Del. Co. Auditor

DELAWARE COUNTY IOWA
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BOOK 2003 PAGE 417
DEBORAH L. PETTON
DELAWARE CO. RECORDER
N/C

THIS DOCUMENT WAS PREPARED BY MARK NAHRA, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38., DELAWARE, IA 52036, 563-927-3505

RESOLUTION

Vacation of a portion of County Highway D47 Right of Way in Section 24-T87N-R4W

WHEREAS the Code of Iowa, section 306.10 gives the Board of Supervisors the power on its own motion to alter or vacate and close any highway or road under its jurisdiction, and

WHEREAS the current owner of lot 6 of Block 15 of the Hopkinton Second Addition by H. A. Carter has become aware that the house he purchased was erroneously constructed within the right of way of County Highway D47 by the prior owner, and

WHEREAS the owner has requested that Delaware County and the City of Hopkinton determine if there is excess right of way on county highway D47 and if excess right of way exists that the City and County vacate said excess right of way, and

WHEREAS the Board of Supervisors has directed the County Engineer to conduct an engineering study of the need for the herein described right of way, and

WHEREAS the County Engineer concluded in the engineering study that the subject right of way was in excess of the county's roadside clear zone requirements, and

WHEREAS based on the completed engineering study, the Board of Supervisors no longer believes the county needs to maintain its easement on the herein described portion of the county right of way, and

WHEREAS the Board of Supervisors has held a public hearing following official notice as required by sections 306.11, 306.12, and 306.13 of the Code of Iowa, and

WHEREAS, the Board has heard any and all objections filed per 306.14 of the Code of Iowa, and

NOW THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors, in session this 19th day of May, 2003, enters the following order in regard to the aforementioned road vacation proceedings.

The Board of Supervisors orders the following described portion of the county road easement to be closed and vacated. The Board further orders that the herein stated excess right of way be surveyed by a licensed land surveyor and property corners set prior to the issuance of a quitclaim to the Owner of said lot. Said right of way vacated is described as follows:

A thirteen (13) foot wide segment of right of way of County Highway D47 (Marion Street), being located adjacent to the Westerly line of Lot Six (6) Block Fifteen (15) of Hopkinton Second Addition by H. A. Carter, Town of Hopkinton, Iowa, being a part of Section Twenty-four (24), Township Eighty-seven North (T87N), Range Four West (R4W) of the 5th P.M., Delaware County, Iowa.

SO ORDERED THIS 19th DAY OF MAY, 2003;

Board of Supervisors

Bill Skinner
Chair

Steven L. Koeneke

Shirley E. Helmrichs

Attest:

Sharon McCrabb
Delaware County Auditor

On this 19th day of May, 2003, before me Mark J. Nahra a notary public in and for the State of Iowa appeared William Skinner, Steven Koeneke, Shirley E. Helmrichs, and Sharon McCrabb, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the County Board of Supervisors, members of the County Board of Supervisors, and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county, and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in the Supervisors Minute Book W, as passed by the Board of Supervisors on the 19th day of May, 2003 and, William Skinner, Steve Koeneke, Shirley E. Helmrichs and Sharon McCrabb acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Mark J. Nahra
Notary Public
My Commission Expires: 7-2-2004

Seal:

Mark J. Nahra
COMMISSION NUMBER 165627
MY COMMISSION EXPIRES
7-2-2004