

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**January 9, 1996**  
**10:00 A.M.**

\$12,050,000 taxable adjustable rate demand Industrial Building Revenue Bonds, Series 1995 (The Hennegan Company Project) of the County of Boone, Kentucky, and other actions of the County in connection therewith. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

**ITEM V. PERSONNEL MATTERS**

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the re-appointment of County Employees as outlined in Judge Lucas' memo dated January 2, 1996. Judge Lucas called for a vote of the motion, Commissioner Patrick ABSTAINED on Harvey Pelley and voted AYE on all remaining employees, ALL OTHERS PRESENT VOTING AYE. Exhibit "B"

**ITEM VI. JUDGE'S REPORT**

**APPOINTMENTS**

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the appointment of Gordon Palmer to the Tri-County Economic Development Board. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve the appointment of Arnold Caddell to the Boone County Planning Commission. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve the appointment of Richard Crist to Sanitation District No.1 of Campbell & Kenton Counties. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

**ITEM VII. OLD BUSINESS**

**OLD SALEM CREEK MEETING HOUSE ROAD VIEWER COMMITTEE RECOMMENDATION**

Commissioner Patrick moved, seconded by Commissioner Meihaus, to authorize the advertisement of a Public Hearing relative to the request to close Old Salem Creek Meeting House Road in unincorporated Boone County for the meeting of January 30th, which begins at 5:30 p.m. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

**NICHOLAS STREET VIEWER COMMITTEE RECOMMENDATION**

Commissioner Campbell moved, seconded by Commissioner Meihaus, to authorize the advertisement of a Public Hearing relative to the request to close Nicholas Street between Gallatin and Temperate Streets in Burlington. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**January 30, 1996**  
**5:30 P.M.**

**ITEM V.**

**OLD BUSINESS**

**PUBLIC HEARING - OLD SALEM CREEK MEETING HOUSE ROAD**

Judge Lucas declared a Public Hearing open at 5:44 p.m. relative to the request of Mrs. Connie Puckett to close the right-of-way on Old Salem Creek Meeting House Road.

Mr. Sketch presented the Viewing Committee's recommendation and advised they recommended the right-of-way remain open for reasons as outlined in that recommendation.

Mr. Willie Mathis, attorney representing Mrs. Puckett, stated the right-of-way has not been used for a number of years and requested that it be closed.

Mr. Pelley advised that the road crew had worked on this right-of-way as recent as 1983.

Mr. Mike Rueberg, attorney representing Mr. Ken Baumgartner, stated that his client needs access to his property by using the right-of-way in question.

Mr. Leonard Neinabor advised he purchased his property two years ago and was told the road was closed.

Ms. Carolyn Wilson stated that although she had previously sent a letter stating that she wished the right of way to remain open, she has subsequently changed her mind and thinks the right of way should be closed.

Mrs. Puckett said there are other places that can be used for the railroad crossing.

Subsequent to discussion, Judge Lucas declared the Public Hearing closed at 6:04 p.m. Commissioner Meihaus then moved, seconded by Commissioner Campbell, to abide by the recommendation of the Viewing Committee not to close the right of way on Old Salem Creek Meeting House Road as outlined in the exhibit to these minutes. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

**PUBLIC HEARING - NICHOLAS STREET**

Judge Lucas declared a Public Hearing open at 6:05 p.m. relative to closing a portion of Nicholas Street in Burlington as requested by Kenny and Maureen Fancher. Hearing no discussion, Judge Lucas declared the Public Hearing closed at 6:06 p.m. Commissioner Campbell moved, seconded by Commissioner Patrick, to close a 60 feet wide dedicated right-of-way between the south right-of-way line of Gallatin Street and the north right-of-way line of Temporate Street, known as Nicholas Street, with a length of 446 feet as recommended by the Viewing Committee. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

HARVEY F. PELLEY  
Director of Public Services  
GREGORY SKETCH  
Director of Engineering



KENNETH R. LUCAS  
County Judge - Executive

DEPARTMENT OF PUBLIC WORKS

5445 IDLEWILD ROAD  
BURLINGTON, KY 41005

Phone: 606 586-5445  
Fax: 606 586-5487

COMMISSIONERS:

IRENE PATRICK  
District 1

SHIRLEY MEIHAUS  
District 2

HAROLD L. CAMPBELL  
District 3

MEMORANDUM

**TO:** Kenneth Lucas, County Judge/Executive  
Irene Patrick, Commissioner, District 1  
Shirley Meihaus, Commissioner, District 2  
Harold Campbell, Commissioner, District 3

**FROM:** Viewing Committee

**RE:** Proposed 790 Feet of Right-of Way Vacation of Old Salem  
Creek Meeting House Road

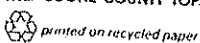
**DATE:** January 3, 1996

The request is for the County to vacate 790 feet of right-of-way of Old Salem Creek Meeting House Road, as outlined on the attached plat. The request was submitted by Mr. Terry Edwards representing Ms. Connie Puckett, an adjoining owner along the road to the southwest.

It is the recommendation of the Viewing Committee that the proposal for the vacation of the above referenced right-of-way be denied based on the following findings:

1. Currently there is no road pavement present along the right-of-way, but the road bed is very much defined by the grade and treeline. There does exist a railroad crossing into a tract of land north of the railroad, owned by Ken Baumgartner. This crossing is approximately 340 feet north of the Puckett north property line. Having the right-of-way open does not create an apparent disadvantage for any of the adjoining property owners.
2. The adjoining owner of the property to the northeast, Betty Jane Argo is opposed to the request. Vacating any portion of the right-of-way from Eades Road would make the parcel to the north of the Puckett parcel non-buildable by itself. Currently the parcel is owned by Caroline Wilson who also owns an adjoining parcel along Eades Road. Mr. Baumgartner also is opposed to the request.

"WORKING TO KEEP BOONE COUNTY TOPS IN KENTUCKY"



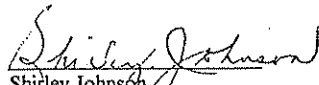
3. The Verona Fire Protection District has written a letter opposing the vacation of the right-of-way for a number of reasons. A copy of that letter is attached.
4. The Boone County Planning Commission Staff has written a letter opposing the vacation of the right-of-way for various reasons. A copy of that letter is attached.

The CSX Railroad did not respond in writing to a request for comments. Mr. Jay Westbrook, Resident Vice President of Kentucky for CSX did verbally state that if the right-of-way was vacated, the railroad crossing would be removed. This would eliminate access to the Baumgartner tract for emergencies.

The Boone County Police Department is not opposed to the vacation. A copy of that letter is attached.

Based on these findings, it is the recommendation of the Viewing Committee that this portion of the right-of-way of Old Salem Creek Meeting House Road remain open.

Respectfully,

  
Shirley Johnson  
Viewing Committee Member

  
Albert B. Ridner  
Boone County Codes Enforcement Officer

  
Gregory V. Sketch, P.E., L.S.  
Boone County Director of Engineering Services

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