amounts and manner, at the times and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted or (b) shall be deemed applicable by reason of

this provision if such change would in any way constitute an impairment of the rights of the Issuer, the Trustee or the Company under the Lease Agreement or the Indenture.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms “hereof”, “hereby”, “hereto”, “hereunder”, and similar terms, mean this Bond Legislation.

Section 2. Determinations of Legislative Authority. Based on the representations of the Company, the Legislative Authority hereby determines that the Project is an “industrial building” as that term is defined in Section 103.200 of the Kentucky Revised Statutes, and will benefit the people of the Issuer by creating or preserving jobs and employment opportunities and promoting the commercial and economic development of the Issuer and the State.

Section 3. Authorization and Terms of Bonds.

(a) Authorization. It is hereby determined to be necessary to, and the Issuer shall issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, up to \$9,000,000.00 maximum aggregate principal amount of Bonds for the purpose of providing funds to be used to finance the Project and to finance improvements to said Project and to pay costs of issuance of said Bonds. The Project is and shall be owned by Issuer and leased to the Company subject to the terms and conditions of the Lease Agreement. Said Bonds shall be issued in two series and shall be designated “Taxable Industrial Building Revenue Bonds, Series 2024A High Point Project” and “Taxable Industrial Building Revenue Bonds, Series 2024B High Point Project” or such other designation that is given to them in the Bond Purchase Agreement. The Issuer may also issue, sell and deliver Additional Bonds on a parity with the Bonds for the purposes and in the manner provided in the Indenture. The proceeds of the Bonds shall be applied (i) to provide funds to finance the costs of the acquisition, construction, equipping, and installation of the Project and (ii) to pay reasonable and customary closing costs associated with the issuance of the Bonds.

(b) Terms. The Bonds shall be issued in the forms and denominations, shall be numbered, dated and payable as provided in the Indenture. The Bonds shall mature as provided in the Indenture but not later than 2054, and have such terms, bear such interest, and be subject to mandatory and optional redemption as provided in the Indenture. This Legislative Authority hereby fixes and establishes the interest rate in effect from time to time on the Bonds in the manner and pursuant to the provisions of the Indenture.

The form of the Bonds attached to the Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the Indenture, is hereby approved, and when the same shall be executed on behalf of the Issuer by the appropriate officers thereof in the manner contemplated hereby and by the Indenture, in a principal amount of up to \$9,000,000.00, shall represent the approved form of the Bonds of the Issuer.

(c) Place of Payment. Bond Service Charges on Bonds shall be payable, without deduction for services of the Paying Agent, in the manner provided in the Bonds.

(d) Execution. The Bonds shall be executed by the Mayor and City Clerk of the Issuer, provided that either or both of such signatures may be facsimiles.

(e) Maximum Rate. The per annum interest rate applicable to the Bonds shall at no time exceed the maximum rate allowable by the laws of the State.

(f) Required Other Approvals. The issuance of the Bonds has been approved as required by KRS 103.2010 by order of the Commonwealth of Kentucky State Local Debt Officer dated December 4, 2019.

(g) PILOT Agreement. The issuance of the Bonds by the Issuer shall be conditioned upon compliance by the Company to pay certain payments in lieu of taxes as set forth in an Agreement In Lieu of Taxes by and among the Issuer, the School District and the Company dated March 26, 2020, as amended by a First Amendment to Agreement In Lieu of Taxes, dated November 1, 2020 (the “PILOT Agreement”).

Section 4. Terms of all Bonds and Additional Bonds. All Bonds and Additional Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Bond Service Charges on all Bonds and Additional Bonds shall be payable in lawful money of the United States of America. Bonds shall be issued as fully registered bonds. All Bonds and Additional Bonds shall be negotiable instruments within the meaning of Chapter 103 of the Kentucky Revised Statutes, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

All Bonds and Additional Bonds shall be executed in the manner provided in the Bond Legislation authorizing their issuance or in the manner provided by the applicable law in effect at the time of their issuance. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds shall cease to be such officer before the issuance, authentication or delivery of such Bonds and Additional Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until that time.

