

# TANEY COUNTY COMMISSION RECORD



**MAY 7, 2007 THE 12<sup>TH</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:02 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District, and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

The prayer was led by Rick Findley followed by the pledge.

## **HILLSIDE DRIVE ROAD PETITION LINDA WOOSTER**

Linda Wooster addressed the Commission in regards to the Hillside Drive road petition and inquired as to why it is on hold? Ms. Wooster further asked why the county takes care of Lake View when it is not in the county?

Presiding Commissioner Pennel asked if Ms. Wooster was saying Lake View is not a road that the county maintains but are maintaining it? Ms. Wooster responded that is what she is told. Commissioner Pennel and Commissioner Strahan both stated they are not aware of that but would check into it. Ms. Wooster stated a neighbor tells her they come down three or four times a year to take care of her road, adding she owns property on both sides of the street down on Lake View. Ms. Wooster further expressed that she would not give any land as it is too valuable and she was holding on to sell it.

Commissioner Strahan expressed that this is where the county runs into problems as far as taking a road in and explained that a road has to have a 30-foot easement on it. Commissioner Strahan further explained there is a policy requiring the county not take anything in that is less than 40-feet which is the reason the Commission sent the petitioners back to find out if people would be willing to give the extra footage to put the county road in. Commissioner Strahan went on to state that it is hard to maintain a road not already being maintained if it is less than 40-feet because of the ditches and end slopes and the county also requires a 20-foot road surface. Commissioner Strahan informed there are two issues that have not been addressed which are the chain length fence and the proper easements, which is why the Commission has not done anything in regards to this road.

Ms. Wooster reported that the property owners have signed and are willing to give up land in order to have a road that is decent to drive on.

Commissioner Strahan explained that the first hurdle to be cleared would be the turn around and if the people won't give the right-of-way to turn around, then he doesn't see the county taking in the road due to the fact that they won't be able to maintain it properly. Commissioner Strahan added they would check to see if the county maintains the road or not. A general discussion ensued.

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Commissioner Herschend expressed that the Commission needs to have a property owner interested in this project and requested they secure the right of way for both the additional easement and the cul-de-sac and when these things are done the Commission can look at the road.

Barbara Keys at 175 Hillside Drive said the county did take care of the road in years past and asked if it is a through road, then why can't the county have the road department fix it? Commissioner Pennel asked Ms. Keys if she has property the county could use as a turn around? Ms. Keys responded "no" adding they don't live that far down. Commissioner Strahan then asked if Ms. Keys knows who owns the property that would be the closest for the cul-de-sac to be put in? Ms. Keys replied that Alice Thurman is the closest.

Patricia Moore, Property Owner stated that the road is full of potholes and it is in terrible condition.

Commissioner Strahan said there is not anything they can do today and explained that all the easements would have to be in a letter of intent or something would have to be signed to show individuals who own property would be willing to give them up. Bob Paulson, County Counselor clarified when easements are required the county has to have some kind evidence that the easements are available.

Commissioner Herschend recommended getting Eugene with Road and Bridge to go out and paint a cul-de-sac on the ground and actually see if they could get an easement for it. A general discussion ensued.

Commissioner Pennel made a motion to table the Hillside Drive road petition. Commissioner Strahan seconded the motion to table and committed to go look at the road sometime this week. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

### **LAKE ROAD ORDINANCE**

Presiding Commissioner Pennel requested that Tressa Luttrell, Administrator set up a work session so the Commission can work on the Lake Road Ordinance issue. Commissioner Pennel then asked Bob Paulson, County Counselor if there is anything the Commission could do to help as far as preparing for the work session? Mr. Paulson suggested calling the Missouri Association of Counties (MAC) to see what they have to say.

Commissioner Pennel expressed that he thought there might be someone who has crossed this bridge before and might have an ordinance the county could work off of.

### **ROAD RELIQUISH AGREEMENT**

Presiding Commissioner Pennel informed that he got a call from MODOT and presented a list of the right-of-ways for roads the county already maintains, adding most are on old Hwy

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65. Commissioner Pennel stated they want to give the right-of-ways for roads the county already maintains for the construction of the new Hwy 65 south.

Commissioner Pennel made a motion to approve the signing of these agreements contingent upon review by Bob Paulson, County Counselor and the Road and Bridge Department and with the understanding that these are not new roads. Commissioner Strahan seconded the motion.

