

**OFFICIAL MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
Public Hearing in the Matter of the Resolution Considering the Formal Adoption and
Damages of Carbon County Road 451 also known as Cherokee Road
Road Action RA-2022-01**

May 31, 2023

Carbon Building-Courthouse Annex, Rawlins, WY

A special public hearing of the Board of Carbon County Commissioners (BOCC) commenced May 31, 2023, at 9:03 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, Sue Jones, Vice Chairman, Travis Moore, John Johnson and John Espy with Byron Barkhurst absent.

This hearing was also transcribed by Court Reporter, Sabrina Trevathan. Please see the transcript for the full testimony.

Craig Silva with Williams, Porter Day and Neville, PC, appointed Hearing Examiner called the meeting to order at 9:03 a.m. to consider testimony and petitions for and remonstrances against the establishment of the Carbon County Road 451 also known as Cherokee Road (RA-2022-01).

Public Hearing

Mr. Silva outlined the processes for today's hearing as stated by WY State Statute.

Attorney Ashley Davis conducted opening statements stating that the evidence will show that it will be a public benefit for the county road to be formally adopted and that the county has already expended a large amount of money in maintaining the road as a county road for approximately 20 years. Ms. Davis stated that the issue in front of the Board is whether to choose to adopt the road as a county road and whether there should be any damages awarded.

Claimants then were provided the opportunity to conduct opening statements and all declined.

Road & Bridge

Attorney Davis called Kandis Fritz, Carbon County Road and Bridge Superintendent as her first witness.

Attorney Davis moved to admit Carbon County Road and Bridge exhibits 1-13 and 19-20 into the records as follows:

- Exhibit 1 – Resolution No. 2022-45 Initiating Adoption of County Road 451 Cherokee Rd
- Exhibit 2 – Resolution No. 2022-50 Continuing Cherokee Road Hearing
- Exhibit 3 – Notice all Letters to Landowners
- Exhibit 4 – Viewers Report and Oath
- Exhibit 5 – Letters During Comment Period
- Exhibit 6 – Public Notice – Regarding Damages

- Exhibit 7 – Letters Received Landowners - Damages
- Exhibit 8 – Resolution No. 2023-07 - Appoint Cherokee Road Appraisers
- Exhibit 9 – Notice of Appointment of Appraisers - Instructions
- Exhibit 10 – Reschedule for Viewers
- Exhibit 11 – Reports from Appraisers and Oath
- Exhibit 12 – Order of Appointment of Hearing Examiner
- Exhibit 13 – Setting of Public Hearing Notice
- Exhibit 19 – Inventory Sheet Road and Bridge
- Exhibit 20 – Costs County Road 451

Mr. Silva provided time for everyone in attendance to review the exhibits and after a brief recess approved the introduction of these exhibits after there were no objections from anyone present.

Mrs. Davis called Sydney “Scott” Thayer, appointed appraiser of CR451 as the next witness.

Attorney Davis moved to admit exhibit CCRB 14 -18 and exhibits CCRB 21-33 as follows.

- Exhibit 14 – Easement/Patent Ezell
- Exhibit 15 – Easement/Patent Merendino-Lamb
- Exhibit 16 – Easement/Merendino-Lamb
- Exhibit 17 - Easement/Morgans’
- Exhibit 18 – Easement/Watson/Soto
- Exhibit 21 – WLC Engineering and Surveying Overall Survey Map
- Exhibit 22 – WLC Engineering and Surveying Detail Survey for Ezell
- Exhibit 23 – WLC Engineering and Surveying Detail Survey for Merendino-Lamb
- Exhibit 24 – WLC Engineering and Surveying Detail Survey for Watson
- Exhibit 25 - WLC Engineering and Surveying Detail Survey for Soto
- Exhibit 26 – WLC Engineering and Surveying Detail Survey for Holloway
- Exhibit 27 – WLC Engineering and Surveying Detail Survey for Trent Morgan
- Exhibit 28 – WLC Engineering and Surveying Detail Survey for Travis Morgan
- Exhibit 29 – WLC Engineering and Surveying Detail Survey for Waylan Morgan
- Exhibit 30 – WLC Engineering and Surveying Detail Survey for Marybeth Gale
- Exhibit 31 - WLC Engineering and Surveying Detail Survey for Gwen Gale/Lacey
- Exhibit 32 – WLC Engineering and Surveying Detail Survey for Cain
- Exhibit 33 – WLC Engineering and Surveying Detail Survey for Garner

Mr. Silva allowed all in attendance time to view each exhibit and after a brief recess there were no objections from anyone in attendance and the exhibits were entered into evidence.

Attorney Davis moved to admit exhibits CCRB34 through CCRB45 as follows:

- Exhibit 34 – Wagon Circle/Ezell
- Exhibit 35 – Wagon Circle/Merendino-Lamb
- Exhibit 36 – Wagon Circle/Watson
- Exhibit 37 – Wagon Circle/Soto

- Exhibit 38 – Wagon Circle/Holloway
- Exhibit 39 – Wagon Circle/Trent Morgan
- Exhibit 40 – Wagon Circle/Travis Morgan
- Exhibit 41 – Wagon Circle/Waylan Morgan
- Exhibit 42 – Wagon Circle/Marybeth Gale
- Exhibit 43 – Wagon Circle/Gwen Gale
- Exhibit 44 – Wagon Circle/Cain
- Exhibit 45 – Wagon Circle/Garner

There were no objections from anyone in attendance and the exhibits were entered into evidence.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 2:28p.m. with Wendy Newbrough and Hearing Examiner Silva to discuss matters considered confidential by law. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Espy moved to come out of executive session at 4:45 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Johnson seconded and the motion passed unanimously.

FINDINGS OF FACT & CONCLUSIONS OF LAW

Commissioner Moore moved to approve and adopt the Findings of Fact and Conclusions of Law Regarding Adoption of Cherokee Road (County Road 451) and that no net damages will be awarded to any landowner. Commissioner Johnson seconded and the motion passed unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 4:49 p.m. Commissioner Moore seconded and the motion passed unanimously.



Gwynn G. Bartlett

 Gwynn G. Bartlett, Carbon County Clerk

Approved this 6th day of June 2023
 BOARD OF COUNTY COMMISSIONERS
 CARBON COUNTY, WYOMING

Sue Jones

 Sue Jones, Chairman