Del. Co. Aud. ✓

96-1544

N/C

'97 NOV 18 AM 10 27

Instrument Preparer - Sharon McCrabb, Courthouse, Manchester, Iowa 52057 927 4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of Ordinance #17 entitled "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa", by the Delaware County Board of Supervisors.

1. Proof of Publication of the Public Notice of the meeting to consider the ordinance, published in The Manchester Press on September 30, 1997, and in the Delaware County Leader on October 1, 1997.
2. Copy of the Supervisors' Minutes of October 13, 1997 showing the first and final reading of the Ordinance and approval of same.
3. Copy of the proof of publication of the publication of Ordinance #17, published in The Manchester Press on October 21, 1997 and in the Delaware County Leader on October 22, 1997.
4. Original Ordinance #17, approved by the Board on October 13, 1997.

I, Sharon McCrabb, County Auditor, do hereby certify that the attached are original instruments or true copies of the above listed instruments.

Dated this 17th day of November, 1997.

Sharon McCrabb, Delaware County Auditor

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to me and in my presence by Sharon McCrabb, Delaware County Auditor this 17th day of November, 1997.

Carolyn A. Wilson, Notary Public in and for the State of Iowa.

My commission expires 12-17-98

DATE 11-18-97 BOOK 7 PAGE 137

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Delaware County

in case of Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 30 day of Sept A.D. 1997, and the last on the 30 day of Sept A.D. 1997

Publication fee, $ 14.34

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 1 day of Oct A.D. 1997

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANE
MY COMMISSION EXPIRES
2-13-2000

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet to consider the ordinance entitled "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa" at its regular meeting at 10:00 a.m. on October 13, 1997, in the Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Delaware County Auditor's Office.

Sharon McCrabb,
Delaware County Auditor
P91

Pd. 10-13-97

BOOK 7 PAGE 132

Kind _____

Parties _____

_____

Attorney _____

No. of Weeks _____

First Pub. _____

Last Pub. _____

Filed _____

Cost _____

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet to consider the ordinance entitled "An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa" at its regular meeting at 10:00 a.m. on October 13, 1997 in the Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Delaware County Auditor's Office.

Sharon McCrabb,
Delaware County Auditor

State of Iowa, Delaware County, ss.

I, Mary Steele, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning Oct 1 19 97, and ending Same 19____, Printer's fees, $5.49.

Mary Steele

Subscribed in my presence and sworn to before me by Mary Steele on this 17th day of December, 1997.

NOTARIAL SEAL
WILMA L. PARSONS
MY COMMISSION EXPIRES
12-10-97

Wilma L Parsons
Notary Public

KOCH BROTHERS, DES MOINES C-089-X H-0192-1

Motion made Skinner, seconded by Koeneke and carried that the bid of Price Industrial from Cedar Rapids, Iowa, for the electrical work at Penn Center in the amount of $11,200.00 be approved. All ayes.

This being the date set for bid letting for the replatting of the Turtle Creek Subdivision, bids were received and read as follows: William Burger, Worthington - $26,400.00; Gibbs Engineering, Manchester - $34,730; Buesing & Associates, Inc., Dubuque, Iowa - $19,929.51.

Proof of publication for the replatting letting was on file showing publication in The Manchester Press on September 16, 1997 and in the Delaware County Leader on September 17, 1997.

Motion made by Koeneke, seconded by Skinner and carried that the decision on the replatting bids be tabled until the October 13, 1997 meeting for further consideration. All ayes.

Motion made by Skinner, seconded by Koeneke and carried that the following resolution be approved:

RESOLUTION

WHEREAS: The Code of Iowa, Section 321, provides authority for the Board of Supervisors to erect signs for traffic control:

NOW, THEREFORE, BE IT RESOLVED: By the Delaware County Board of Supervisors that the County Engineer be directed to control traffic as follows:

Install stop sign for eastbound traffic at 165th Street and 145th Avenue intersection.

/S/ Jerome E. Besler, Chairman
Delaware County Board of Supervisors

All ayes.

Motion made by Koeneke, seconded by Skinner and carried that a public hearing be held on October 20, 1997 at 10:00 a.m. in the Supervisors' Office for the Amendment of the Current County Budget on file and having been approved for publication. All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the following resolution be approved:

RESOLUTION
INTERFUND OPERATING TRANSFERS

WHEREAS, it is desired to authorize the Auditor to periodically transfer sums from the general basic fund and rural services basic fund to the secondary road fund during the 1997/98 budget year, and

WHEREAS, said transfers must be in accordance with Section 331.429, sub-section 1, Code of Iowa,

NOW, THEEFORE BE IT RESOLVED by the Board of Supervisors of Delaware County, Iowa, as follows:

Section 1. Transfers from the general fund not to exceed in any year the dollar equivalent of a tax of sixteen and seven-eights cents per thousand dollars of assessed value on all taxable property in the county.

