

Madison County

Madison County Commissioner Meeting Minutes



OCTOBER 13, 2016

2:00 P.M.

COMMISSIONERS' ROOM

ATTENDEES

Commissioners: Chairman Jon Weber and Todd Smith
Deputy Prosecuting Attorney: Troy Evans
County Clerk: Kim Muir

Commissioner Ricks was excused from the meeting

Review and finalize Easement Deed with Bear World, ITD and Madison County regarding the 4300 Road West slip-ramp

Commissioner Weber began the meeting at 2:00p.m. Present were Courtney and Stephanie Ferguson, Frank Asbel, Wade Allen with ITD, Cindy Roberson and Amanda from the Standard Journal and Mike Herschi with Madison County.

Commissioner Weber drew a diagram of the Thornton Interchange and the area of the Bear World slip ramp.

He explained that the goal of the County and ITD is the frontage road. The frontage road needs to connect or hook into the slip ramp because it is already there and it makes the most sense. Originally, we agreed to 100' right of way with the idea that it would become a frontage road. This is not part of the project right now, however would become the connector to 4300 West. The exclusive, non-exclusive discussion means that ITD has to have the property with no strings attached; it has to be County owned forever. ITD cannot use Federal funds for private land. Today we need a firm understanding that the slip ramp becomes County property in perpetuity forever.

Courtney states that Troy Evans and the ITD Attorney prepared the document, Courtney has not changed anything. The only thing that changed is that he inserted "May 12" following it will be open by spring when Bear World opens for the season. He is going against all legal and internal advice of Bear World, but he is willing to do it anyway. Wade is still uncomfortable with the wording regarding abandonment. If the roadway isn't used for 30 days could it go back to the property owner? Courtney states that he is not asking for the road back if it is abandoned, but the wording in the current document is unclear.

Courtney is ready to start building the road and feels he has done everything the County and ITD have asked of him. Commissioner Weber agreed that he has complied with all requests. Mr. Ferguson would like to have this completed today and stated he is ready to sign the agreement prepared by ITD and the County.

Wade clarified that anything ITD builds on would have to have the ground in perpetuity. Commissioner Weber asked if the road closes for snow for 30 days and we don't plow, is that abandoned in Courtney's eyes? He stated no and that he has no intention of taking the road back.

Wade stated that he has to run it through his attorney's before they can build through it. The agreement is between the County and Bear World; and then the ball is in ITD's court to approve and begin building the road.

Courtney's thoughts on being a player in making the frontage road an option are that he doesn't feel that the frontage road is a bad idea. He feels that the language in the easement opens it up for that option. It has been designed to accommodate a second lane in the design. It may be utilized as a frontage road by the State and he is okay with that. He feels that the off-ramp is the best solution for the frontage road and doesn't foresee any issues.

Questions asked:

- If we are dealing with his son can it be condemned?
- What happens if he gives us land and we don't build the slip ramp or the frontage road?

We are hoping the frontage road will be constructed within five years. Courtney stated that the wording on the contract is not his language. It is Troy and ITD that changed the wording on the Agreement.

Courtney has done everything he could do with legal counsel to make this happen right away. Wade is hoping to have an answer by next week.

Commissioner Weber made a motion to approve the language contingent on ITD's approval. Commissioner Smith seconded and voting was unanimous. Once ITD reviews, we may have to come back and remove the language regarding abandonment after 30 days or other changes.

The Commissioners asked Courtney not to record the Easement Deed with Madison County until everyone hears back from ITD on whether or not they accept it, because if it is recorded now, but ITD doesn't agree with it, it will cause a hang-up and the Easement Deed will then have to be amended and re-recorded. Courtney and ITD agreed. Courtney will not record it until we hear word from ITD on the Easement Deed. If it is accepted, then the clerk's office could get it recorded without further signature from the Commissioners.

The meeting was adjourned at 2:35 p.m.

Approved:

Jon O. Weber, Commission Chairman

Todd Smith, Commissioner