Commissioner Herschend clarified that the county has been mowing a lot of these roads because they knew they were responsible for them even though they didn't own the property. Commissioner Herschend further expressed a concern that pieces of the system are missing and asked who owns from the intersection through Branson Creek and who owns the connection between Freeman and the State Hwy?

Commissioner Pennel clarified that the state gets the county to take over maintenance but they keep the right-of-way in case the county didn't maintain it well enough.

The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

### **RESOLUTION AUTHORIZING CONVEYANCE BOB PAULSON**

Bob Paulson, County Counselor stated that he prepared a resolution for the Commission that has a Deed and Satisfaction of Real Estate Contract. Mr. Paulson explained that last year the county obtained the Old Masonic Lodge building and a piece of property that was located on the first building of the court house and promised to build on a lot next to the annex. Mr. Paulson reported that the county has done that and now need to deed it over in order to keep their promise.

Commissioner Strahan made a motion to accept and approve this resolution Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

Commissioner Pennel added that the Masonic Lodge is having a ceremony on May 20, 2007 and the State folks are coming down.

### **EMERGENCY MANAGEMENT CONTRACT BOB PAULSON**

Bob Paulson, County Counselor presented the following resolution and this is an Emergency Management Contract in effect and this is an agreement between Taney and Boone County to cooperate with Emergency Management and with Western Taney Fire Department.

**A RESOLUTION APPROVING THE ATTACHED MEMORANDUM OF  
UNDERSTANDING AND AUTHORIZING THE TANEY COUNTY PRESIDING  
COMMISSIONER TO EXECUTE THE ATTACHED MEMORANDUM OF**

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## UNDERSTANDING BETWEEN TANEY COUNTY, MISSOURI'S OFFICE OF EMERGENCY MANAGEMENT AND THE BOONE COUNTY, ARKANSAS OFFICE OF EMERGENCY MANAGEMENT

### RECITALS:

1. The Taney County Commission finds that entering into a cooperative agreement with Boone County, Arkansas for the effective delivery of emergency management services in Taney County, Missouri, including help when needed from emergency workers from Boone County, Arkansas, is in the best interests of the citizens of Taney County, Missouri.
2. In return for the cooperative agreement for Boone County, Arkansas to assist in emergencies in Taney County, Taney County agrees that its emergency workers will assist when necessary in responding to emergencies in Boone County, Arkansas.
3. The Taney County Commission finds that this cooperative agreement will serve to enhance emergency response efforts in both counties should local resources become exhausted during times of disaster response in either county, and that this agreement is beneficial to the citizens of both counties.

### NOW, THEREFORE, BE IT RESOLVED BY THE TANEY COUNTY COMMISSION AS FOLLOWS:

1. That the Taney County Commission approves this Intergovernmental Agreement/Memorandum of Understanding with Boone County, Arkansas for the cooperative efforts of emergency management personnel in both counties to assist during times of disaster or need in the other county.
2. That the Taney County Commission authorizes the Taney County Presiding Commissioner to execute the attached Memorandum of Understanding on behalf of the Taney County Commission.

**PASSED, RESOLVED AND ORDERED** by the County Commission of Taney County, Missouri on this 7<sup>th</sup> day of May, 2007.

Commissioner Strahan expressed that he thought the Commission already had this last year. Mr. Paulson stated he couldn't remember if the county had one of these contracts in effect or not

Commissioner Pennel made a motion to accept/pass the resolution  
Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

### REVISIT ROAD RELINQUISH AGREEMENT

Commissioner Herschend expressed that he would like to revisit the Road Relinquish Agreement adding that the county is getting approximately three miles of road for the new outer road.

Commissioner Pennel commented that the understanding was for the county not to have any additional roads to maintain. Commissioner Herschend suggested getting together in a work session with Randy Haes and Sam of the Road and Bridge Department.

### APPOINTMENT OF BOARD MEMBERS TRESSA LUTTRELL

Tressa Luttrell, Administrator reminded the Commission that board members needed to be appointed for the Board of Adjustments (BOA), Planning Commission, and Sewer Board.

