Gallia County
Planning Commission

Minutes

December 13, 2021

The Gallia County Planning Commission met on Monday, December 13, 2021 with the following members in attendance: County Commissioner Gene Green, Craig Barnes, Josh Sherwood, John McKean, Shari Hill, Adam Edwards, and Nick Mills. Guests: Gallia County Prosecutor Jason Holdren & Assistant Prosecutor Randy Dupree. Members absent: Carolyn Wasch-Brown, Melissa Clark, Paul Hutchins, and Brett Boothe

Craig Barnes brought the meeting to order and established a quorum at 2:05pm. A motion was made by Adam Edwards, seconded by Josh Sherwood, to approve the November 17, 2021 meeting minutes. All members voting yea.

Business Discussed:

Lane -30 'Easement (N. Mills): Nick directed the members to their packets that had the split form and drawing for the Lane split. He explained that he spoke with Paul Hutchins (the surveyor for the split) prior to the meeting. Since Paul was unable to attend the meeting, he informed Nick that the reason for the 30' easement was due to the fact they Mary Lane did not want to ask Mr. Harrison for any additional ground (to make the easement 50' in width). Paul also stated to Nick that Mrs. Lane would be the only landowner utilizing this easement. There was discussion on the maintenance agreement. Nick informed the Board that Paul stated he would have signed agreement prior to final approval. Craig stated that he would like wordage added to the maintenance agreement to the effect of "exclusive to Mary Lane". Nick stated that he would let Paul know. Adam Edwards made a motion, seconded by John McKean to approve the easement variance. All members voting yea.

Woods Subdivision (Prosecutor's Office): Craig explained the situation for the guests from the Prosecutor's Office. Adam explained the findings of their most recent road inspection; and added that this did not include the very top of the hill/cul-de-sac. Assistant Prosecutor Dupree gave his opinion based off file information that Nick had given him to review. He stated that he feels there is limited liability for the County and the Planning Commission Board. He stated that during his research, there was a bond/line of credit being carried, but that these were dropped at some point during the 20(+) years of this issue. Josh stated he thought around 2018-2019 the line of credit was due. Randy stated that the County/Planning Commission Board should have acted when the bond/line of credit was active and then got reimbursed from the bond/line of credit. There was discussion on who is maintaining the road currently (repairs, snow

removal, etc.) Randy stated the County is not responsible to take care of private roads/drives. Craig asked if there was any action the Planning Commission Board could take to resolve this issue. Randy advised to not act as there is limited liability. He continued by stating the Board could bring the road up to public standard (at the cost to them or the County) and then take the owner to court to try and recoup the costs. Prosecutor Holdren stated that when he met with Nick the 2 main questions he felt the Board wanted answered was what liability the County/Planning Commission Board might incur from this issue and what action could be taken by the County/Planning Commission Board to remedy this issue. He continued that anyone could sue anyone for any reason, but his opinion is that the statute of limitations has past and, as Randy stated, there is not much liability the County/Planning Commission Board has at this point. For the potential action by the County/Planning Commission Board, he would advise them not to take any action. He added that this is a civil matter between Mr. Sager and the residents of the subdivision whom he sold the lots too. There was discussion on who is filing complaints about this issue. Nick stated that no one from this subdivision has contacted him regarding this issue. Jason and Randy reiterated that there is no duty for the County or the Planning Commission Board to maintain the road, but there is not limit on being sued. Commissioner Green asked if there was something in writing showing what is owned/who is responsible for the road. Josh asked if the deeds state the road will be made public. There was then discussion on what the deeds say specifically and if in fact they were promised in a contract that the road will be made public. The members present have not seen a copy of the deeds that do or do not state this. The Board thanked Prosecutor Holdren & Assistant Prosecutor Dupree for their time and assistance with this matter.

At 2:35pm a motion was made to adjourn the meeting by Josh Sherwood, second by Adam Edwards. All members voting yea.