



**Your Safety • Your Mobility  
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**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 7129 • Boise, ID 83707-1129

(208) 334-8000 • [itd.idaho.gov](http://itd.idaho.gov)

**Idaho Transportation Board  
Subcommittee on  
State Highway System Adjustments**

**March 18, 2020**

**1:15 PM**

(or upon adjournment of the business meeting)

Idaho Transportation Department  
3311 West State Street  
Room 212  
Boise, Idaho

**ACTION ITEMS**

	<u>Page</u>	<u>Time*</u>
<b>1. Call meeting to Order – Chairman Kempton</b>		<b>1:15</b>
<b>2. February 19, 2020 Meeting Minutes – Chairman Kempton</b>	1	
<b>3. Road Closure and Maintenance Agreement: SH-33, Sugar City Half Interchange Connector Road, District 6 - District 6 Engineer Jason Minzghor</b>	3	<b>1:20</b>
<b>4. Road Closure and Maintenance Agreement: East Side Frontage Road, District 6 - District 6 Engineer Jason Minzghor</b>	17	<b>1:35</b>
<b>5. Adjourn</b>		<b>1:50</b>

\*Listed times are estimates only.

## Idaho Transportation Board

### Subcommittee on State Highway System Adjustments

February 19, 2020

Idaho Transportation Board (ITB) Subcommittee on State Highway System Adjustments Chairman Jim Kempton called the meeting to order at 1:25 PM on Wednesday, February 19, 2020 at the Idaho Transportation Department (ITD) in Boise, Idaho. ITB Members Bob Hoff and Jan Vassar were present.

Key principals from ITD in attendance were Chief Engineer (CE) Blake Rindlisbacher, Planning Services Manager Ken Kanownik, Deputy Attorney General (DAG) Larry Allen, and Executive Assistant to the Board Sue S. Higgins. Local Highway Technical Assistance Council Administrator Jeff Miles was also present.

District 2 Engineer (DE) Doral Hoff and District 2 Planner Ken Helm participated via video conference.

January 21, 2020 Meeting Minutes. Member Hoff made a motion to approve the January 21, 2020 Subcommittee meeting minutes as submitted. Member Vassar seconded the motion and it passed unopposed.

Realignment and Readjustment – US-95, Thorncreek Road to Moscow, District 2. DE Hoff presented the draft road closure and maintenance agreement to relinquish a portion of US-95 to the North Latah Highway District upon completion of the realignment of US-95. Language stating that the route would not be relinquished until the new alignment is constructed was included. DAG Allen added that other minor revisions were also made to the agreement.

Chairman Kempton said he assumes the agreement is ready to present to the Board and upon approval, an Official Minute Entry for this transaction would be executed; however, he requested clarification on the process. DAG Allen said the Board could approve the agreement and sign the Official Minute once the new alignment is constructed and the improvements are made to the existing highway, at this time, but the right-of-way will not be transferred to North Latah Highway District until the US-95 project is completed, or, the Subcommittee could wait with the agreement and present it to the Board after the US-95 construction project is completed. In any event, the right-of-way should not be transferred to North Latah Highway District until the US-95 project is completed.

Chairman Kempton said the motion under consideration is to authorize staff to proceed with finalizing and signing the road closure and maintenance agreement with North Latah Highway District. He requested confirmation that the funding involved in the transaction has been identified. DE Hoff replied in the affirmative.

Administrator Miles questioned the local agency being responsible for hiring a consultant to design the project on US-95 before ~~after~~ the right-of-way is transferred to it, advertising the

construction project, and submitting the invoices to ITD for payment. He also questioned the Buy America Steel Act requirement in the agreement. CE Rindlisbacher agreed that funding the project in this manner is a different process than what the Department normally follows. Usually the Department is either responsible for the entire project or it provides money to the local public agency and the local agency is responsible for the project. Some discussion followed on the options for the project after US-95 is relinquished to the highway district.

Planner Helm said work on this project has been underway for about 20 years. The highway district is satisfied with the road closure and maintenance agreement. It concurs with being responsible for the design and construction of US-95 after that portion is transferred to it and submitting the invoices to ITD for payment.

There was some discussion on the need for the District and Headquarters staff to further discuss how the local's project should be handled. In response to Chairman Kempton's question, staff confirmed that delaying action on the road closure and maintenance agreement will not have a negative impact on this system adjustment.

Member Vassar made a motion to hold the road closure and maintenance agreement for continued negotiations. Member Hoff seconded the motion and it passed unopposed.

The meeting adjourned at 2:00 PM.

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Respectfully submitted by:  
SUE S. HIGGINS  
Executive Assistant & Secretary  
Idaho Transportation Board

**ROAD CLOSURE AND MAINTENANCE AGREEMENT**  
**Sugar City Half Interchange Connector Road**  
**State Highway 33**  
**Madison County, Idaho**

**PARTIES**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and **MADISON COUNTY**, hereafter called COUNTY.

**PURPOSE**

This Agreement is entered into pursuant to Idaho Code, Section 40-203B. The State intends to abandon that portion of State Highway 33 and the Sugar City Half Interchange Connector Road, as shown on the attached print marked "Exhibit A" and made part of this Agreement, and COUNTY intends to take the abandoned State Highway 33 and the Sugar City Half Interchange Connector Road into its jurisdiction upon the terms and conditions set forth herein.