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Commissioner Herschend made a motion to approve the appointment of William Cummings to fill an additional term on the Sewer Board. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

Commissioner Pennel made a motion to appoint Mark Blackwell to the Planning Commission. Commissioner Herschend seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

Commissioner Herschend made a motion to approve the appointment of Sarah Klinefelter to the Planning Commission. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

Commissioner Herschend then made a motion to table the BOA appointments in order to look at the make up of the board. Commissioner Pennel seconded the motion to table. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

## PRIOR MINUTES

Commissioner Pennel made a motion to approve minutes for May 2, 2007. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

Commissioner Herschend made a motion to table minutes for January 22, 23, 27, 2007; March 1, 5, 7, 2007; March 13, 20, 2006; April 3, 2006; October 23, 2006; and April 18, 2007. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable checks #100769-100880 and warrant #4658. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

## PUBLIC COMMENT

Rick Findley, Auditor presented the following monthly budget report to the Commission.

### TANEY COUNTY BUDGET FUND BALANCES 4-30-07

	PERIOD TO DATE	YEAR TO DATE		PERIOD TO DATE	YEAR TO DATE
<b>GCR</b>			<b>SEWER FUND</b>		
BEGINNING BAL	0.00	16,176,676.53	BEGINNING BALANCE	0.00	19,857,468.53
REVENUES	<u>3,829,718.09</u>	<u>7,030,470.96</u>	REVENUES	<u>1,470,474.72</u>	<u>4,103,103.23</u>
TOT REVENUES GCR	<u>3,829,718.09</u>	<u>23,207,147.49</u>	TOTAL SEWER REVENUES	<u>1,470,474.72</u>	<u>23,960,571.76</u>
TOTAL GCR EXP	<u>2,392,346.20</u>	<u>7,503,878.14</u>	EXPENDITURES	<u>949,592.05</u>	<u>2,805,964.72</u>
TOT GCR FUND BAL	1,437,371.89	15,703,269.35	TOTAL SEWER FUND BAL	520,882.67	21,154,607.04
<b>ROAD &amp; BRIDGE</b>			<b>SWER DESIGNTED FUND</b>		
BEGINNING BALANCE	0.00	8,365,292.31	EXPENDITURES		
REVENUES	<u>120,498.08</u>	<u>539,189.09</u>	TOTAL ALL SEWER FUNDS	520,882.67	21,154,607.04
TOTAL RB REVENUES	<u>120,498.08</u>	<u>8,904,481.40</u>			

