

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING  
JUNE 21, 2004**

**OFFICIALS IN ATTENDANCE:** Cheryl Sanders, Chairman, Eddie Creamer, Clarence Williams, Bevin Putnal, Commissioners. Absent: Jimmy Mosconis, Commissioner.

**1:00 p.m.** Chairman Sanders called the meeting to order

(Tape 1-15) Chairman Sanders told the Board that this meeting was called to discuss an apparent discrepancy in ownership of property connected to the airport ditch right-of-way on Bluff Road, north of Apalachicola.

(Tape 1-22) Doris Pendelton appeared before the Board and presented a package of information that she wished to discuss, including two surveys of her property and a copy of Indian Oaks Subdivision, Commissioner Mosconis' property. She stated that there is a dispute as to where the right-of-way for this ditch begins. Her property is adjacent to this 200 ft. county drainage ditch right-of-way and Commissioner Mosconis owns the property to the north of this ditch right-of-way. She is concerned because the survey markers placed by Commissioner Mosconis' surveyors have taken in at least a portion of the county right-of-way and he is now in the process of developing this property. She gave the Board copies of surveys that she has had done by both Edwin Brown and Thurman Roddenberry. The surveys show that Ms. Pendelton's property runs up to the ditch on the south side. If Commissioner Mosconis' survey is correct, a large portion of Ms. Pendelton's property would be included in this right-of-way.

Based on several surveys and legal descriptions dating back many years, Ms. Pendelton said that Mr. Mosconis has incorporated a portion of this 200 feet into his new subdivision, is now clearing and has sold this property. Ms. Pendelton said that originally the property which Mr. Mosconis now owns was surveyed out at 6 acres, it is now over 8 acres

Ms. Pendelton was told that she needed to contact the county attorney. He asked that the surveyors get together and figure out what has happened. Ms. Pendelton went on to say that both surveyors, Roddenberry and Baskerville Donovan, who surveyed Mr. Mosconis' property, have both said they made mistakes. Ms. Pendelton asked the Board, because both property owners are county officials, to hire a completely independent surveyor to come in and survey the property in order to satisfy this dilemma.

Mr. Shuler was asked what recommendations he could make. He told the Board that he may have a conflict of interest in this matter as his family owns the title company which has written title insurance on this property. He asked that the Board waive this conflict. Chairman Sanders felt there would be a conflict with having Mr. Shuler represent the Board. The Board members agreed that it would be in the best interest of the Board to hire an independent attorney to resolve this matter.

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Mrs Pendelton went on to ask the Board to hire an independent surveyor to determine the location of the right-of-way. If the ditch right-of-way encroaches into either hers or Mr. Mosconis' property that the Board require that the property be put up for public auction as both she and Mr. Mosconis are public officials..

(Tape 1-680) Commissioner Putnal made a **motion not to waive the conflict of interest for Mr. Shuler and therefore he is not eligible to represent the Board in this matter.** Commissioner Creamer seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-718) Mr. Steve Stinson, field surveyor for Baskerville-Donovan and Thurman Roddenberry, surveyor for Roddenberry Surveyors both appeared before the Board. Mr. Stinson told the Board that that BDE started from the east boundary line when surveying Mr. Mosconis' property and Mr. Roddenberry started from the western side of the property. They agreed that when these surveys were done, it appears there was about a 32 ft. error on Ms. Pendelton's side of the property and 66 ft. error on Mr. Mosconis' side of the property. Mr. Stinson said that he took the survey prepared in 1999 by Ronald Cowden, Baskerville-Donovan Engineers and created the subdivision so that Mr. Mosconis could move forward with platting his subdivision.

There was some discussion concerning where each surveyor started with their Point of Beginning. Mr. Stinson went on to say that the surveyors are in agreement there is a discrepancy with the 200 ft. right-of-way.

(Tape 1-992) The Board discussed hiring an independent surveyor to come in and survey the county property to determine exactly where this right-of-way is located.

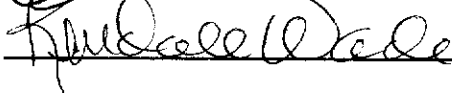
Commissioner Putnal made a **motion to hire attorney Lucy Turner to represent the Board concerning this issue.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.**

(Tape 1-1218) Commissioner Putnal made a **motion to have Lucy Turner hire an independent surveyor to survey the county property.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** The Board asked that Ms. Turner come back to the Board once the survey is complete with recommendations for the Board.

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, IT WAS AGREED TO ADJOURN.**



Cheryl Sanders, Chairman



Kendall Wade, Clerk