The Parties agree as follows:

**SECTION I:** That the State will:

1. Relinquish and abandon to COUNTY by official notification from the Idaho Transportation Board, consisting of State Highway 33 from mile post 337.478 to mile post 339.759, AND the Sugar City Half Interchange Connector Road segment code 005414 mile post 100.00 to mile post 100.12, and mile post 100.367 to mile post 100.587, including the right-of-way appurtenant thereto, as shown on Exhibit A.
2. Program a project in Fiscal Year (FY) 2021 of the FY2021-2027 Idaho Transportation Investment Program (ITIP). Upon approval of the FY2021-2027 ITIP by the Idaho Transportation Board (anticipated in September 2020) the State will proceed with item 3.
3. Pay the sum of \$3,100,000.00 to COUNTY to defray the cost of the operation and maintenance of State Highway 33 from mile post 337.478 to mile post 339.759, AND the Sugar City Half Interchange Connector Road segment code 005414 mile post 100.00 to mile post 100.12, and mile post 100.367 to mile post 100.587. Provided however, nothing herein shall be construed to require COUNTY to maintain the facility to any certain specification.  
Also for the construction of an Improvement Project known as the "City of Sugar City Railroad Ave/3<sup>rd</sup> South Improvement".

**SECTION II:** That COUNTY will:

1. Pass a resolution pursuant to I.C. 40-203B consenting to the abandonment by the State and accepting the jurisdiction of and responsibility for that portion of the existing facility identified above and known as State Highway 33 from mile post 337.478 to mile post 339.759, AND the Sugar City Half Interchange Connector Road segment code 005414 mile post 100.00 to mile post 100.12, and mile post 100.367 to mile post 100.587, including the right-of-way appurtenant thereto, as shown on Exhibit A, as of the date of the approval of this agreement by the Idaho Transportation Board, subject to the terms of this agreement.
2. Once a resolution is passed, the County will execute this agreement and forward the executed agreement, together with a copy of the resolution, to the District Engineer identified below. The District Engineer will present the agreement executed by the County to the Idaho Transportation Board for its consideration.
3. Upon approval of this agreement by the Idaho Transportation Board, and receipt of the funds from the State, the County shall maintain and administer the identified roadway as an existing public facility at its own expense.

**SECTION III: Approval and Effect**

This Agreement will become effective upon its execution by the parties and the approval of the Idaho Transportation Board.

**EXECUTION**

This Agreement is executed for the State by its Chief Engineer; and executed for COUNTY by the COUNTY Commissioners, and attested to by the COUNTY Clerk.

**IDAHO TRANSPORTATION DEPARTMENT**

APPROVED FOR SUBMISSION TO THE  
IDAHO TRANSPORTATION BOARD

\_\_\_\_\_  
Chief Engineer


RECOMMENDED BY:

\_\_\_\_\_  
District Engineer


ATTEST:

**MADISON COUNTY**

  
\_\_\_\_\_  
COUNTY Clerk

  
\_\_\_\_\_  
County Commissioner

  
\_\_\_\_\_  
County Commissioner

  
\_\_\_\_\_  
County Commissioner

(SEAL)

By regular/special meeting on

2/24/2020

# SH 33 Realignment

"Exhibit A"