Section 2. Transfers from the rural services fund not to exceed in any year the dollar equivalent of a tax of three dollars and three-eights cents per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Section 3. Notwithstanding the provisions of Sectoin 1 and 2, the amount of any transfer shall not exceed available fund balances in the transferring fund.

Section 4. The Auditor is directed to correct her books when said operating transfers are made and to notify the Treasurer and County Engineer of the amounts of said transfers.

Section 5. Total transfers are to be made monthly or more often if necessary, in the rural services fund with estimated adjustments made when necessary, total transfers not to exceed $988,442. Total transfers are to be made monthly or more often if necessary, in the general basic fund with estimated adjustments made when necessary, total transfers not to exceed $10,000.

The above and foregoing resolution was adopted by the Board of Supervisors of Delaware County, Iowa, on October 6, 1997.

Delaware County Board of Supervisors
/S/ Jerome E. Besler, Chairman

ATTEST: /S/ Sharon McCrabb, Auditor

There being no further business, this meeting adjourned. These minutes were read and approved.

Jerome E. Besler, Chairman

Sharon McCrabb, Auditor

****

Manchester, Iowa
October 13, 1997

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 10:00 a.m. in the Supervisors' Office, Courthouse, Manchester, Iowa. Jerome E. Besler, Chairman, called the meeting to order with all members present.

Motion made by Skinner, seconded by Koeneke and carried that the following county employees be allowed to attend their respective meetings: Deb Peyton approved retroactively to attend a District VI meeting in Cedar Rapids on October 8th; Daneen Schindler to attend a Vitals Seminar in Dubuque on October 15th; Carolyn Wilson to attend the Solutions schooling November 12th & 13th in Des Moines and to attend an ISAC school in Des Moines in November; Jerome Besler and Bill Skinner to attend an ECIA meeting in Dubuque on October 15th. All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the following claims as shown on pages 105a through 105e, including payroll of October 10, 1997 in the amount of $81,697.75 through warrants #1972 - #2107 be approved along with the following:

GENERAL BASIC FUND

Blue Cross & Blue Shield of Iowa	premiums	$2,954.22
AT & T	phone service	270.25

AT & T	MENTAL HEALTH FUND phone service	$86.53
AT & T	SECONDARY ROAD FUND phone service	45.02
Iowa Electric Light & Power Co.	CONSERVATION TRUST FUND electric service	7.75

All ayes.

Motion made by Skinner, seconded by Koeneke and carried that the resignation of Dave Schultz from the ECIA Housing Board, effective this date, be approved. All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the Investment Report of the County Treasurer for October 1, 1997, in the amount of $3,071,377.06 be approved. All ayes.

This being the date for the reading of Ordinance #17 as published in The Manchester Press on September 30, 1997 and in the Delaware County Leader on October 1, 1997, the ordinance was read as follows:

DELAWARE COUNTY ORDINANCE #17
CLASS "C" ROADS

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Section 1. PURPOSE.

The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access pursuant to Iowa Code Section 309.57.

Section 2. DEFINITIONS:

For use in this ordinance, certain terms or words used herein shall be defined as follows:

A. BOARD: shall mean the Board of Supervisors of Delaware County

B. COUNTY: shall mean Delaware County

C. COUNTY ENGINEER: shall mean the County Engineer of Delaware County

Section 3. HOW ESTABLISHED:

A. RESOLUTION: Roads may only be classified as Area Service "C" by resolution of the Board upon petition signed by all landowners adjoining the road. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the Board, at the meeting or a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4. ACCESS:

Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5. SIGNS:

Area Service "C" roads shall have signs conforming to the Iowa state sign manual installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6. TRESPASS:

Entering an Area Service "C" road without justificatoin after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine or up to 30 days in jail.

Section 7. RECLASSIFICATION:

A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8. POWERS OF THE BOARD:

All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to Iowa Code Section 309.67.

Section 9. EXEMPTION FROM LIABILITY:

As provided in Iowa Code Section 309.57, the County and officers, agents, and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10. REPEALER:

All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

Supervisor's Minutes,

KOCH BROTHERS, DES MOINES C 089 X H 0192 1

Section 11. SEVERABILITY CLAUSE:

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 12. WHEN EFFECTIVE:

The ordinance shall be in effect after this final passage, approval, and publication as provided by law.

