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**AGENDA**

Jefferson County Parks & Recreation Commission

SPECIAL MEETING

November 7

**MINUTES**

6:00 p.m.

JCCC

1. Call to Order - 6:04pm
2. Roll Call- Baker, Benzinger, Marshall, McIntyre, Milbourne, Thompson

1. Discussion and possible action on conservation easement with West Virginia Land Trust; regarding the Riverside property. (Possible Executive Session)
   1. Discussion of easement. Marshall made a motion to accept condemnation clause as presented and move forward with the remaining negotiations to finalize the contract. Motion passed unanimously.
   2. Eminent Domain clause: Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by the Easement, Grantor and Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate value of OHCF’s and Grantor’s interests, and OHCF’s proceeds shall be used as specified above in section 11, provided, however, should the governmental agency that effects such condemnation be any federal agency or any West Virginia agency other than Grantor, the first $902,000 of condemnation proceeds allocable to the Property (other than any proceeds allocable to any improvements on the Property constructed by Grantor, which proceeds shall be entirely to Grantor) shall be distributed as follows: (x) 33.26% to Grantor; (y) 20.64% to OHCF and 46.10% to Grantee. All condemnation proceeds allocable to the Property (other than any proceeds allocable to any improvements on the Property constructed by Grantor) in excess of $902,000 shall be distributed among Grantor, Grantee and OHCF in the follows percentages: (x) 12.67% to Grantee; (y) 20.66% to OHCF and (y) 66.67% to Grantee. Grantor, Grantee and OHCF shall bear their own costs incurred in any such eminent domain proceeding, including attorney’s fees, with neither party liable to the other for costs incurred in such proceedings.
2. Adjourned -6:25pm