

4. On the Hearing Date the Application is Read a Second Time

- **If no Remonstrance has been filed, the County Commission may proceed to vote on closing the road without further discussion**
- **If a Remonstrance has been filed, the Commission should hold a hearing and accept evidence and testimony to make a decision.**
- **The decision should be based on these two questions:**
 - **Is the road useless to the public?**
Is the road used by the public as a necessary means of travel? Is the road used by emergency services, such as the sheriff, ambulance, or fire department?
 - **Does maintaining the road impose an unreasonable burden upon the district responsible for the road?**
*Is the road worth the expense of maintaining it?
Would maintaining (or repairing) the road be unreasonable?*
 - **Following the Hearing, the County commission should take a vote on whether or not to close the road.**

The votes of each of the commission members should be entered into the minutes as in any other vote of the commission.

5. If the Commission Votes to Close the Road

- **If a Remonstrance was filed, those who filed the Remonstrance are responsible for paying the costs of closing the road (i.e. any damages or costs of the proceedings)**
- **If the road was opened less than five years before, those who filed the Application must reimburse the county (or road district) for the costs of opening or construction the road.**
- **The County Commission should provide a written order stating the following:**
 - **The Commission determines the road to be useless to the general public because...**
 - *State the facts which supported the belief that the road was useless*
 - **The Commission determines that the expenses of maintaining the road would impose an unreasonable burden upon the district because...**
 - *State the facts which supported the belief that the expenses would be unreasonable to the district responsible for maintaining the road*
 - **The damages suffered by any party, and who shall pay them**
 - **What parties shall receive to the road**