

CHAMPAIGN COUNTY BOARD
COMMITTEE MINUTES

HIGHWAY & TRANSPORTATION COMMITTEE

Thursday, April 19, 2007 – 6:00 p.m.

Meeting Room 2, Brookens Administrative Center
1776 E. Washington St., Urbana

MEMBERS PRESENT: Cowart, Beckett, Carter, Jay, Knott, Langenheim,
Melin, O'Connor

MEMBERS ABSENT: Bensyl

OTHERS PRESENT: Jeff Blue, Susan McGrath, Pius Weibel, Jerry Schweighart,
Jason Barickman, Don Archer, Dennis Schmidt, Rick
Humphreys, Frank Wrentschler

Call to Order

Chair Cowart called the meeting to order at 6:04 p.m.

Roll Call

A roll call confirmed the following members present: Cowart, Beckett, Carter,
Jay, Knott, O' Connor

Approval of Agenda

MOTION by Knott to approve the agenda; seconded by Beckett. **Motion carried.**

**Adoption of Resolution No 5940 authorizing a request for Quick Take
Legislation Curtis Road Improvement Project from Wynstone Drive to Wesley
Avenue.**

Mr. Langenheim arrived at 6:06 p.m.

Mr. Blue stated that since the committee last met, he had a meeting with Kathryn Henderson and Mildred Luther where they looked at the waterway currently on their ground and talked about the plans for new waterway through there. They had another meeting after that at Clark Dietz with City, Village and County Personnel, Mrs. Henderson, Mrs. Luther, Mr. Barickman and their farmer. He felt it was a good meeting and they talked about the proposal on the table. He provided everyone with a map showing the Henderson property, a 60 acre parcel noted as parcel 042. There is a break line on the map where everything to the north is an open ditch and everything south is a grass swale, approximately 2 feet deep and 30 -40 feet wide. The water goes across Curtis Road, in a high rain event, it sheet spreads across the low property and gets into the grass swale at the Henderson farm, flows north until it hits the open ditch then goes through a double box culvert under Windsor Road.

The major concern that was posed at the meeting, and before, was that the Hendersons do not want more of an open ditch on their property than they already have.

Ms. Melin arrived at 6:07 p.m.

Since those meetings, they have talked to a lot of different people that have talked to the Hendersons and he stated they fully understand their concerns as well as the concerns of the County Board and they feel they are all legitimate. He stated one way or another Curtis Road, as a project, needs to keep moving forward, they have \$5.6 million dollars in federal funds and they feel if they can move ahead with the parcels immediately adjacent to the roadway at this time that will give them enough room to do the project. That includes everything along and touching Curtis Road. Since the Henderson parcel is off of the path it can take on its own timeline, they are trying to get to the point where they can obtain the right of way along the roadway so the utility companies can come in next summer to do all the utility adjustments that need to be done prior to the start of construction. He explained that what the committee has in front of them tonight is a revised resolution. Since they last met the Opal Gilliland trust has signed the documents and they have removed the Henderson property from the resolution so the only landowners included now are John Thompson and the Lo property adjacent to the roadway.

Ms. McGrath explained the quick take resolution is asking for authority to approach our members of the State Legislature to get their authority to do a process which would give us a quicker time table on achieving the right of ways and permanent and temporary easements needed. The reason we are asking for that authority is because the traditional eminent domain process takes a longer period of time, in our estimation, then we have to allow the utility contractors to start their work next June. With quick take, it gives us a quicker time table because it allows us to go to Court at the beginning of the proceedings and say we want to acquire the property now pending whatever you deem appropriate for the final amount of money we need to acquire those, so we can start on the project. She stated that quick is a relative term and means a 6 month process even with the authority. She explained that quick take is a subset of eminent domain and the second resolution is to do the eminent domain proceedings. Eminent domain is the name of the legal process that gets this all started, to ask the Court for permission to get the easements and right of ways that are necessary to the project. The two resolutions parallel each other and we need both.

Ms. Melin asked if quick take means have title to the land. Ms. McGrath stated when you are asking for something you want to have forever you are asking for title to the strip of land where we are asking for the easement to be. In both proceedings you are asking for title to the land.

Mr. Carter asked about the status of the two property owners still included in the resolution.

Ms. McGrath explained they have been in touch with Mr. Thompson's attorney. Mr. Thompson is intending to develop the property so he doesn't have a concern with this but he wants to make sure we are paying enough compensation for it. The Lo's are also intending to develop a large part of their property, they do not have an attorney at this point but we have had some preliminary discussions with them to find out their intentions. They have questions about two things; the amount of compensation and they want to make sure they have right turn access onto Curtis Road, which they need for their project. They have asked them to set up a meeting with us to discuss those issues and they asked for it to take place after tax season so we are intending to do that the week of April 30th. She stated that having the proceedings filed doesn't stop negotiations.

Mr. Carter stated this started back in 2001 and asked why they waited so long to try and acquire a right of way. Mr. Blue stated in order for a project like this to happen, money has to come from somewhere and until you find out where the money is coming from you can't start developing the plans to tell people what you need from them in order to build the roadway. Ms. McGrath explained we didn't know until the spring of 2006 exactly what form this project was going to take. The planning stage of phase II, this part of Curtis Road, didn't start until the spring of 2006.

Mr. Beckett stated he has done some eminent domain work and he has a real problem with the suggestion it may take 13-19 months from now to get a case to trial. The thing that troubles him is quick take, which is grabbing and he doesn't feel those dates are accurate; if these folks are not going to agree we can get our litigation on file right away. He can't support quick take.

Ms. McGrath stated, coming from her Sanitary District days, they had quick take authorization for the easement they were seeking for the Curtis Road Project and the timetable she is basing her estimate on is what it took them to do in that project.

Mr. Beckett stated the University did eminent domain on a ton of property, without quick take, and the judge knew how important those condemnation proceedings were, there was a special docket and those cases moved. These cases will too if we get them on file and talk to the judge. He feels we are sending the wrong message with quick take and to him it is an absolute last resort and he doesn't see this as a last resort.

Mr. Jay stated his concern was that we had heard from one petitioner, the Hendersons, who didn't feel like we had negotiated in good faith and he is not sure that we have. Since then he is pleased with the effort that has been made and that this resolution took them off for the time being. He stated he is opposed to both of the resolutions but he feels it is necessary to support them and will do so reluctantly.

MOTION by Mr. Beckett to recommend County Board approval of Resolution 5941 authorizing the Acquisition of certain property by purchase or eminent domain Curtis Road Improvement project from Wynstone Drive to Wesley Avenue; Seconded by Jay. **Motion carried.**

MOTION by Beckett to forward Resolution 5940 authorizing a request for quick take legislation Curtis Road Improvement Project from Wynstone Drive to Wesley Avenue to the full County Board without recommendation; seconded by Knott.

Mr. Beckett stated he doesn't believe this is something that should die in committee and they should let the full board decide this issue.

Motion carried with Jay and O'Connor voting no.

Adjournment

Chair Cowart declared the meeting adjourned at 6:26 p.m.

Respectfully Submitted,

Tiffany Talbott
Administrative Secretary