
Gibson County Board of Commissioners
Regular Session
May 16, 2012

The Gibson County Board of Commissioners met on May 16, 2012, at 6:30 PM at the North Annex Meeting Room.

Members Present: Gerald Bledsoe, President, Alan Douglas, VP, Bob Townsend, Jim McDonald, County Attorney, Kay Vore, Administrative Assistant. C.T. Montgomery, County Auditor, was at the Auditor's Conference.

The Pledge of Allegiance to the Flag was recited and led by Gerald Bledsoe.

Minutes: The minutes from the May 1, 2012, meeting was approved through a motion by Bob Townsend and seconded by Alan Douglas. The motion passed 3-0.

Claims:

County General: \$229,046.50
Courts: \$ 5,027.98
Sheriff: \$ 61,147.70
Highway: \$ 61,836.99
Payroll (5-18-2012) \$290,793.13

Alan Douglas made a motion to approve the claims. Bob Townsend seconded the motion and the motion passed 3-0.

Old Business:

Public Hearing-Gibson county Coal-Temporary Closure and Permanent Relocation of Part of County Road 700W. Chris Hopple, Chief Mine Engineer was representing Gibson County Coal. Mr. Hopple fielded questions for County Attorney Jim McDonald and members of the audience. Mr. McDonald asked to whether the advertising and the posting at the road had been done. To which Mr. Hopple replied yes. He also stated there are three residents that live on the road that have been contacted and have no problem with the work to be done. The closure is to be after school is out and before school starts the fall semester, weather permitting. Gibson County Coal will submit all the information to the DNR after the agreement is executed. One member from the audience asked which road the vehicles moving heavy equipment would use. Mr. Hopple stated they would use CR 350S while the relocation of CR 700W was being done.

Bob Townsend made a motion to approve the agreement presented by the Coal Company. Alan Douglas seconded the motion and the motion carried 3-0.

STATE OF INDIANA
SS:
COUNTY OF GIBSON

BEFORE THE HONORABLE BOARD OF
COMMISSIONERS OF GIBSON COUNTY

IN RE: TEMPORARY CLOSURE
AND PERMANENT RELOCATION OF
PART OF GIBSON COUNTY ROAD
700 W, GIBSON COUNTY COAL,
LLC,
Petitioner

AGREEMENT FOR TEMPORARY CLOSURE AND
PERMANENT RELOCATION OF PART OF COUNTY ROAD 700 W

Gibson County Coal, LLC (GCC), an Indiana Corporation with offices at P.O. Box 1269, Princeton, Indiana, 47670, and the Board of Commissioners of Gibson County, Indiana, pursuant to I.C. 8-20-8 and Gibson County Ordinance 2008-1 agree, and say:

1. The county road identified as 700 W is located in Montgomery Township, Gibson County, Indiana, and the portion sought to be closed temporarily is described as follows:

East Half of the SW 1/4 of Section 25, Township 2 S, Range 12 W from the East line of said quarter section northwesterly to the south line of the tract owned by Carol Wilkerson, per Document 2005-0007091 as recorded in the Office of the Gibson County Recorder.

2. The length of time of closure is ninety (90) days weather permitting beginning approximately July 1, 2012. The purpose is to relocate the road.

3. Petitioner controls the contiguous land on both sides of the road and has given notice to the public by publication, as disclosed by proof of publication submitted with the petition.

4. The road segment sought to be closed does not include any residence.

5. Temporary Closure is in the public interest and in the

economic interest of the County in that danger which would otherwise exist to members of the public traveling on the road is alleviated. The temporary closure will not unreasonably interfere with the flow of traffic on the county road system in that suitable alternative routes exist.

6. Within ninety (90) days weather permitting after road closure, GCC shall restore a new Permanent Road adjacent to and connected with 700 W according to the standards and specifications set forth in the Gibson County Ordinance 2008-1, OR AS SUBSEQUENTLY AMENDED, for a gravel road which is the present surface thereof (profile shown on Exhibit B attached hereto) and shall submit to the Gibson County Surveyor and Gibson County Garage Superintendent as Built Specifications and metes and bounds description. GCC shall also agree to execute Roadway Right of Way Grant to Gibson County on the new permanent road.

7. Petitioner proposes, before initiating closure, to submit its bond, pursuant to IC 8-20-4 in the amount of \$7,100.00, payable to Gibson County as required by Gibson County Ordinance 2008-1.

8. Petitioner proposes to build a new road to equal or surpass the quality and condition of said road as the same now exists or the specifications for roads of similar character and use then in effect in Gibson County, Indiana as provided by Gibson County Ordinance 2008-1 AS SUBSEQUENTLY AMENDED, whichever is greater. A profile of the proposed road is shown on Exhibit B attached hereto.

9. The period of closure will commence approximately July 1, 2012 and Petitioner agrees to submit the required bond, prior to its closure of the road; and also agrees to install such barriers and warnings as will protect and warn the motoring public.