YOUR Safety ○ ○ ○ ▲ YOUR Mobility ○ ○ ○ ▲ YOUR Economic Opportunity



# SH 33 Realignment

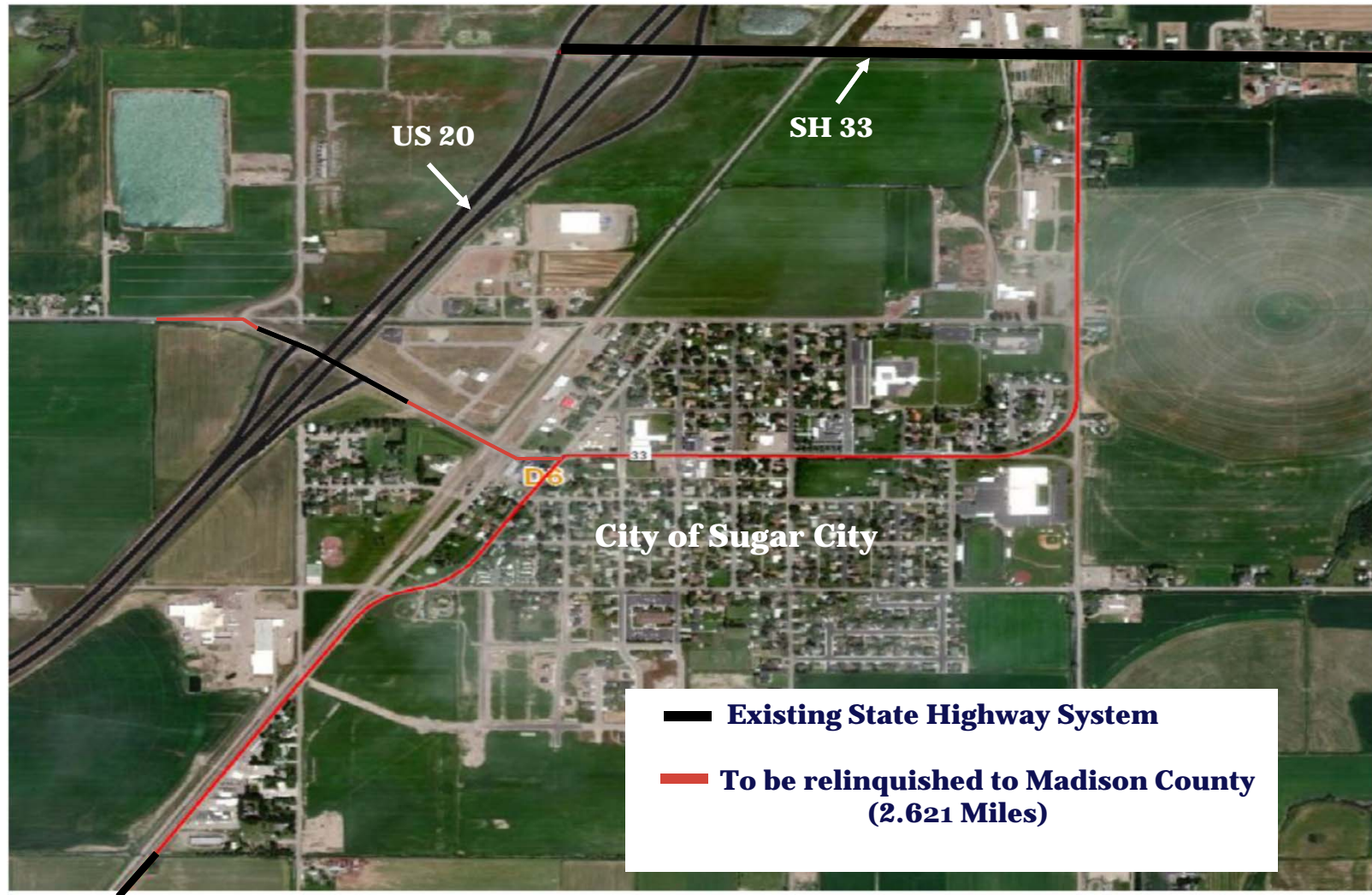
"Exhibit A"



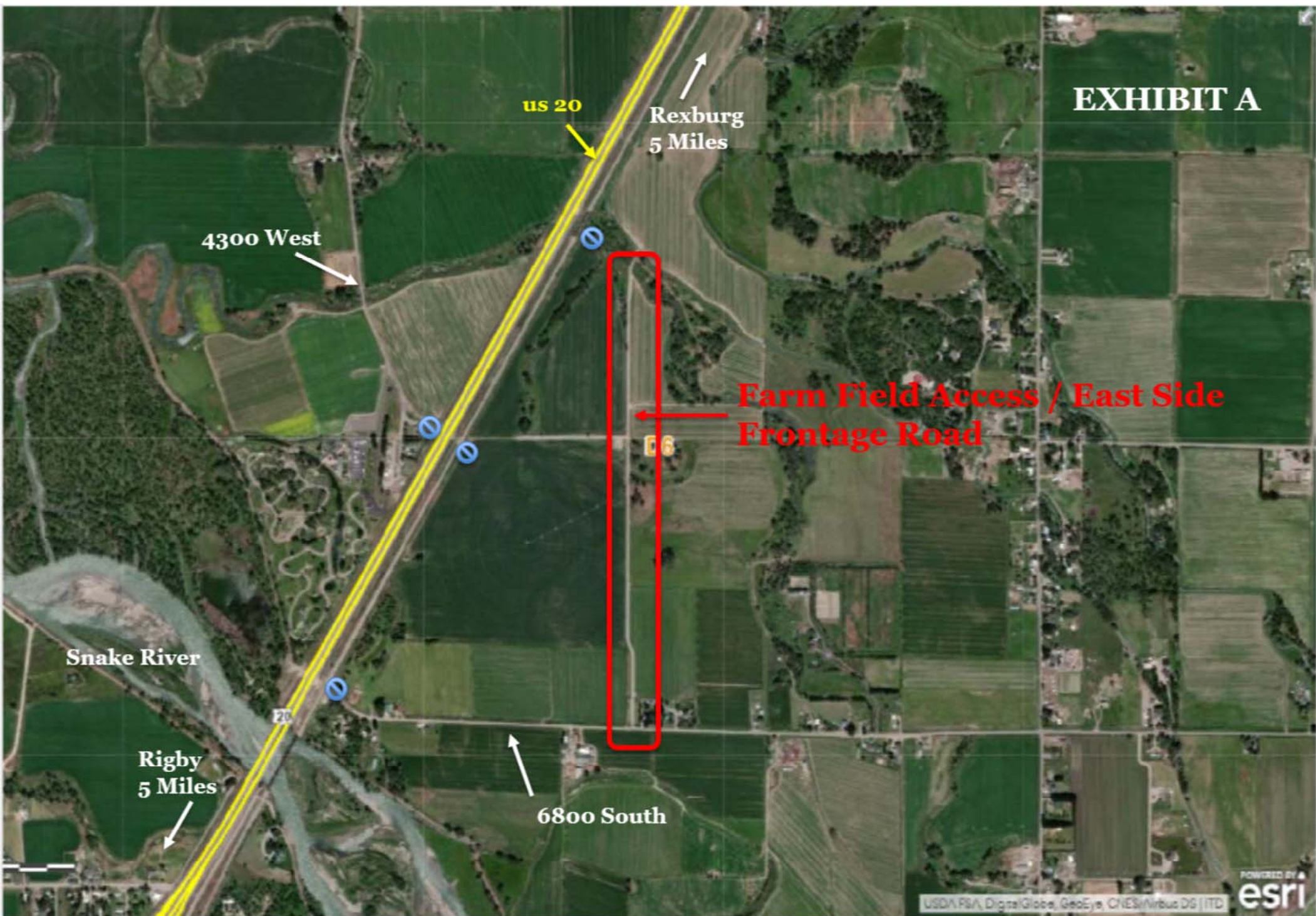
YOUR Safety ○ ○ ○ ▲ YOUR Mobility ○ ○ ○ ▲ YOUR Economic Opportunity



