

January 28, 2002

Commissioner Chairman, Brian Hauptert, called the meeting to order with all members present. Minutes of the 1/22 meeting were approved as written, moved by Lester Templin, second by Darle Dawes, and passed. Commissioners reviewed the Treasurer's December Report and the Jail/Memorial Hall custodian hours. Ameritech reports Wabash County had no delinquent 911 accounts in 2001. Steve Jones, with United Consultants Engineering, updated Commissioners on their federal aid project, bridge # 28 in Laketon, on CR 200 W over the Eel River. They plan to let bids this summer, however highway supervisor Larry Rice, says the work needs done over the summer when kids aren't in school. It would be a half hour detour for buses. Mr. Jones will look into the matter. Larry Rice reports both new dump trucks are equipped and on the road. The new bridge truck is here, but equipment must be switched from the old truck. In response to a request for information, Commissioners agree Larry should supply the records he has regarding a railroad fatality at the crossing on CR 100 W. He has a letter from Linda Pyle suggesting STOP signs at rural crossings and grant papers providing funds to do that.

CR 950 N hearings: The 1:30 hearing moved to the Honeywell Center, as about 80 people attended, the vast majority supporting Celia Shankster in her petition to close the road. Mrs Shankster, her attorney, Phillip Odgen and neighbor, Marlin Fingerle spoke in support of closing the road that runs thru the Shankster property. Shankster says there was a horse and buggy trail back to the mill, and people forded the Eel River to go on to Ijams ville. A covered bridge was later built, but about 1919, the mill closed and the trail was no longer needed. When she and her husband purchased the property in 1993 there was no evidence of a road, and nothing in her abstract indicating a road. She is willing to grant Todd Rager an easement to his south acreage for farming purposes, and offered to sell her entire property to him in June of 2001. Many trucks have been across the newly opened road, and even though the county laid some stone, it's a muddy, rutty mess, and she doesn't think county taxpayers should have to pay for a road to Rager's north property. Marlin Fingerle says he lives across from Mrs. Shankster, and borders Rager property. Fingerle says he represents at least 10 of the 13 homes in the area. He's 56 years old and has lived in the area for 30 years. There's never been a dime spent on road maintenance in that time, and he thinks adding a bus turn-around would be dangerous. He sees 3 mistakes on this issue: (1) Mr. Rager and Bill Haywood assumed they could use the property, (2) a building permit was issued to Haywood, without first ascertaining where his ingress/egress would be, (3) Commissioners made a mistake by re-opening the road in 2001. Haywood could gain access across Rager property and Rager has access to his south field for farming. Fingerle asked Commissioners to listen to the people, not one man. Attorney Odgen challenged Commissioners to put themselves in Shankster's place. Would they like a road added thru the property they purchased several years ago? Odgen contends Rager wants the county to provide a road so he can develop the area north of it, access to his south farm isn't the issue. The court granted him an easement for farming purposes only, but that wasn't what he wanted. Once the Commissioners opened CR 950 N, the court released its' order. Neither Odgen nor Wabash Valley Abstract Co. found any reference to a road in the Shankster abstract. He also noted the survey done by County Surveyor, John Stephens, while indicating the presumed road, noted no record documents were found about the road, and several stone markers couldn't be located. Ogden says if the county wants to build a road, build it on Rager property, then he can develop his property and Haywood will have access to his home. Todd Rager and Bill Haywood spoke in support of Rager's petition to keep the road opened. Rager says he bought the property in 1973 before Ora Blocher built the home where Mrs. Shankster now lives. Rager didn't object when all those people moved their house trailers into the area, and he doesn't think a few people should try to dictate what he can do with his farm. Rager knows there was a road, and it's never been legally closed. He's being blamed for a problem he didn't create, and he's trusting the Commissioners to do the right thing. Bill Haywood, bought ground from Rager to build a home in 2001. He says he can't force Rager to sell him more ground for a drive, and he asked Shankster to sell him ground, but she declined. He was granted title insurance for a loan because the Commissioners opened the road. If it's closed, he has no way to get to his home. Larry Rice, highway supervisor said an 1884 map shows a road, and a 1910 map in the Co. Recorder's office shows a road, but not in the exact location as the 1884 map. The 1910 map was done by Monroe Crumrine, county surveyor at the time. Larry says a 1971 plat book shows the road and the 1984 plat book looks like the road ends at the north side of the mill race. Les said he talked with surveyor Stephens, who says the lane is the presumed access to Rager's south farm which is bordered by the river. Les moved to take the matter under advisement, second by Darle, and passed. Commissioners set Tuesday, February 19th at 1:30 P.M. to announce their decision and explain how they came to that decision. At this time the status of the road hasn't changed. Les moved to adjourn the meeting, second by Darle, and passed.

Brian K. Hauptert, Chairman

Darle V. Dawes

Lester D. Templin

Attest: _____

Carol Stefanatos, Auditor