

## SPECIAL CALLED

### CHESTER COUNTY TRANSPORTATION COMMITTEE MEETING

Monday, March 21<sup>st</sup>, 2022 at 5:50 PM

#### R. Carlisle Roddey Chester County Government Complex

1476 J A Cochran Bypass, Council Chambers

### MINUTES

**Present:** Interim Chairman Dr. Frederick, Vice Chairman Branham, Councilman Jordan, Councilwoman Guy, Councilman Killian, Councilman Vaughn, Councilman Wilson, County Attorney Winters, and Clerk to Council Lee.

**Absent:** Councilman Killian.

1. **Call to Order-** Interim Chairman Dr. Frederick called the meeting to order at 5:50 PM.
2. **Approval of Minutes**
  - a. **January 20<sup>th</sup>, 2022 Special Called CCTC Minutes.**  
Councilman Vaughn motioned to approve, second by Councilwoman Guy. Vote 4-0 to approve. Vice Chairman Branham was not present at the 1-20-22 meeting.
  - b. **January 4<sup>th</sup>, 2022 CCTC minutes.**  
Vice Chairman Branham motioned to approve, second by Councilman Wilson. Vote 3-0 approve Councilman Jordan was not present at the 1-4-2022 meeting. Councilwoman Guy's name was mistakenly left off from the 1-4-2022 meeting.
3. **Old Business**
  - a. **Corrections for reimbursements from the Road Department for account (100-401-5225).**
    1. **November 15, 2021: Add \$180.93 for 1 cent sales tax that was not included in the total.**  
Vice Chairman Branham motioned to approve, second by Councilman Jordan. Vote 5-0 to approve.
    2. **January 4, 2022: Deduct \$275.07 that was overcharged in error.**  
Councilwoman Guy motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.
4. **New Business**
  - a. **Request to reimburse the Road Department for County Road maintenance from December 07, 2021 to March 2, 2022 in the amount of \$19,996.53.**  
Councilman Vaughn motioned to approve, second by Vice Chairman Branham. Vote 5-0 to approve.
  - b. **Council to consider accepting Georgetown Road into the County Road System. Attorney Winters.**

Attorney Winters stated this was something that council talked about at the September 7<sup>th</sup> meeting of last year but was never affirmatively adopted. The motion was made to maintain to the gate second by Councilman Vaughn. 6-0 to approve at the CCTC meeting. But Miss Lee and I could not find where county council adopted that recommendation. And so that's why it's on the agenda for this evening.

Councilman Vaughn stated for clarity for the public, what part of Georgetown Road was she speaking of?

Attorney Winters stated Mr. Trotter, had done some amazing research on this if you would like to hear from him directly. He's in the audience.

Russell Trotter stated it was roughly around 270 ft to 300 feet. The issue was that in 1970 when the state adopted the road and decided to pave it, they didn't go any further than the last house at the time. Which left them 300 feet behind them. Because it was just timberland that the road went through until it hit our gate. His family has owned the property since 1936. And he can show where the property's been in ownership since the 1880s. Attorney Winters also has a plat from 1919 that shows the road that became Georgetown Road. There issue was when the council voted to take the road on under a prescriptive easement, the problem was there is no way to record a prescriptive easement. Their worry was that within the next five years, because now those properties have been subdivided. Mrs. Howze came before the Planning Commission to get her lot rezoned. There's another property owner and an additional property owner before you get to our gate, which means they have to effectively cross all three of those properties in order to access there's. Without there being some sort of legal description of that prescriptive easement, a deed of the easement or the county taking it in as a roadway and putting up a sign. He stated ten years from now, and nothing has been done with those three properties he could be standing in front of possibly a new council having to fight the same argument repeatedly until it's said and done.

Vice Chairman Branham asked if the property line rundown the center of that proposed property.

Mr. Trotter stated no, it runs it runs perpendicular and crosses three properties to our gate. The last few properties were subdivided in 1988. The first, second and third house were the three that they had to cross to get to their property. The only issue they could see was if there's no survey being done if there's no legal description, where the county deeds that prescriptive easement or calls it a road that in five years from now, they will be having the same argument every time somebody wants to do something with one of those three properties. They have residential power on their property because it used to be a house on it way back in the day.

There's an overhead aerial power line that runs just about dead center of the roadway, Duke Energy would be of the same argument that the county's prescriptive easement because there's a transformer pole that sits on his property that feeds back into that neighborhood. So that same prescriptive easement type of deal with overhead power would be the same argument the county has. The issue is there's got to be something recorded or the county has to take it into their road system. When somebody does come out to develop it, the surveyor knows that something's there because the surveyor is not going to go back and check county minutes. He's going to go pull deeds and pull associated plats at the courthouse and if something is not shown, where it's a road other than that state map, or the county has a deeded easement for that. He's not going to have any knowledge. They would be coming right back here every time that occurs.

Councilman Vaughn said he thought this would be a good solution to this problem to go ahead and take this road into the system since it would not require much maintenance.

Attorney Winters stated it's important that council understand that the County did maintain that road up until 2017. And at that point in time, the owner of the property said stop, I don't want you on my property. But unfortunately, it affected others around them, the county has always maintained the road up until that time.

Mr. Trotter stated where Mrs. Howze property line stops, the road would basically die with her. You're not only giving us access, but you're also giving the owner of lot two access and the owner a lot one access to their property. I mean, it's not just us that are trying to gain it. They haven't fought this fight because they haven't tried to develop their property yet. If they came out and measured ditch bank to ditch bank, it would be about 30 to 33 feet, it's about 270 to 290 feet. It was stated the county was going to throw some rock down and scrape it and maintain it. It would need minimum maintenance, every 10 years it may need something. He thought it would behoove the county to also put up a sign at some point, just so that when a surveyor does come down there, it's there and something is recorded in the courthouse. Council now has a state map to back you up and every bit of evidence that he had given Attorney Winters to back Council up to say it's a road.

Attorney Winters stated she thought the CCTC should recommend that it be included in the county road system and then when we come out of CCTC and go into regular session for the items that you have to vote on then as a county council vote on the acceptance of that portion.

Councilman Wilson motioned to approve adding Georgetown Road into the county road system, second by Councilman Vaughn. Vote 5-0 to approve.

**5. Adjourn**

Councilwoman Guy motioned to adjourn, second by Councilman Jordan. Vote 5-0 to adjourn.