Any notice of call for redemption of all Bonds shall be given in the manner provided in the Indenture. If Bonds and Additional Bonds or portions of fully registered Bonds and Additional Bonds are duly called for redemption and if on such redemption date moneys for the redemption of all the Bonds and Additional Bonds to be redeemed, together with accrued interest to the redemption date, shall be held by the Trustee or Paying Agents so as to be available therefor, then from and after such redemption date such Bonds and Additional Bonds or portions of fully registered Bonds shall cease to bear interest.

Section 5. Security Pledged for Bonds. The Bonds shall be payable solely from the Revenues and secured by, among other things, a pledge of and lien on moneys deposited in the Construction Fund and the Bond Fund, and a pledge and assignment of other moneys constituting Revenues, and further secured by the Indenture, with the Series 2024B Bonds being secured by the PILOT Agreement, and anything in this Bond Legislation, the Bonds, the Lease Agreement, and Indenture to the contrary notwithstanding, neither this Bond Legislation, the Bonds, the Lease Agreement, nor the Indenture shall constitute a debt or a pledge of the faith and credit of the Issuer or of the State or any political subdivision thereof and the holders or owners of the Bonds shall have no right to have taxes levied by the General Assembly of the State or the

taxing authority of the Issuer or of any other political subdivision of the State for the payment of the principal of, premium, if any, or interest on the Bonds, but such Bonds are payable solely from the Revenues and the Bonds shall contain on the face thereof a statement to that effect.

Section 6. Sale of Bonds; Allocation of Purchase Price. The Legislative Authority is hereby authorized and directed to offer for sale the Bonds to SSWM Development LLC, a Kentucky limited liability company (in its role as purchaser of the Bonds, the “Purchaser”), for purchase by the Purchaser at the price or prices set forth in the Bond Purchase Agreement, plus accrued interest, if any, in accordance with the terms and provisions of this Bond Legislation, and to make the necessary arrangements on behalf of the Issuer with the Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Purchaser. The Mayor and City Clerk are further hereby authorized and directed to take all steps necessary to effect due authentication, delivery and security of the Bonds under the terms of this Bond Legislation, Bond Purchase Agreement and the Indenture, and it is hereby determined that the aforesaid purchase price and the interest rate for the Bonds and the manner of sale, as provided in this Bond Legislation, are in compliance with all legal requirements. The City Clerk shall furnish to the Purchaser a true and certified transcript of proceedings with reference to the issuance of the Bonds, along with such information from his or her records as is necessary to determine the regularity and validity of the issuance of said Bonds.

There is hereby created by the Issuer and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee a trust fund to be designated “City of Dayton, Kentucky-High Point Project Construction Fund” (herein also sometimes called the “Construction Fund”). After payment of the costs of issuance related to the Bonds, the Project Bond proceeds shall be used to fund the Construction Fund. Moneys in the Construction Fund shall be disbursed by the Trustee in accordance with the provisions of the Lease Agreement, and the Trustee is hereby authorized and directed to issue its check, transfer funds via wire transfer or credit accounts for each disbursement required by the provisions of the Lease Agreement. The Issuer covenants and agrees promptly to take whatever action, if any, is necessary in approving and ordering all such disbursements.

The moneys to the credit of the Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the holders of the Bonds, but only to the extent of their interest therein.

Section 7. Source of Payment - Bond Fund. As provided in the Lease Agreement, moneys sufficient in time and amount to pay the Bond Service Charges with respect to the Bonds as they come due are to be paid by the Company directly to the Trustee, including Lease Payments for the account of the Issuer and deposited in an appropriate account in the Bond Fund.

There is hereby created by the issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated “City of Dayton, Kentucky-High Point Project Revenue Bond Fund” (herein called the “Bond Fund”). The Bond Fund (and accounts therein provided for in the Indenture or in the Lease Agreement) and the moneys and investments therein are hereby pledged to and shall be used for the payment of Bond Service Charges, all as provided herein and in the Indenture and the Lease Agreement, provided that no part thereof (except as may otherwise be provided for

herein and in the Indenture or the Lease Agreement) shall be used to redeem or purchase, prior to maturity, any Bonds. The Trustee is authorized and directed to create and maintain appropriate accounts in the Bond Fund with respect to each series of Bonds and Additional Bonds consistent with their respective payment and security (priority) provisions.

