

ADAIR COUNTY COMMISSION MINUTES
TUESDAY, JANUARY 19, 2016
7TH DAY JANUARY REGULAR

The Adair County Commission convened at 8:30 a.m. on January 19, 2016 in the Courthouse at Kirksville. All Commissioners were present. The Adair County Courthouse was closed on Monday, January 18, 2016 in observance of Martin Luther King, Jr. Day.

At 10:00 a.m., the Commission met with Adair County Prosecuting Attorney, Matt Wilson, his assistant, Bill Hudson, and Beth Moots from Howe Company. Mr. Wilson presented court documentation that was being served on all parties regarding Laske Trail.

Ms. Moots discussed the easement situation for BRO 50 #0680007 (Adair County Low Water Crossing on County Line Way). She gave an update stating that Adair County had asked for a temporary construction easement from property owners during construction of the bridge; they refused; the County then offered a better agreement; the property owners refused again. Property owners do not want the bridge rebuilt. It would increase traffic to the area and thought it would increase poaching.

Ms. Moots said the banks have been rocked on both sides of the "bridge" and is currently being utilized as a low water crossing. Surrounding residents says it is a public road and wants the capability to utilize it. Current property owners said the bridge had been gone for 30 – 40 years and did not want it reconstructed. Mr. Hudson will contact the Missouri Department of Transportation (MoDOT) in an effort to determine the actual date of removal. Records indicate that #0680007 was the original bridge number.

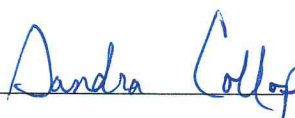
Ms. Moots stated that it would take 50 working days for actual construction of the bridge. Ninety days would cover the entire project including delays for weather. She stated that clearing of trees needed to be completed before construction could begin to comply with regulations for the protected Indiana bat. Clearing of the trees could only be completed from November 1 through March 31 to avoid interrupting their habitat. It was discussed that contractors were not obligated to work during December 15 to March 15. Therefore, it would be beneficial to the County if the trees could be cleared by March 31 so construction could be completed on the bridge during the summer months.

Mr. Wilson stated that 30 days' notice needed to be given to all parties that would be participating in a hearing if notice was served to property owners regarding the easement. It was noted that one of the property owners, Edward Barnhart had passed away a short time ago. The other two property owners in dispute were Carol Stanley and Bobbie Bowen. The fourth property owner, Dwight Hart, immediately agreed to donate his land for a temporary easement to construct the bridge. It would need to be determined who gained ownership of the land due to the passing of Mr. Barnhart. It was noted that the easement would cease after construction is complete.

After discussion, it was decided that Mr. Wilson would write another letter to the property owners inviting them for a meeting to try to get this matter resolved without litigation. Mr. Wilson will ask for a response by next Wednesday, January 27, 2016. If a hearing is scheduled, it will be heard by the Circuit Judge.

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ATTEST:


County Clerk


Presiding Commissioner