Passed this 13th day of October, 1997.

/S/ Jerome E. Besler, Chairman
Board of Supervisors

ATTEST: /S/ Sharon McCrabb, County Auditor

Motion made by Skinner, seconded by Koeneke and carried that Ordinance #17 be passed this date and that any further readings be waived. All ayes.

A bid letting was held on October 6, 1997 for replatting of Turtle Creek Subdivision and bids were submitted as follows; Gibbs Engineering & Surveying - $34,730.00; Wm. Burger - Land Surveyors - $26,400.00; Buesing & Associates, Inc. - $19,929.51. The Board took the bids under consideration.

After confering with Buesing & Associates, Inc. their bid was withdrawn since it did not include all of the specified requirements to accomplish clear title to the properties.

Motion made by Koeneke, seconded by Skinner and carried that the replatting project be awarded to Wm. Burger-Land Surveyors for the amount of $26,400.00. All ayes.

The Board of Supervisors considered the bids for the three sections of reroofing of the Penn Center.

Motion made by Skinner, seconded by Koeneke and carried that the entire roof be replaced at this time in order to save the additional money it would take to replace it in sections. The total approved was $75,000.00 bid by Lynch Roofing & Siding, Inc. of Manchester, Iowa. All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the Democrats be allowed to use the jail basement the evening of October 21, 1997. All ayes.

Motion made by Skinner, seconded by Koeneke and carried that the following resolution be approved:

RESOLUTION FOR INTERFUND TRANSFER

BE IT HEREBY RESOLVED by the Delaware County Board of Supervisors that due to insufficient cash reserve in the Secondary Road Fund as shown by the Fund Status Report of September 30, 1997, an interfund loan be implemented.

IT IS HEREBY ORDERED that $500,000.00 of the cash balance reserve of the General Basic Fund be transferred to the Secondary Road Fund; that no interest be paid to the General Basic Fund for this loan; that this loan be effected this 13th day of October, 1997.

IT IS FURTHER ORDERED that the County Treasurer change her records accordingly and this loan be paid back to the General Fund by Board Resolution prior to the end of the 1997/98 fiscal year.

Dated this 13th day of October, 1997.

Delaware County Board of Supervisors
/S/ Jerome E. Besler, Chairman

ATTEST: /S/ Sharon McCrabb, Auditor

All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the Quarterly Reporting and Billing Form for the Iowa Department of Natural Resources for wells tested, plugged and rehabilitated in the amount of $9,554.72 be approved. All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

Jerome E. Besler, Chairman

Sharon McCrabb, Auditor

****

October 20, 1997
Manchester, Iowa

DELAWARE COUNTY)
) SS:
STATE OF IOWA)

The Delaware County Board of Supervisors met in regular session this date at 10:00 a.m. with all members present. Jerome E. Besler, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Skinner and carried that the following employees be allowed to attend their respective meetings: Kim Gehling & Pat Kane to travel to Cedar Rapids on October 21st to look at office furniture; Kim Gehling, Les Jack, Sandy Ahrens and Laura Shoeman to attend a waiver training program in Elkader at RISE, Inc.; Bill Skinner, Jerome Besler and Eldon Koeneke to travel to Independence for a DNR meeting on October 22nd. All ayes.

Motion made by Skinner, seconded by Koeneke and carried that the following claims be allowed for payment:

	GENERAL BASIC FUND	
ISAC	registration	$60.00
GTE Midwest, Inc.	phone service	437.92
Maquoketa Valley REC	electric service	626.12
Manchester Post Office	postage	64.00
Ascom	meter rental	144.00
	MENTAL HEALTH	
AMOCO Oil Co.	fuel	207.25
J. M. Jones & Sons	vehicle	9,900.00

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Delaware County

in case of Ordinance #17 Class "C" Roads

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 21 day of Oct A.D. 1997 and the last on the 21 day of Oct A.D. 1997

Publication fee, $ 22.88

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 23 day of Oct A.D. 1997

Witness my hand and seal the date last above written.

Peggy O'Kelly Notary Public

DELAWARE COUNTY ORDINANCE #17
CLASS 'C' ROADS

Title: An Ordinance Establishing the Area Service "C" Road Classification in Delaware County, Iowa.