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EXPENDITURES	<u>188,858.47</u>	<u>913,925.08</u>	<b>SHERIFF CIVIL FUND</b>		
TOTAL RB FUND BAL	(68,360.39)	7,990,556.32	BEGINNING BALANCE	0.00	85,646.91
<b>ROAD &amp; BRIDGE TRUST</b>			REVENUES	<u>10,486.08</u>	<u>34,406.84</u>
BEGINNING BALANCE	0.00	2,707,686.28	TOT SHERIFF CIVIL REV	<u>10,486.08</u>	<u>120,053.75</u>
REVENUES	<u>370,999.84</u>	<u>2,087,612.80</u>	EXPENDITURES	<u>3,159.99</u>	<u>11,016.00</u>
TOT RBT REVENUES	<u>370,999.84</u>	<u>4,795,299.08</u>	TOT SHERIF CVL FND BAL	7,326.09	109,037.75
EXPENDITURES	<u>509,735.48</u>	<u>1,543,157.00</u>	<b>TAX MAINTNANCE FUND</b>		
TOT RBT FUND BAL	(138,735.64)	3,252,142.08	BEGINNING BALANCE	0.00	102,043.58
<b>ASSESSMENT FUND</b>			REVENUES	<u>8,010.95</u>	<u>53,522.76</u>
BEGINNING BALANCE	0.00	13.78	TOT MAINTANCE FND REV	<u>8,010.95</u>	<u>155,566.34</u>
REVENUES	<u>3,962.08</u>	<u>262,309.50</u>	EXPENDITURES	<u>46.16</u>	<u>2,396.16</u>
TOTAL AF REVENUES	<u>3,962.08</u>	<u>262,323.28</u>	TOT MAINTNACE FND BAL	7,964.79	153,170.18
EXPENDITURES	<u>64,499.76</u>	<u>195,294.59</u>	<b>PRO ATT BCF</b>		
TOT ASSEMNT FND BAL	(60,537.68)	67,028.69	BEGINNING BALANCE	0.00	253,538.40
<b>ELECTION FUND</b>			REVENUES	<u>8,326.35</u>	<u>27,483.10</u>
BEGINNING BALANCE	0.00	58,043.81	TOTAL REVENUES	<u>8,326.35</u>	<u>281,021.50</u>
REVENUES	<u>144.88</u>	<u>3,920.90</u>	TOTAL EXPENDITURES	<u>11,363.27</u>	<u>54,692.17</u>
TOT ELEC REVENUES	<u>144.88</u>	<u>61,964.71</u>	TOTAL FUND BALANCE	(3,036.92)	226,329.33
EXPENDITURES	<u>111.34</u>	<u>24,826.11</u>	<b>RECRDRER TECH FUND</b>		
TOT ELECTION FND BAL	33.54	37,138.60	BEGINNING BALANCE	0.00	293,634.09
<b>TRANSFER STAT FUND</b>			REVENUES	<u>23,820.86</u>	<u>83,514.89</u>
BEGINNING BALANCE	0.00	578,192.38	TOTAL REVENUES	<u>23,820.86</u>	<u>377,148.98</u>
REVENUES	<u>61,401.39</u>	<u>346,185.32</u>	TOTAL EXPENDITURES	<u>7,801.41</u>	<u>30,285.62</u>
TOTAL TS REVENUES	<u>61,401.39</u>	<u>924,377.70</u>	TOTAL FUND BALANCE	16,019.45	346,863.36
EXPENDITURES	<u>120,905.90</u>	<u>353,429.11</u>	<b>PA DEL TAX FUND</b>		
TOTAL TS FND BAL	(59,504.51)	570,948.59	BEGINNING BALANCE	0.00	8,541.73
<b>LEPC FUND</b>			REVENUES	<u>994.63</u>	<u>1,282.70</u>
BEGINNING BALANCE	0.00	8,487.57	TOTAL REVENUES	<u>994.63</u>	<u>9,824.43</u>
REVENUES	<u>35.36</u>	<u>1,791.83</u>	TOTAL FUND BALANCE	994.63	9,824.43
TOT LEPC REVENUES	<u>35.36</u>	<u>10,279.40</u>	<b>LLEBG</b>		
EXPENDITURES	<u>0.00</u>	<u>1,188.51</u>	BEGINNING BALANCE	0.00	0.21
TOTAL LEPC FUND BAL	35.36	9,090.89	TOTAL REVENUES	<u>0.00</u>	<u>0.21</u>
<b>LAW ENFRCE TRAIN FND</b>			TOTAL FUND BALANCE	0.00	0.21
BEGINNING BALANCE	0.00	58.41	<b>FLOOD CONTROL</b>		
REVENUES	<u>504.96</u>	<u>1,787.73</u>	BEGINNING BALANCE	0.00	46,086.46
TOTAL LET REVENUES	<u>504.96</u>	<u>1,846.14</u>	TOTAL REVENUES	<u>0.00</u>	<u>46,086.46</u>
EXPENDITURES	<u>0.00</u>	<u>755.64</u>	TOTAL EXPENDITURES	<u>0.00</u>	<u>46,086.46</u>
TOTAL LET FUND BAL	504.96	1,090.50	<b>DRUG FORFEITURE</b>		
<b>PROS ATT TRAIN FUND</b>			BEGINNING BALANCE	0.00	1,191.24
BEGINNING BALANCE	0.00	9,815.46	REVENUES	<u>4.70</u>	<u>21.34</u>
REVENUES	<u>150.45</u>	<u>551.83</u>	TOTAL REVENUES	<u>4.70</u>	<u>1,212.58</u>
TOTAL PAT REVENUES	<u>150.45</u>	<u>10,367.29</u>	TOTAL FUND BALANCE	4.70	1,212.58
EXPENDITURES	<u>0.00</u>	<u>3,793.96</u>	<b>SHERIFF REVOLVING</b>		
TOTAL PAT FUND BAL	150.45	6,573.33	BEGINNING BALANCE	0.00	8,958.16
<b>COUNTY INSURED FUND</b>			REVENUES	<u>2,343.09</u>	<u>3,551.54</u>
BEGINNING BALANCE	0.00	158,436.63	TOTAL REVENUES	<u>2,343.09</u>	<u>12,509.70</u>
REVENUES	<u>524.44</u>	<u>2,392.77</u>	TOTAL EXPENDITURES	<u>0.00</u>	<u>7,324.19</u>
TOT CNTY INSURED REV	<u>524.44</u>	<u>160,829.40</u>	TOTAL FUND BALANCE	2,343.09	5,185.51
EXPENDITURES	<u>7,400.02</u>	<u>33,366.72</u>	<b>VEST GRANT</b>		
TOT CNTY INSRD FND BAL	(6,875.58)	127,462.68	BEGINNING BALANCE	0.00	1,813.29
<b>911 FUND</b>			REVENUES	<u>7.10</u>	<u>25.66</u>
BEGINNING BALANCE	0.00	1,195,536.29	TOTAL REVENUES	<u>7.10</u>	<u>1,838.95</u>