On or before each date when Bond Service Charges are due and payable, the Trustee shall transmit from moneys in the Bond Fund applicable thereto to any other Paying Agents, as appropriate, amounts sufficient to meet payments to be made by them of Bond Service Charges then to be due and payable; provided that to the extent the amount needed by any other Paying Agent is not sufficiently predictable, the Trustee may, but shall not be required to, make such credit arrangements with such Paying Agent as to permit meeting such payments.

There shall be deposited into the Bond Fund (and credited, if required by the Indenture or the Lease Agreement, to appropriate accounts therein), as and when received, (a) all Lease Payments, to the extent not required to pay Base Rent due under the Lease Agreement which has not been paid and (b) all other Revenues, except those amounts required by the Indenture or the Lease Agreement to be deposited in any other separate insurance or condemnation proceeds account.

The Issuer hereby covenants and agrees that so long as any of the Bonds are outstanding it will deposit or cause to be deposited in the Bond Fund, amounts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Lease Agreement, and that, should there be an event of default under the Lease Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholders to protect fully the rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds or revenues from any source other than revenues or to expend any of its own funds to enforce the Lease Agreement.

Notwithstanding anything herein to the contrary, the Issuer, Company, Purchaser and Trustee may enter into agreements that vary the method of payment of Bond Service Charges, to the extent authorized by the Indenture.

Section 8. Covenants of Issuer. In addition to other covenants of the Issuer contained in this Bond Legislation and the Indenture, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from Revenues pay or cause to be paid the Bond Service Charges on each and all Bonds on the dates, at the places and in the manner provided herein, in the applicable Bond Legislation and in the Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Lease Agreement, the Indenture, the Bond Purchase Agreement and in any and every Project Bond executed, authenticated and delivered under the Indenture, and in all proceedings of the Issuer pertaining to the Bonds, the Indenture, the Bond Purchase Agreement or the Lease Agreement. The Issuer warrants and covenants that

it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds and to execute the Indenture, the Bond Purchase Agreement and the Lease Agreement to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds and execution and delivery of the Indenture, the Lease Agreement and the Bond Purchase Agreement have been or will be duly and effectively taken; and that the Bonds in the hands of the holders thereof will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, the Indenture, the Lease Agreement, the Bond Purchase Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision; and each duty of the Issuer and of its officers undertaken pursuant to such proceedings for the issuance of the Bonds is established as a duty of the Issuer and of each such officer having authority to perform such duty, specifically enjoined by law and resulting from an office, trust, or station within the meaning of the Kentucky Revised Statutes, providing for enforcement by writ of mandamus.

(c) Revenues. Except as otherwise provided in the Bond Legislation, the Indenture and the Lease Agreement, the Issuer will not create or suffer to be created any debt, lien or charge thereon, or make any pledge or assignment of or create any debt, lien or charge thereon, or make any pledge or assignment of or create any lien or encumbrance upon the Revenues, including the moneys in the Bond Fund and the Construction Fund other than the pledge and assignment thereof under this Bond Legislation, the Indenture and the Lease Agreement.

(d) Recordings and Filings. The Issuer will, at the expense of the Company, cause (to the extent required by the laws of the State to perfect such instruments and/or the lien created thereby) all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by it to secure the Bonds, to be recorded and filed in such manner and in such places and to the extent required by law in order to fully preserve and protect the security of the holders of the Bonds and the rights of the Trustee under the Indenture.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or the Revenues shall at all times be open to inspection by such accountants or other agents of the Trustee or the Purchaser as the Trustee or the Purchaser may from time to time designate.

(f) Rights under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholders, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Lease Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(g) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Lease Agreement, and will take all actions within its authority to maintain the Lease Agreement in effect in accordance with the terms thereof and to enforce and

protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate in the Issuer's reasonable discretion. The Issuer shall not be required to expend its own funds for this purpose.

