



**APPALACHIAN
REGIONAL
COMMISSION**

*A Proud Past,
A New Vision*

Office of the Inspector General

MARCH 31, 1998

OIG REPORT 98-15(H)

MEMORANDUM FOR The Federal Co-Chairman ✓
 ARC Executive Director
 ARC General Counsel

SUBJECT: OIG Informational Report--Grant MS-11284-93,
 Kemper County Lake Access Road

Based on allegations that the project had not been completed as of mid-1997, we visited the project area on August 5, 1997. Our visit confirmed that the project, which involved grade, drain, and paving in connection with construction of about 1.2 miles of road between Mississippi Highway 397 and the Kemper County Lake, was not completed. As of our visit, the access road was a gravel road that served several residences prior to reaching a recreational area at the lake.


Information available at ARC in August 1997 indicated an ARC grant of \$113,384 (55.4 percent of cost); grant administration by the US Department of Transportation (DOT); authorization of preliminary engineering on January 17, 1997; and funds not released to the grantee.

On-site discussion indicated that problems related to easements and rights of way had delayed project completion, and it was not expected that paving would be accomplished until spring of 1998.

Our followup contact in February 1998 resulted in a response from the County Engineer, copy attached, which indicates that right-of-way acquisition continues to be a problem, especially with respect to eight absentee landowners. Eminent domain proceedings are apparently in process against the absentee landowners; and it is anticipated that right-of-way matters will be resolved by May 1998 and construction substantially completed in 1998, although final erosion control work and final payment may not be possible until spring of 1999.

Followup at ARC indicated, as of March 31, 1998, \$14,615 had been obligated for the engineering phase and that project could be authorized to take bids for construction in the next 4-6 weeks depending on clearance of rights of way.

We will periodically followup to determine project status.


Hubert N. Sparks
Inspector General



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Office of the Inspector General


April 3, 1998

MEMORANDUM FOR The Federal Co-Chairman
 ARC Executive Director ✓
 ARC General Counsel

SUBJECT: OIG Report/Updates 98-15(H) and 98-16(H)--Grants MS-10055-88,
 DeKalb Solid Waste Landfill, Kemper County, Mississippi, and
 MS-11284-93, Kemper County Lake Access Road

Enclosed are our reports on the solid waste landfill project and the status of the lake access road project. As noted, both projects continue to be delayed with completion and operation of the landfill estimated for the summer of 1998 and completion of the lake access road estimated for early 1999.

There remains a potential unobligated ARC balance of \$54,984 for the landfill project; and ARC should not release additional funds, if available, until the project is operational. The only funds obligated to date for the lake access road are \$14,615 for the engineering phase.


Hubert N. Sparks
Inspector General

Enclosures

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February 11, 1998

Mr. Hubert N. Sparks
Inspector General
Appalachian Regional Commission
1666 Connecticut Avenue, NW
Washington, D.C. 20235

RE: ARC GRANT NO. MS-11284-93
LAKE ACCESS ROAD
KEMPER COUNTY, MISSISSIPPI

Dear Mr. Sparks:

The Kemper County Board of Supervisors has instructed that I respond to your request for information regarding the referenced project. I hope the enclosed information will meet your needs.

The roadway design on this project is being reviewed by the Office of State Aid Construction of the Mississippi Department of Transportation. Quite honestly, this is the first project our firm designed under the newly mandated metric criteria and was one of the first such project administered by State Aid. Multiple revisions to standards and to "standard thinking" have been required. However, the final plans and contract documents have been approved for a considerable length of time awaiting right-of-way acquisition.

There are multiple property owners along this project. All resident landowners have signed right-of-way documents for the additional right-of-way and temporary construction easements required on the project. However, all eight absentee landowners have refused to negotiate with the County on the matter.

In some instances, the property is tied up in estates. Most of the property owners in one situation agreed to donate the right-of-way but all must approve. Since we could not obtain the right-of-way through our efforts, the Board filed eminent domain proceedings against the eight absentee landowners.

Mr. Hubert N. Sparks
February 11, 1998
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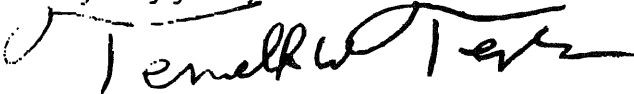
In reality, the right-of-way acquisition is insignificant when compared with the large tracts of land involved. Six of the additional right-of-way acquisitions involve tracts of less than 1/2 acre in size with one parcel being 0.011 acres (1/90 of acre). The largest tract will involve approximately 2 1/2 acres out of a 76 acre parcel of property. The other two parcels are approximately 1 1/2 acres each - again out of large parcels.

As noted, the Board has instructed the Board Attorney to file eminent domain proceedings on these absentee landowners. Our office has prepared the right-of-way plats in conjunction with the work for filing of eminent domain and for use by the appraiser. Ironically, the right-of-way tracts had to be provided in English units which meant that our metric documents had to be revised. However, all of this work has been completed and the documents have been submitted to an appraiser.

The Board Attorney has determined that the County has "Quit Claim" eminent domain authority on this project. There are certain statutory time frames which must be met once the appraisals are completed. However, we expect the right-of-way matters to be resolved prior to the end of March which will allow us to advertise for bids in April and receive bids in May. We anticipate the construction being substantially completed this year although establishment of final erosion control may require that the final payment for the work not be paid until the spring of 1999.

Hopefully this provides the information needed. Contact me if you have questions or comments.

Very truly yours,



Terrell W. Temple, P.E.
County Engineer

TWT:rs

cc: Kemper County Board of Supervisors
Elaine Thomas
Kawana Easom