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REVENUES	<u>49,082.53</u>	<u>186,671.02</u>	TOTAL FUND BALANCE	7.10	1,838.95
TOTAL 911 REVENUES	<u>49,082.53</u>	<u>1,382,207.31</u>			
EXPENDITURES	<u>76,098.10</u>	<u>123,871.50</u>			
TOTAL 911 FUND BAL	(27,015.57)	1,258,335.81			

EXPBYDEPT	<b>TANEY COUNTY EXPENSES BY DEPARTMENT</b>					April 30, 2007
	2005 ACTUALS	2006 ACTUALS	2007 APPROVED	2007 ACTUALS	ACTUAL %	
EXPENSES						
COMMISSION	344,425.64	344,288.98	599,280.15	112,322.18	18.7%	
CLERK	85,366.35	75,753.41	82,360.00	25,895.88	31.4%	
ELECTIONS	186,286.92	241,122.31	142,937.00	57,506.80	40.2%	
BUILDINGS & GROUNDS	415,026.70	627,115.35	430,788.40	139,892.95	32.5%	
EMPLOYEES FRINGE BEN	1,394,519.61	1,610,317.09	1,707,500.00	459,623.95	26.9%	
TREASURER	65,892.50	77,741.81	79,150.00	26,939.22	34.0%	
COLLECTOR	201,311.42	207,324.77	216,700.00	64,163.75	29.6%	
CIRCUIT CLERK	250,173.44	244,360.09	290,001.00	84,853.11	29.3%	
COURT REPORTER	2,036.52	1,361.12	2,112.00	861.47	40.8%	
ASSOCIATE COURT DIV 1	30,131.79	35,486.73	37,650.00	10,279.18	27.3%	
COURT ADMINISTRATION	29,310.98	23,153.31	37,000.00	5,124.46	13.8%	
PRESIDING CIRCUIT JUDGE	27,738.21	35,947.74	43,548.16	10,331.35	23.7%	
PUBLIC ADMINISTRATOR	81,343.56	81,924.00	86,015.60	27,060.07	31.5%	
OTHER EXPENSE	1,698,358.80	3,974,891.29	36,193,552.91	3,734,098.26	10.3%	
AUDITOR	151,947.04	160,324.72	171,096.00	68,268.91	39.9%	
CHILD SUPPORT	30,645.56	26,000.74	48,720.00	8,776.03	18.0%	
SHERIFF	1,764,095.80	1,918,158.02	2,053,971.60	648,100.08	31.6%	
JAIL	993,810.53	1,015,321.73	1,153,538.50	298,840.02	25.9%	
PROSECUTING ATT	528,042.97	547,615.11	579,050.00	187,739.40	32.4%	
JUVENILE	106,480.62	114,178.37	124,715.72	40,741.51	32.7%	
CORONER	45,687.66	43,870.50	45,012.00	12,727.98	28.3%	
HEALTH & WELFARE	4,500.00	0.00	0.00	0.00	0.0%	
TRANSFERS/DEBT SERVICE	0.00	112,800.00	2,575,860.00	921,425.66	35.8%	
ASSOC COURT DIV 2	22,205.47	20,448.19	37,900.00	10,300.04	27.2%	
CIRCUIT CLERK	17,036.18	28,926.28	26,800.00	7,491.91	28.0%	
INDUSTRIAL DEV	46,561.97	38,909.58	66,200.00	12,972.67	19.6%	
PLANNING & ZONING	222,670.94	247,108.12	263,520.00	53,157.38	20.2%	
EXTENSION	44,734.26	46,234.88	46,430.00	13,209.74	28.5%	
SEWER	258,891.27	287,972.66	317,663.00	104,060.43	32.8%	
INFORMATION SYSTEMS	214,897.31	239,293.77	325,130.00	94,192.17	29.0%	
ANIMAL CONTROL	82,027.40	79,242.96	93,684.00	27,001.91	28.8%	
EM MANAGERMENTS	181,994.00	151,575.36	265,473.40	44,032.39	16.6%	
AIRPORT	307,916.66	796,140.84	802,728.00	191,887.28	23.9%	
TOTAL	9,836,068.08	13,454,909.83	48,946,087.44	7,503,878.14	15.3%	
GCR BEGINNING BALANCE	13,154,890.79	14,012,380.91	16,176,676.53	16,176,676.53	100.0%	
GCR TOTAL REVENUES	10,693,558.20	15,619,205.45	32,769,410.91	7,030,470.96	21.5%	
GCR TOTAL EXPENDITURES	9,836,068.08	13,454,909.83	48,946,087.44	7,503,878.14	15.3%	