Section 9. Investment of Bond Fund and Construction Fund. Except as otherwise provided in the Indenture, moneys in the Bond Fund, and the Construction Fund shall be invested and reinvested by the Trustee in Eligible Investments, in accordance with and subject to the orders (if verbal, to be confirmed in writing) of the Authorized Tenant Representative with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond service charges as they fall due at stated maturity or by redemption or pursuant to any Mandatory Sinking Fund Requirements, and provided that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from said Bond Fund. Any such investments may be purchased from the Trustee or its affiliates. In the absence of written direction from the Company with respect to investment of moneys held in the Funds, the Trustee is hereby directed to invest funds in money market mutual funds of the Trustee or its affiliates that qualify as Eligible Investments under the Indenture. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purpose of paying Bond service charges when due as aforesaid, and shall do so without necessity for any order on behalf of the Issuer and without restriction by reason of any such order. For purposes of the Indenture and this Bond Legislation, such investments shall be valued at face amount or market value, whichever is less.

Section 10. Indenture, Agreement, Home Office Payment Agreement, Bond Purchase Agreement and PILOT Mortgage. In order better to secure the payment of the Bond service Charges as the same shall become due and payable, the Mayor and City Clerk are hereby authorized and directed, on behalf of the Issuer, to execute and deliver the Indenture, the Lease Agreement, the Home Office Payment Agreement, the Bond Purchase Agreement and a PILOT Mortgage to secure the payment obligations in the PILOT Agreement, in substantially the forms submitted to the Issuer, which instruments are hereby approved, with such changes as are not substantially adverse to the Issuer based on advice of the Issuer's special counsel. The approval of such changes by said officers, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Indenture, the Lease Agreement, the Home Office Payment Agreement, the Bond Purchase Agreement and the PILOT Mortgage, respectively by such officers.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of said Indenture.

Section 11. Other Documents. The Mayor and City Clerk are hereby further authorized and directed to execute financing statements, other assignments and any other agreements, documents and instruments as are, in the opinion of bond counsel to the Issuer, necessary or desirable to perfect the pledges set forth in the Indenture and to consummate the transactions provided for in the Indenture, the Lease Agreement and the Bond Purchase Agreement. This authorization to the Mayor and City Clerk to execute other related documents necessary to close the transaction include, but are not limited to, certain documents that may be reasonably required

by Wesbanco, Inc. (the “Lender”), including an Open-End Leasehold Mortgage and Security Agreements (Ground Lessor Joinder), and such other commercially reasonable documents as may be required by the Lender.

Section 12. Compliance with Kentucky Revised Statutes. It is hereby found and determined that all formal actions of this Legislative Authority concerning and relating to the passage of this Bond Legislation were taken in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of any of its committees, if any, that resulted in such formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements of the Kentucky Revised Statutes.

Section 13. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Order, or in any Bonds, or in the Lease Agreement, the Indenture, or the Bond Purchase Agreement, or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of any Bonds, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to the owner or any holder of any Bonds, or otherwise, of any sum that may remain due and unpaid upon any Bonds, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Lease Agreement, Indenture, and the Bond Purchase Agreement and the issuance of the Bonds.

Section 14. Downtown Business District. The Legislative Authority hereby finds and affirms that the Project, as proposed by the Company, is located within a city-designated downtown business district, per KRS 103.200(n).

Section 15. Bond Counsel. The City hereby approves and designates Keating Muething & Klekamp, Cincinnati, Ohio, as bond counsel for the issuance of the Bonds. The reasonable and customary costs of the City’s special counsel shall be paid from Bond proceeds at closing or from any other source available to the Company.

That this Order shall be signed by the Mayor, attested to by the City Clerk, recorded and be effective upon adoption.

ADOPTED: September ____, 2024

BEN BAKER, MAYOR

ATTEST:

TRISTAN KLEIN, CITY CLERK

CERTIFICATE

I, Tristan Klein, City Clerk for the City of Dayton, Kentucky (the “City”), certify that the foregoing is a true copy of Order No. O/R _____ adopted by the City Council of the City on the ____ day of September, 2024, that all actions taken in connection with the Order were in compliance with the requirements of KRS 61.800 to 61.850, and that said Order is now in full force and effect, all as appears from the official records of the City in my custody and under my control.

Witness my hand as City Clerk this ____ day of September, 2024.

Tristan Klein, City Clerk