10. GCC shall not pay any funds to Gibson County Highway Department Fund 0702 General due to new road being built.

11. By acceptance of this Agreement GCC agrees to hold the County of Gibson, the Commissioners and any and all county employees or representatives harmless and further agrees to indemnify the Commissioners, said County and/or its employees and representatives against any and all claims, actions at law, litigation expenses, judgments and verdicts that should arise out of GCC's: (1) Closing of said road, (2) Use by anyone of the closed road prior to it being returned to public use, (3) The activities by any person, firm or other corporation for purposes associated with GCC's mining activities. During the term or renewal terms of this Agreement, GCC shall maintain and keep in force and effect a policy of liability insurance with limits of at least One Million Dollars (\$1,000,000) per incident and supply Gibson County with a Certificate of Insurance upon request.

12. In addition or in lieu of making claim against the bond, in the event of a material breach of this Agreement, the County may give written notice to GCC setting forth the nature of the breach, and requesting that such breach be cured within a reasonable time set forth in such notice. If GCC fails to affect such cure within the time designated in the notice, the county, at its option may terminate this Agreement and pursue all legal and equitable remedies available to it. These remedies are not intended to be exclusive of one another. In the event of such breach, the County may recover reasonable attorney fees and costs incurred in the enforcement of any covenant, term of condition of this Agreement.

13. Any notices, waivers, and other communications under this

Agreement shall be in writing if mailed, by certified mail, to Gibson County Board of Commissioners, Courthouse Annex, 225 North Hart Street, Princeton, Indiana, 47670 and to Gibson County Coal LLC, P O Box 1269, Princeton, Indiana 47670.

14. The endorsement by the Gibson County Board of Commissioners of approval on this petition shall constitute their approval of Petitioner's plan, and the terms of agreement for the temporary closure and permanent relocation herein prayed for, as well as a written document signed by the Board and the Petitioner, stating the terms of agreement for temporary closure.

WHEREFORE, Petitioner prays that the road segment described above be temporarily closed for a period of ninety (90) days weather permitting from and after bonding and commencement of closure, and that the terms of agreement be approved by endorsement on this petition.

AFFIRMED under the penalty for perjury this 16th day of May, 2012.

GIBSON COUNTY COAL, LLC.

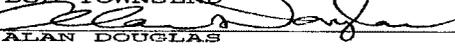
BY: 
DANNY DURHAM, GENERAL MANAGER

APPROVED THIS 16 DAY OF MAY, 2012.

BOARD OF COMMISSIONERS OF
GIBSON COUNTY, INDIANA


GERALD BLEDSOE, PRESIDENT


BOB TOWNSEND


ALAN DOUGLAS

ATTEST: (SEAL)


C.T. MONTGOMERY, COUNTY
AUDITOR

New Business:

Gerald Bledsoe stated that he had met with INDOT and the town of Ft. Branch concerning drainage from US 41 flowing thru Ft. Branch and water across CR 800S at Bridge No. 235 during heavy rain downpours. The town of Ft. Branch is requesting INDOT move the water down the east side of 41 to Pigeon Creek where the water eventually goes. Gerald Bledsoe made a motion for Jim McDonald to write INDOT a letter supporting this. Bob Townsend seconded, motion carried 3-0.

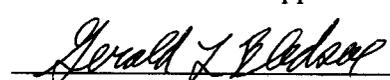
Michael Stevenson presented a new plat of Willowbrook Subdivision to the Commissioners for approval. The purpose of the re-plat was to correct property line boundaries. All the property owners signed off except for a lot owned by HUD who declined. Mr. Stevenson asked the Commissioners for a variance to the Subdivision Ordinance and grandfather in the subdivision. Alan Douglas made a motion, seconded by Bob Townsend. Motion carried 3-0. Auditor is to sign plat later.

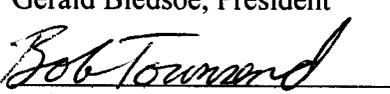
Bob Townsend made a motion to approve a FMLA request form a County Highway Employee. Alan Douglas seconded. Motion carried 3-0.

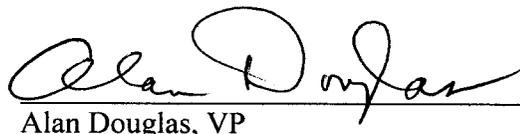
Dan Alvey submitted the monthly EMS Report for April. Write-Offs in the amount of \$69,682.82 were approved on a motion by Bob Townsend, seconded by Alan Douglas. Motion carried 3-0.

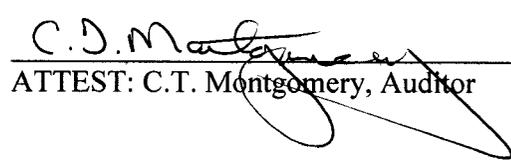
Bob Townsend made a motion to appoint Todd Mosby to the Gibson County Economic Development Commission. This committee will deal with the new TIF District for Gibson County Coal and Bonds for TMMI Improvements. Alan Douglas seconded and the motion carried 3-0.

There being no other business Alan Douglas made a motion to adjourn, seconded by Bob Townsend. Motion approved 3-0.


Gerald Bledsoe, President


Bob Townsend, Commissioner


Alan Douglas, VP


ATTEST: C.T. Montgomery, Auditor