# SH 33 Realignment







**Madison County  
Commissioner Meeting Minutes  
February 24, 2020**



**Attendees:**

**Jon Weber, Commissioner (Chairman)**  
**Todd Smith, Commissioner**  
**Brent Mendenhall, Commissioner**  
**Troy Evans, Deputy Prosecuting Attorney**  
**Kim Muir, County Clerk**

Pledge of Allegiance

Invocation: Commissioner

**ACTION ITEMS**

**Public Comment:**

Mark Garner, son of Ted and Edna Garner, was present representing the Garner Family. He stated that since the flood in 1976 the family allowed the County to use their gravel pit and the county would in turn see that there was 2 feet of gravel put over the site and the land be used as a Park in his grandfather's name. The Commissioners informed this is currently a City of Rexburg project. Commissioner Smith comments the bid came back at \$2.5 million to construct ball fields on the property. The City has locked down \$2.1 million and are now asking for donations from the county and others to help make the park come to fruition. Mark comments they would like to see this come to fruition. It was a hand shake agreement after the flood, but the City believes they have signed documents, which will be forwarded to the county. Current projections are to construct 4 diamonds, but a future design show a possible 8 diamonds plus a small park.

**Calendar Discussion:**

The next Commission meeting will be March 9, 2020.

**Board and Committee Reports:**

Commissioner Smith recommends Mike Mortensen as a new Fair board member.

Commissioner Smith made a motion to appoint Mike Mortensen to the Fair Board. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Legislative Report-Commissioner Mendenhall:**

Commissioner Mendenhall discussed the property tax freeze legislation currently being put forward. The matter did come out of the Revenue and Tax Committee and he went to Boise to testify. Brent presented reports showing estimated fiscal impact for property tax budgets to all counties. There will be an interim committee created and IAC will be working on alternatives throughout the summer.

**Planning and Zoning Commission Members:** This matter will be discussed at a future date.

**Contracts/Documents:**

After review and discussion, Commissioner Mendenhall made a motion to sign and approve the Letter of Support for the Madison Soil & Water Conservation District. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to sign and approve the Tri-County Adult Misdemeanor Probation, Joint Powers and Operating Agreement. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to sign and approve Tri-County Probation, Standard Operating Procedures. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to sign and approve Ordinance #428 Amending the 2009 version of the International Energy Conservation Code and the Idaho Residential Code: providing for severability; repealing conflicting ordinances and providing an effective date. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Mendenhall made a motion to approve the claims presented by the Clerk in the amount of \$655,659.09 with \$29,509.69 coming from the general fund. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the minutes of February 10, 2020. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Personnel Actions :**

<u>Employee Name</u>	<u>Position</u>	<u>Salary/Wage</u>	<u>Change</u>
<b><i>Sheriff's Office:</i></b>			
Miller, Reed	Detention Reserve	\$15.45	Rehire
Sundberg, Natasha	Dispatcher	\$10.14	New hire
Daugherty, Kellie	Dispatcher	\$10.14	New hire
Johnson, Benjamin	Dispatcher	\$16.09	New hire
Portillo, Jennifer	Dispatcher	\$18.58	Resignation

After review and discussion, Commissioner Mendenhall made a motion to approve the Personnel Actions. Commissioner Smith seconded and voting was unanimous. The motion passed

**Executive Session: Idaho Code § 74-206(1)(b) employee matters- Sheriff's Office, (d) exempt records - Ann Marie Sorensen, Indigent Clerk, (i) litigation matters:**

Commissioner Weber made a motion to go into Executive Session at 9:20 a.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Weber – yes, Commissioner Smith-yes, Commissioner Mendenhall - yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 9:52 a.m. After review and discussion, Commissioner Mendenhall made a motion to sign a Denial on indigent Case No. 2019025. Commissioner Smith seconded the motion. The motion passed.

