

SPECIAL MEETING OF THE COUNTY COMMISSIONERS

Friday, February 9, 1973

WATERSHED PROJECT - SITE 1

Present: Commissioner J. Wilmer Bowles, President  
Commissioner J. S. Guy, Jr.  
John Hall, Soil Conservation Service  
Theodore Ifft, SES, Dept. of Agriculture, College Park  
Lee Watson, SES, Department of Agriculture, College Park  
Judith A. Mullins, Recording Secretary  
Joseph Weiner, County Attorney

(Commissioner Aud did not attend this meeting due to illness.)

Commissioner Bowles stated that the Commissioners and John Hall had been previously advised that the property which had been originally acquired from Mr. Allan Owens was adequate to satisfy the needs for the watershed. Now there are some indications it did not. Unfortunately, this is a piece of land that may be rather difficult to acquire.

Mr. Ifft stated the SES policy is to acquire in fee simple the elevation of the emergency spillway level plus 100 feet. He did not know how the line was put lower. There must have been a misunderstanding. A line was laid out that was the permanent pool level plus the 100 feet. The contract specialist looked at the deed and the line was considerably lower than what they needed the line to. They went out with the survey crew last week to put a line which is the emergency spillway crest plus 100 feet which follows close to the woods. It would go out into the field about 20 feet.

Commissioner Bowles said we are not dealing with a willing seller but we would like to make every effort to acquire this land.

Mr. Ifft stated he would like to present Mr. Owens with the new line and see if it can be acquired without condemnation.

Commissioner Bowles asked if this would jeopardize the project and if the land cannot be acquired what effect will it have on the project.

Mr. Ifft stated we will have to come to an agreement that we have to have the acquired land rights. We will not say that we have to have that land although we would like to have it. He stated he could not give a definite answer at this time, and that his office would look to pursue it further.

Commissioner Bowles said that a lot of land has been acquired for this project.

Mr. Ifft said the other problem to be resolved is the Jones heirs. Commissioner Bowles stated this was being taken care of by our Attorney.

Mr. Watson stated that at the end of the land acquisition

the local governing body would execute a land right certification document that they have the adequate land for this site. It is undecided now whether the Department of Natural Resources would at this time execute on behalf of the State on the land right certification. Because of the complexity with the County deeding the land over to the State that it may be that for all parties concerned the County government and State would sign and on the document the exception to Jones heirs and Owens property could be listed. Mr. Watson stated that "whenever there is an exception, it comes back to haunt us."

Commissioner Bowles stated we would not want any exceptions.

Mr. Watson stated that this slight holdup (the acquiring of the additional land) will not jeopardize this project.

Commissioner Bowles said they had easement rights to the land but they did not have it in fee simple, and would this jeopardize the project. Mr. Watson said he did not know at this time.

Mr. Ifft said we would like to see if in the fee simple.

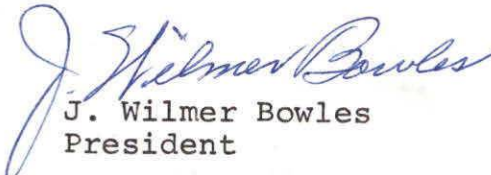
Commissioner Bowles asked how much additional total land is needed. Mr. Ifft said it would be about four or five acres.

Mr. Ifft said that the Deed is incorrect and does not close.

Mr. Hall said it would be best to wait and see if they acquire the Owens property before a new description is made because the Deed would have to be changed.

Mr. Weiner asked about filing condemnation suit on the Jones heirs property. Mr. Ifft said we would have to have the title before they could begin work.

Commissioner Bowles asked Mr. Hall about getting in touch with Mr. Owens to talk to him about the new line. Mr. Hall said all the stakes should be put out first. It was decided that the stakes should be up by Monday, February 12 and Mr. Bowles would go with Mr. Hall and tell Mr. Owens that the stakes represent a new take line and the need to acquire the additional property.

 3/12/73  
J. Wilmer Bowles  
President