Section 1. PURPOSE:
The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service "C" roads so as to provide for a reduced level of maintenance effort and restricted access pursuant to Iowa Code Section 309.57.

Section 2. DEFINITIONS:
For use in this ordinance, certain terms or words used herein shall be defined as follows:
A. BOARD: shall mean the Board of Supervisors of Delaware County
B. COUNTY: shall mean Delaware County
C. COUNTY ENGINEER: shall mean the County Engineer of Delaware County

Section 3. HOW ESTABLISHED:
A. RESOLUTION: Roads may only be classified as Area Service "C" by resolution of the Board upon petition signed by all landowners adjoining the road. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.
B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305.
C. BOARD ACTION: At the meeting, the Board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the Board, at the meeting or a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

Section 4. ACCESS:
Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed, and maintained by the adjoining landowners. If not so maintained the County may remove the gate.

Section 5. SIGNS:
Area Service "C" roads shall have signs conforming to the Iowa state sign manual installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6. TRESPASS:
Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine or up to 30 days in jail

Section 7. RECLASSIFICATION:
A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8. POWERS OF THE BOARD:
All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to Iowa Code Section 309.67.

Section 9. EXEMPTION FROM LIABILITY:
As provided in Iowa Code Section 309.57, the County and officers, agents, and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10. REPEALER:
All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

Section 11. SEVERABILITY CLAUSE:
If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 12. WHEN EFFECTIVE:
The ordinance shall be in effect after this final passage, approval, and publication as provided by law.

Passed this 13th day of October, 1997.

/S/ Jerome E. Basler, Chairman
Board of Supervisors

ATTEST: /S/ Sharon McCrabb, County Auditor

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BOOK 7 PAGE 137

Legal Notice—Board of Supervisors

DELAWARE COUNTY ORDINANCE #17
CLASS "C" ROADS

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Section 2. DEFINITIONS:

For use in this ordinance, certain terms or words used herein shall be defined as follows:

A. BOARD: shall mean the Board of Supervisors of Delaware County.

B. COUNTY: shall mean Delaware County.

C. COUNTY ENGINEER: shall mean the County Engineer of Delaware County.

Section 3. HOW ESTABLISHED:

A. RESOLUTION. Roads may only be classified as Area Service "C" by resolution of the Board upon petition signed by all landowners adjoining the road. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the Board, at the meeting or a date to which it is adjoined, may take action on the petition after consultation with the County Engineer.

Section 4. ACCESS:

Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased, installed and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

Section 5. SIGNS:

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Section 6. TRESPASS:

Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine or up to 30 days in jail.

Section 7. RECLASSIFICATION:

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Section 8. POWERS OF THE BOARD:

All jurisdiction and control over Area Service "C" Roads shall rest with the Board, pursuant to Iowa Code Section 309.67.

Section 9. EXEMPTION FROM LIABILITY:

As provided in Iowa Code Section 309.57, the County and officers, agents or employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10. REPEALER:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. SEVERABILITY:

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 12. WHEN EFFECTIVE:

The ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed this 13th day of October, 1997.

Jerome E. Besler, Chairman
Board of Supervisors

ATTEST:
Sharon McCrabb, County Auditor

Delaware County Leader October 22, 1997 Page 4

State of Iowa, Delaware County, ss.

I, Mary Nelle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning Oct. 22 1997, and ending Same 19____, Printer's fees, $45.54.

Mary Nelle

Subscribed in my presence and sworn to before me by Mary Nelle on this 29th day of October, 1997.

BRENDA K. KELCHEN
MY COMMISSION EXPIRES
04-13-99

Brenda Kelchen
Notary Public

DELAWARE COUNTY ORDINANCE #17
CLASS "C" ROADS

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B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the Board, at the meeting or a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

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Section 5. SIGNS:

Area Service "C" roads shall have signs conforming to the Iowa state sign manual installed and maintained by the County at all access points to Area Service "C" roads from other public roads to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

Section 6. TRESPASS:

Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a $100.00 fine or up to 30 days in jail.

Section 7. RECLASSIFICATION:

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Section 9. EXEMPTION FROM LIABILITY:

As provided in Iowa Code Section 309.57, the County and officers, agents, and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

Section 10. REPEALER:

All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

Section 11. SEVERABILITY CLAUSE:

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 12. WHEN EFFECTIVE:

The ordinance shall be in effect after this final passage, approval, and publication as provided by law.

Passed this 13th day of October, 1997.

Jerome E. Besler, Chairman
Board of Supervisors

ATTEST: Sharon McCrabb, County Auditor