**Public Hearing, Solid Waste fee change:**

Commissioner Weber opened the Public Hearing at 10:05 a.m. Commissioner Weber – yes, Commissioner Smith – yes, Commissioner Mendenhall – yes. There was no one present to speak for, against or neutral. Blair Hiram, from Bonneville County Waste Manager did comment that Bonneville County will get some of the waste back to their facility, which is where it needs to be.



Darby stated April 9, 1994 the Solid Waste Disposal station opened. The tipping fee has not been raised since its opening. More trucks and equipment have been needed to keep up with the amount of waste being taken to the Landfill. Counties surrounding ours have raised their fees and those counties have been hauling to us. The City hauls about 1000 – 1500 tons per month to the County facility. By raising our rates, revenues will decrease as Madison will be the same price and hauling to Madison will not be a cost savings any longer.

The Public Hearing was closed.

After review and discussion, Commissioner Smith made a motion to approve Ordinance #427 authorizing Madison County to change certain fees for Solid Waste Disposal and collect fees and to repeal all ordinances and resolutions in conflict and to provide a penalty for violations and providing an effective date. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Tim Solomon, Rocky Mountain Power, general updates:**

Tim presented an informational packet and reports some of the things RMP is doing to enhance their services. Customers are asking for more options in terms of renewables. They are committed to enhancing wind solar, storage and how power demands are managed. He reported on ways RMP is working to improve energy efficiency and save homeowners on power bills. They are also testing for solar battery power backup to avoid power outages and peaks and valleys in generation. Commissioner Mendenhall asks what portion of the testing Idaho may never see, yet are paying for. Tim states customers now pay for only what they are using. Rocky Mountain Power is also opening up their internet and broadband services.

**Shawn Boice, Tax Exemptions, Board of Equalization matters:**

After review and discussion, Commissioner Mendenhall made a motion to approve tax exemptions for: Development Workshop (1) parcel RPR6N40E173005 and, East Central Idaho Planning & Development (3) parcels RPR00W1030010, RPSUGCA00457510 and RPR00W2010030, Commissioner Smith seconded and voting was unanimous. The motion passed.

**Shawn Boice, Ag Exemptions:**

**Larsen Holdings:**

Kelton Larsen purchased additional property contiguous with current property owned.

After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Kelton Larsen on his two parcels. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Val Moss:**

This is a 2 ½ acre chunk next to the old Lyman School. Currently it is in hay. After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Val Moss. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Jared Sommer/Grand Properties, LLC:**

New application and is part of Whitetail Flats near the Henry's Fork Preserve. The property is over 5 acres, but not fenced nor in hay. There is no proof it is actively devoted to Ag and there is was no plan submitted. This was previously a holding area for cattle.

After review and discussion, Commissioner Mendenhall made a motion to deny the Ag Exemption for Jared Sommer/Grand Properties LLC. Commissioner Smith seconded and voting was unanimous. The motion passed. This matter can be reconsidered by June.

**Cindy Roberson, Update on Road thru Sugar City:**

The agreement for Highway 33 through Sugar City is between Madison County and Idaho Department of Transportation as the City of Sugar City is under 5000 population. The memo of understanding states Madison County will be taking on maintenance. Sugar City will realign the roadway straight through Railroad Avenue. Funding is available from ITD, but Sugar City has to agree to this. The mayor and City Council will be meeting this week and are still deliberating the issue. The timing with ITD is an issue and a public information meeting will be held to discuss Railroad Way. Highway 33 in Rexburg will be an agreement between the City of Rexburg and ITD. Commissioners like the idea of the road being locally controlled.

Commissioner Mendenhall made a motion to approve the Maintenance Agreement with Idaho Transportation Department for the Sugar City portion of Highway 33. Commissioner Smith seconded and voting was unanimous.

**Kelly Hoopes, Horrocks Engineering, Transportation update, Eastside Frontage Road Agreement:**

Kelly explained the Master Transportation Plan should be updated and Cindy is needing the update to occur this year so she can apply for funding to pave the roadway in 2020. The plan would explain how the growth is happening and where it is occurring. Kelly suggests waiting to complete the travel demand report until the 2020 census numbers come back. Kelly estimates his costs to be a few thousand dollars.

Commissioner Mendenhall approved authority for Horrock's Engineers to move forward with the Eastside frontage Road addendum to the Master Transportation Plan. Commissioner Weber seconded and voting was unanimous.

Review: Road Closure and Maintenance Agreement, East Side Frontage Road/Farm Field Access  
The agreement will be signed at a later date.

**Cindy Roberson, Property matters with Hatfields & Webers:**

Commissioner Weber recused himself on this decision.

Cindy reports on small parcels of property that have become weed collectors that are of no value to the County. Commissioner Mendenhall made a motion to approve giving land slivers back to the land owners. Commissioner Smith seconded and voting was unanimous.

