



## MACON COUNTY HIGHWAY DEPARTMENT

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### CLOSED MINUTES

(Opened at 5/11/17 closed minute review)

February 25, 2015

#### Transportation Committee Members Present:

Patty Cox

Kevin Meachum

Phil Hogan

John Jackson

Kevin Bird

Pat Dawson

#### Highway Department Support Staff Present:

Bruce Bird, County Engineer

Amanda Askew, Office Assistant

#### Others Present:

Mike Baggett stated I just wanted to update the committee on the Randenbarger Trust issue that we talked about last month. I did have an opportunity to review the law as well as the contract that Bruce had provided. First, it is my legal opinion that the statute which creates a requirement on the Counties part to facilitate access to a property which has a ditch next to a County Highway that the statue does not require the County to construct or maintain a bridge in order to maintain access. In this case, we have constructed a road as an alternative to the bridge. I think that would be sufficient to meet our statutory obligation to maintain access to the property off of the County Highway and over the ditch. With respect to the contract, I asked Jean Durham, and Bruce may be able to correct me if I am about to misspeak, to look through the County Boards records in 2011 and 2014 with respect to any County Board authorization or resolution which would authorize the contract. She did not find any. My legal position with respect to the Trust is that the County Engineer did not have the authority to enter into a contract which binds the County to basically restructure or create this bridge. If we were going to argue over the contract I would make an argument, and I think there is solid argument, that the contract is just vague enough that it does not require us to construct or maintain a bridge but again that that road as alternative would be sufficient to meet to our obligations. However, it would be my first position that the contract itself is not enforceable. With respect to future contact with the Rendenbarger Trust I do intend to present this to the Finance Committee since there are potential contractual issues and then to the Full County Board in closed session. At which point I am going to ask for the Boards consensus on what to do going forward. At this point my advice to the Board and to this Committee in particular is that we make contact with the Rendenbarger Trust and advise them that we feel that the County has met its statuary obligations with respect to maintaining and facilitating access to the land. In that, with respect to the contractual obligation first that the position of the County would be the contract is not enforceable and to the extent that is that the contract has been fulfilled.

Patty Cox asked what happens to that bridge sitting out there then? Does it just decay?

Kevin Meachum stated we could take out.

Bruce replied we could remove it. The only thing they use it for is to walk out and get their mail.

Kevin Meachum stated they could relocate that mailbox.

Bruce replied you would have to work with the post office on that.

Mike Baggett stated ultimately it is my belief and I think it is a fair belief that the Trust is not interested in having a bridge they want the land on the other side and they want to do everything possible to push us into making that deal happen. With respect to what happens with the bridge. Tearing it down would cost money but in the long run it might not be that much.

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Bruce replied no, really all we do is remove the deck and the abutments will stay there. They can be reshaped and taken out later if they want to. Taking the bridge deck out, we have had bridge decks taken out before for about 7 or \$8,000.

Mike Baggett stated ultimately my opinion is that the County should take steps to basically not either conduct the land swap which is going to run anywhere between a quarter million dollars to a half million dollars depending on how the negotiations would go. All the way up to the three quarters of a million dollars to actually repair and bring the bridge up to spec. I think, given the fact that we have a strong legal position for maintaining the status quo and basically walking away from it and wiping our hands. That would be my advice to the Board. I am not asking the committee to take any final action or make any recommendations to the Board; I just wanted to bring the Committee in to give you an idea of where I am at. If you do think of any questions feel free to ask me. I will be at Finance and then I will be in front of you in March.

Kevin Bird made a motion to go back into open session, seconded by Gary Minich. Motion Carried 7-0