

**Park County Board of County Commissioners
Special Meeting – Contested Case Hearing
Peter and Lynne Simpson Private Road Establishment
December 4, 2008**

Proceedings of a Contested Case Hearing in the matter of the amended petition of Peter and Lynne Simpson for the Establishment of a private road December 4, 2008 in the Alternate EOC Room of the Park County Courthouse. Present were Commission Chairman Tim French; Commissioners Marie Fontaine, Jill Shockley Siggins and Bucky Hall; County Clerk Kelly Jensen; Deputy County Attorney Jim Davis; Attorney Andrea Earhart on behalf of Mariposa LLC and Attorney Colin Simpson on behalf of Peter and Lynne Simpson.

The Contested Case Hearing was called to order by Chairman French. Deputy County Attorney Jim Davis stated the attorneys for the two parties have essentially agreed there is no legally enforceable access and they are prepared to stipulate to that fact. Therefore, a hearing examiner was not required and the Board can move forward with appointing viewers and appraisers.

Colin Simpson outlined the agreement, stating the two parties have generally agreed there is no legally enforceable access so there is a necessity for a private road. They have further agreed to attempt to provide to the Board of County Commissioners within 60 days three mutually acceptable viewers. If they cannot agree within 60 days the Board will appoint individuals. During the 60 days they will also attempt to agree which route will be viewed and appraised. They agree the filing and notice were proper and there has been a showing of necessity. Simpson noted a future hearing would be necessary to hear the viewers' and appraisers' report and any possible stipulations. Ms. Earhart stated that she agreed with the information presented to the Board by Simpson.

The Board suggested they consider the three individuals who served as viewers and appraisers in the County's last private road petition (Bob Swander, George Magargal and Larry Hedderman) and also suggested they consider Que Mangus and Jay Moody.

Deputy County Attorney Davis stated his office would prepare an order for the Board to sign this month.

There being no further comments from the parties, Commissioner Siggins made a motion, seconded by Fontaine, to adjourn. Motion carried.

Tim A. French, Chairman
Park County Commissioners

Bill Brewer, Vice Chairman

Jill Shockley Siggins, Commissioner

Marie Fontaine, Commissioner

Bucky Hall, Commissioner

Attest:

Kelly Jensen, Park County Clerk