**Matt Nielson, Keith Davidson, City of Rexburg request for funding for construction of ball fields:**

Commissioner Smith states we have discussed funding of the ball fields with a donation from the City of Rexburg and private donations. The City is here to request some funding from the County. Commissioners discussion ensued. The ball fields would be useful to County residents also, but the Commissioners asked if the fields are only for team play? Are they closed to the public or will they be accessible to the general public? Matt states there is a Memo of Understanding with the School District during the school year and schools would have access to the facility. The Recreation Dept. would take care of booking the facility. They will build a nice restroom facility. Keith explains they are taking out 3 fields and producing 4, possibly more in the future. Lighting for tournaments and evening play is preferred. Ongoing maintenance and prep fees will be paid through the City from their impact fees. Commissioner Smith has been in contact with the Hospital Board and the possibility of a donation from the Hospital will be discussed. The



Commissioners are interested, but aren't sure where the funding would come from, as it was not budgeted in FY 2020. Commissioners also recognize county residents currently pay property and sales tax and want to be equitable to citizens. Funding may not be needed until after the end of September. This will be discussed at a future time. The City is meeting with the contractor to see if there is any in-kind work that could be considered. All agree the project needs to be done right.

**Bradley Petersen, Discussion and decision for new permitting software / vehicles:**

Software for permitting quotes were emailed to commissioners. P & Z is currently using Computer Arts software which does the bare minimum. The iWork's and City Works software opens many more doors to get us to have a digital format with a public portal to be more interactive with the community. City works allows for an immediate update with GIS, but is very expensive. The iWork's is much cheaper and this is what Road and Bridge is currently using. The price will not increase annually and is maintained on the Road & Bridge server and is cloud based. iWork's annual fee would be \$9700 annually and would not increase. Set up time will be about a month. David Decker, County Inspector states iWork's does everything that is needed in the building department. Rather than having live updates City Works offers, we will submit monthly for updates with iWork's and would take care of building inspections and zoning. Initially there would be additional costs for scanners. Paul may have funds remaining in his project line. For the ongoing annual fee, Paul would rather run it through the IT budget, but would like the Initial purchase come from the P & Z Budget.

Vehicles: Bradley is meeting with multiple car dealers to find a vehicle for D7 Treatment. The dealers with fleet discounts have come through with great prices, better than Enterprise. By contract D7 cannot purchase a vehicle, but would have to lease from the county. Jess Tanner was present and states a used vehicle would work well for them. The lease through Enterprise would work out best for her. And this is what Commissioners agreed to.

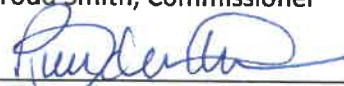
Commissioner Mendenhall made a motion to move forward with the purchase of the iWork's program for Planning and Zoning. Commissioner Smith seconded and voting was unanimous. The motion passed

There being no further business Commissioner Mendenhall made a motion to adjourn the meeting at 1:55 p.m. Commissioner Weber seconded and voting was unanimous. The motion passed.

Approved:

  
Jon Weber, Commission Chairman

  
Todd Smith, Commissioner

  
Brent Mendenhall, Commissioner

Attest:

  
Kim Muir, County Clerk

**RESOLUTION NO: 444**

**RESOLUTION ADOPTING ROAD CLOSURE AND MAINTENANCE AGREEMENT FOR THE SUGAR CITY HALF INTERCHANGE CONNECTOR ROAD STATE HIGHWAY 33 IN MADISON COUNTY, IDAHO.**

WHEREAS, the Madison County Commissioners have been in discussions with the Idaho Transportation Board by and through the Idaho Transportation Department, regarding the Sugar City half interchange connector road on state highway 33 in Madison County, Idaho;

WHEREAS, the Idaho Transportation Department has agreed to relinquish and abandon to Madison County consisting of State Highway 33 from mile post 337.478 to mile post 339.759, AND the Sugar City Half Interchange Connector Road segment code 005414 mile post 100.00 to mile post 100.12, and mile post 100.367 to mile post 100.587, including the right-of-way appurtenant thereto;

WHEREAS, upon approval by the Idaho Transportation Board for funding, it will pay monies to Madison County to defray the costs of operation and maintenance of this road;

WHEREAS, Madison County now desires to pass this resolution pursuant to I.C. §40-203B, consenting to the abandonment by the Idaho Transportation Department and accepting the jurisdiction of and responsibility for that portion of the existing facility identified herein;

WHEREAS, Madison County and the Idaho Transportation Department has formalized their understanding by way of a Road Closure and Maintenance Agreement signed by Madison County, Idaho, on or about February 24, 2020; and,

WHEREAS, Madison County desires now by resolution, and pursuant to Idaho Code to formally adopt the Road Closure and Maintenance Agreement.

NOW, THEREFORE, Madison County now desires to the following actions:

1. Madison County adopts the Road Closure and Maintenance Agreement, signed by the Commissioners on February 24, 2020.
2. The Road Closure and Maintenance Agreement is attached hereto and adopted herein.
3. This resolution shall be construed liberally in order to effectuate its purpose.
4. This resolution is effective immediately when signed.
5. Where the provisions of this resolution are in conflict with existing local laws, the provisions of this resolution will govern and such provisions of existing laws which are in conflict are hereby rescinded.

DATED THIS 9 day of March, 2020.