Mr. Findley reported that everyone is on target budget wise and it looks like the county is in pretty good shape

**ELECTION COST  
DONNA NEELEY**

# **TANEY COUNTY COMMISSION RECORD**

Donna Neeley, County Clerk reported that the counties election cost for the April 3, 2007 Municipal Election came to \$12,975.98 and \$146.42 for the publication costs making the total election cost \$13,122.40.

Commissioner Strahan made a motion to transfer \$13,122.40 for the April 3, 2007 Municipal Election cost. Commissioner Herschend seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

## **COURTHOUSE CLOSED TRUMAN'S BIRTHDAY**

Commissioner Pennel stated that someone in the courthouse has done well to put up signs about the courthouse being closed tomorrow for Truman's Birthday. Commissioner Pennel added that the Commission Office will be closed however, they will have a meeting in the Commission Office.

## **MICKEY GILLEY BENEFIT**

Commissioner Pennel stated that he would like to publicly thank Les Brown, Mickey Gilley Theater for doing another benefit on Thursday and Saturday night. Commissioner Pennel added that he got a pickup load of dog food for the Animal Control Budget and informed that another entertainer by the name of Mike Walker is going to do a benefit next week.

## **EXTENSION COUNCIL MEETING REBATE**

Commissioner Pennel explained that he got a report from Wayne Detrex at the Extension Council meeting last night and Mr. Detrex is administrating a \$50 rebate on education to pump septic tanks.

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into Executive Session pursuant to RSMo 610.021 (1) (2) (3) after a five-minute recess. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea)

## **RECESS**

## **RECONVENE 2:30 P.M.**

The County Commission reconvened in the County Commission Office at 2:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District, and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

## **CASEY ROAD**



# TANEY COUNTY COMMISSION RECORD

## EASEMENT

Presiding Commissioner Pennel made a motion to accept the following temporary and permanent road easement on Casey Road from Ron and Marsha Wyatt.

### GRANT OF PERMANENT EASEMENT FOR PUBLIC ROAD RIGHT-OF-WAY

RON WYATT AND MARSHA WYATT, Trustees of the Wyatt Family Revocable Trust Dated 11/9/2004, of the County of Dallas in the State of Missouri, hereinafter referred to as "GRANTORS" grant and convey unto

**TANEY COUNTY, MISSOURI, c/o Taney County Commission**, P.O. Box 1086, Forsyth, Missouri 65653 a body politic and corporate, hereinafter referred to as "**GRANTEE**", for and in consideration of One Dollar (\$1.00) and other good and valuable consideration received, the receipt of which is hereby acknowledged, and for the advantages to be gained from the existence of such road improvements, do hereby grant, bargain, sell, transfer, and confirm unto GRANTEE, its successors, heirs and assigns, a permanent right-of-way easement and right-of-way to locate, construct, maintain, remove, operate, replace and repair and improve the public road now known as Casey Road for the passage of vehicular and pedestrian traffic and for all uses incident thereto, including but not limited to the installation of curbs and gutters, over, upon, under and through the described tract of land laying and being situate in the County of Taney and State of Missouri, *and which is legally described as set forth in Exhibit "A" to this easement document, and is incorporated herein by reference as though fully set out.*

To have and to hold the premises aforesaid for the aforesaid use with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining, unto the GRANTEE, its representatives and assigns forever; the said GRANTORS hereby covenanting that GRANTORS are lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that GRANTORS have good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by GRANTORS or those under whom GRANTORS claim and that GRANTORS will warrant and defend the title to the said premises unto the said GRANTEE and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Minutes typed by Melanie Whittaker and taken/edited by: Hillary Bargman