BOARD OF COUNTY COMMISSIONERS  
Madison County, Idaho

1 of 2

**Instrument # 429482**

REXBURG, MADISON, IDAHO

3-9-2020 02:19:43 PM No. of Pages: 2

Recorded for : MADISON COUNTY

KIM H. MUIR Fee: 0.00

Ex-Officio Recorder Deputy


BY:

  
\_\_\_\_\_  
Jon Weber, Commissioner

  
\_\_\_\_\_  
Todd Smith, Commissioner

  
\_\_\_\_\_  
Brent Mendenhall, Commissioner

ATTEST:

  
\_\_\_\_\_  
Kim H. Muir, Clerk

**ROAD CLOSURE AND MAINTENANCE AGREEMENT**  
**East Side Frontage Road/Farm Field Access**  
**Madison County, Idaho**

**PARTIES**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and **MADISON COUNTY**, hereafter called COUNTY.

**PURPOSE**

This Agreement is entered into pursuant to Idaho Code, Section 40-203B. The State intends to abandon that portion of the East Side Frontage Road/Farm Field Access, as shown on the attached print marked "Exhibit A" and made part of this Agreement, and COUNTY intends to take the abandoned East Side Frontage Road/Farm Field Access into its jurisdiction upon the terms and conditions set forth herein.

The Parties agree as follows:

**SECTION I:** That the State will:

1. Relinquish and abandon to COUNTY by official notification from the Idaho Transportation Board, consisting of the East Side Frontage Road/Farm Field Access, including the right-of-way appurtenant thereto, as shown on Exhibit A.
2. Program a project in Fiscal Year (FY) 2021 of the FY2021-2027 Idaho Transportation Investment Program (ITIP). Upon approval of the FY2021-2027 ITIP by the Idaho Transportation Board (anticipated in September 2020) the State will proceed with item 3.
3. Pay the sum of \$850,000.00 to COUNTY to defray the cost of the operation and maintenance of the East Side Frontage Road/Farm Field Access. Provided however, nothing herein shall be construed to require COUNTY to maintain the facility to any certain specification.

**SECTION II:** That COUNTY will:

1. Pass a resolution pursuant to I.C. 40-203B consenting to the abandonment by the State and accepting the jurisdiction of and responsibility for that portion of the existing facility identified above and known as the East Side Frontage Road/Farm Field Access, including the right-of-way appurtenant thereto, as shown on Exhibit A, as of the date of the approval of this agreement by the Idaho Transportation Board, subject to the terms of this agreement.

2. Once a resolution is passed, the County will execute this agreement and forward the executed agreement, together with a copy of the resolution, to the District Engineer identified below. The District Engineer will present the agreement executed by the County to the Idaho Transportation Board for its consideration.
3. Upon approval of this agreement by the Idaho Transportation Board, and receipt of the funds from the State, the County shall maintain and administer the identified roadway as an existing public facility at its own expense.

**SECTION III: Approval and Effect**

This Agreement will become effective upon its execution by the parties and the approval of the Idaho Transportation Board.

**EXECUTION**

This Agreement is executed for the State by its Chief Engineer; and executed for COUNTY by the COUNTY Commissioners, and attested to by the COUNTY Clerk.

**IDAHO TRANSPORTATION DEPARTMENT**

APPROVED FOR SUBMISSION TO THE  
IDAHO TRANSPORTATION BOARD

\_\_\_\_\_  
Chief Engineer

RECOMMENDED BY:

\_\_\_\_\_  
District Engineer

ATTEST:

**MADISON COUNTY**

  
\_\_\_\_\_  
COUNTY Clerk

  
\_\_\_\_\_  
County Commissioner

  
\_\_\_\_\_  
County Commissioner

  
\_\_\_\_\_  
County Commissioner

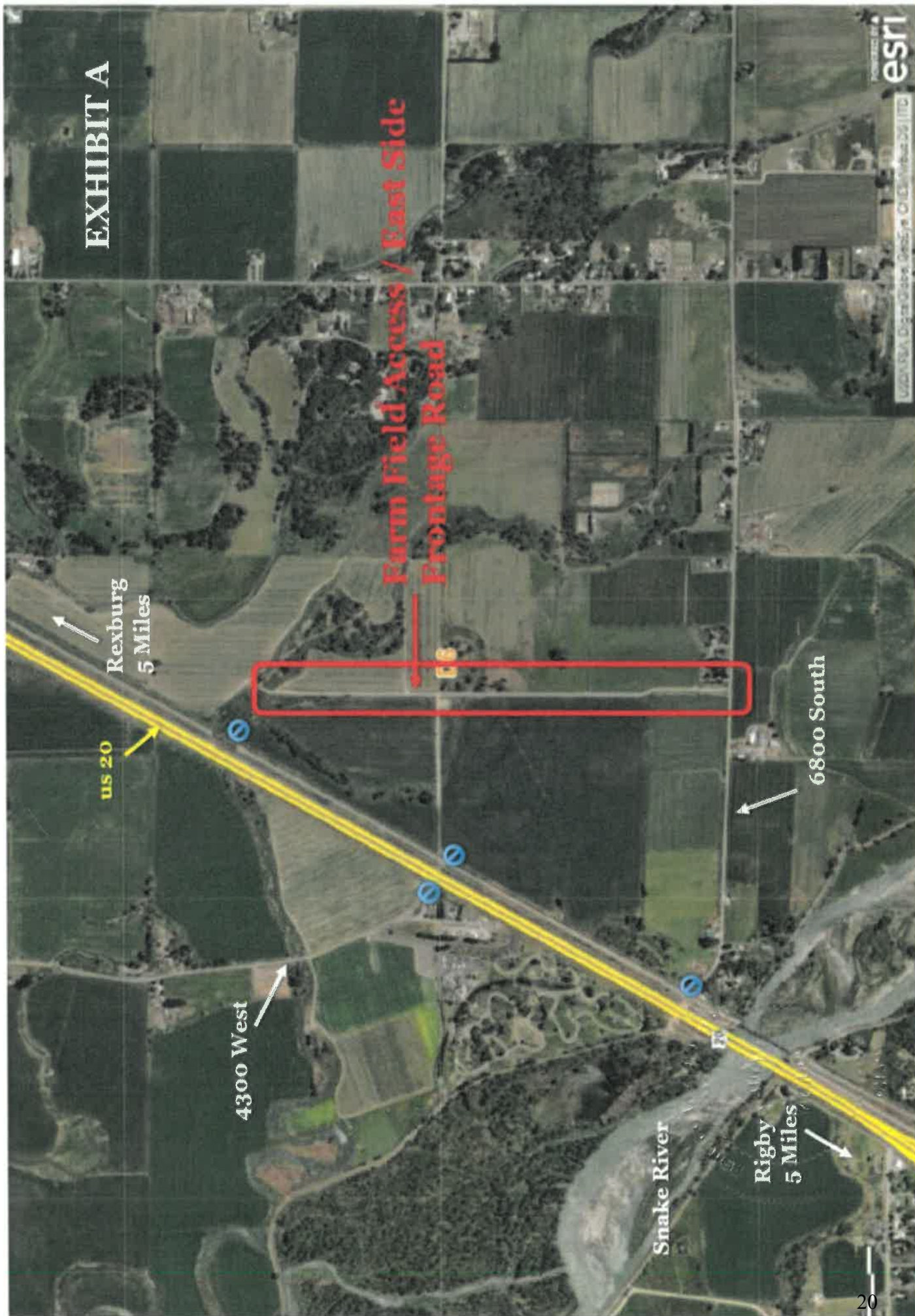
(SEAL)

By regular/special meeting on

2/24/2020



# EXHIBIT A



**RESOLUTION NO: 443**

**RESOLUTION ADOPTING ROAD CLOSURE AND MAINTENANCE AGREEMENT FOR THE EAST SIDE FRONTAGE ROAD/FARM FIELD ACCESS IN MADISON COUNTY, IDAHO.**

WHEREAS, the Madison County Commissioners have been in discussions with the Idaho Transportation Board by and through the Idaho Transportation Department, regarding the East Side Frontage Road/Farm Field Access;

WHEREAS, the Idaho Transportation Department has agreed to relinquish and abandon to Madison County this roadway including the appurtenant right-of-ways;

WHEREAS, upon approval by the Idaho Transportation Board for funding, it will pay monies to Madison County to defray the costs of operation and maintenance of this road;

WHEREAS, Madison County now desires to pass this resolution pursuant to I.C. §40-203B, consenting to the abandonment by the Idaho Transportation Department and accepting the jurisdiction of and responsibility for that portion of the existing facility identified as the East Side Frontage Road/Farm Field Access, including the right-of-way appurtenant thereto; and,

WHEREAS, Madison County and the Idaho Transportation Department has formalized their understanding by way of a Road Closure and Maintenance Agreement signed by Madison County, Idaho, on or about February 24, 2020.

WHEREAS, Madison County desires now by resolution, and pursuant to Idaho Code to formally adopt the Road Closure and Maintenance Agreement.

NOW, THEREFORE, Madison County now desires to the following actions:


1. Madison County adopts the Road Closure and Maintenance Agreement, signed by the Commissioners on February 24, 2020.
2. The Road Closure and Maintenance Agreement is attached hereto and adopted herein.
3. This resolution shall be construed liberally in order to effectuate its purpose.
4. This resolution is effective immediately when signed.
5. Where the provisions of this resolution are in conflict with existing local laws, the provisions of this resolution will govern and such provisions of existing laws which are in conflict are hereby rescinded.

DATED THIS 7 day of March, 2020.

BOARD OF COUNTY COMMISSIONERS  
Madison County, Idaho

BY:

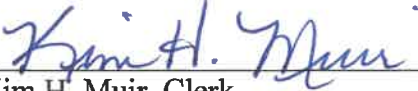
  
Jon Weber, Commissioner

**Instrument # 429481**  
REXBURG, MADISON, IDAHO  
3-9-2020 02:15:22 PM No. of Pages: 2  
Recorded for : MADISON COUNTY  
KIM H. MUIR Fee: 0.00  
Ex-Officio Recorder Deputy 

  
\_\_\_\_\_  
Todd Smith, Commissioner

  
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Brent Mendenhall, Commissioner

ATTEST:

  
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Kim H. Muir, Clerk