DELAWARE COUNTY AUDITOR

DELAWARE COUNTY IOWA
FILED
2004 SEP 28 AM 8:31
BOOK 2004 PAGE 3611
DEBORAH L. FENTON
DELAWARE CO. RECORDER
N/C

Prepared by: John W. Bernau, Delaware County Attorney, Delaware County Courthouse, 301 East Main Street, Manchester, Iowa 52057; 563-927-3819.

Property Tax Statement: None required

RESOLUTION

BE IT RESOLVED by the Delaware County Board of Supervisors, pursuant to Iowa Code Section 331.302 and Chapter 357E (2003), that H & H Investment, Inc., an Iowa Corporation, has filed a Petition to Add Real Property to the Lake Delhi Benefitted Lake District with the Office of the Delaware County Auditor wherein the Petitioner proposes to add certain-described real property to the Lake Delhi Benefitted Residential Lake District established by Resolution on November 30, 1989.

BE IT FURTHER RESOLVED that after receiving and considering public comment, comment from the City of Delhi by letter dated August 13, 2004, and comment from the Lake Delhi Benefitted Taxing District Board of Trustees by letter dated August 23, 2004, and noting no objection to the Petition, the Delaware County Board of Supervisors hereby amend the November 30, 1989, Resolution establishing the Lake Delhi Benefitted Recreational Lake District to add and include the following-described property:

> TRACT I: Northeast Quarter (NE 1/4) except for Parcel E; and Northeast Quarter (NE 1/4) Southwest Quarter (SW 1/4); and East Fourteen (14) acres of the Northwest Quarter (NW 1/4), Southwest Quarter (SW 1/4); and that part of the Northwest Quarter (NW 1/4) Southwest Quarter (SW 1/4) Southeast Quarter (SE 1/4) described as commencing at the Northwest Corner of said Northwest Quarter (NW 1/4) Southwest Quarter (SW 1/4) Southeast Quarter (SE 1/4), thence South 0°00' a distance of 102.1 feet, thence South 75°27' East a distance of 163 feet, thence South 67°51' East a distance of 353.8 feet, thence North 42°44' East a distance of 257.1 feet, thence North to the Northeast corner of said Northwest Quarter (NW 1/4) Southwest Quarter (SW 1/4) Southeast Quarter (SE 1/4), thence West to the point of beginning, all in Section 19, Township 88 North, Range 4 West of the 5th P.M.

and

TRACT II: North One-Half (N ½) Southeast Quarter (SE 1/4) Section 19 (except that part of said North One-half (N ½) Southeast Quarter (SE 1/4) of Section 19 described as commencing at the point of beginning which lies East of the Southwest Corner of the Northwest Quarter (NW 1/4) Southeast Quarter (SE 1/4) of said Section 19, a distance of 761.4 feet, and on the South line of said Northwest Quarter (NW 1/4) Southeast Quarter (SE 1/4) of Section 19, thence North 90°00' East along the South line of said Northwest Quarter (NW 1/4) Southeast Quarter (SE 1/4) of Section 19, a distance of 232.4 feet, thence North 33°13' West a distance of 533 feet, thence south 7°30' East a distance of 450 feet to the point of beginning, said tract containing two acres more or less; subject to overflow rights granted to E.H. Fleming by Deed Contract recorded in Book 59, Page 488, assigned to Interstate Power Company by Assignment recorded in Book 59, page 531, Records of Delaware County, Iowa; and subject to Easement to Interstate Power Company, recorded in Book F, page 127, records of Delaware County, Iowa, granting unto Interstate Power Company, the right to construct, operate and maintain a power transmission line for the transmission of electrical energy and a telegraph or telephone line or lines, over and along the East line of said North One-half (N ½) Southeast Quarter (SE 1/4) of Section 19), all in Township 88 N, Range 4, West of the 5th P.M.

A roadway 14 feet wide as now located over and across the North One-half (N ½) Southwest Quarter (SW 1/4) of Section 20, in Township 88 North, Range 4, West of the 5th Principal Meridian, which roadway extends eastward from the Northeast Corner of the North One-Half (N ½), Southeast Quarter (SE 1/4) of Section 19, in Township 88 North, Range 4, West of the 5th Principal Meridian, to public road crossing the North One-Half (N ½) Southwest Quarter (SW 1/4) of said Section 20, in a northerly and southerly direction.

and

TRACT III: That portion lying within the Southeast Quarter (SE 1/4) Southeast Quarter (SE 1/4), including Lot 18, Lot 20, Lot E and Lot F, same being a part of Connolly's Riverview Addition, a subdivision of parts of Sections 19 and 30, Township 88 North, Range 4 West, Delaware County, Iowa, and in addition thereto all right, title and interest of grantors in and to the perpetual use of any and all premises adjacent to that hereinbefore described, as reserved in a certain deed by one Fleming to Interstate Power Company of record in Book 59, page 550 and 551.

and

Lot Nineteen (19) and the perpetual use to the waters edge as described in Lot Nineteen (19) of the recorded plat of Connolly's Riverview Addition, same being a part of the Southeast Quarter (SE 1/4) of Section Nineteen (19), Township Eighty Eight (88) North, Range Four (4) West of the Fifth P.M., Delaware County, Iowa.

and

That part of said North One-Half (N ½) Southeast Quarter (SE 1/4) of Section 19 described as commencing at the point of beginning which lies East of the Southwest Corner of the Northwest Quarter (NW 1/4) Southeast Quarter (SE 1/4) of said Section 19, a distance of 761.4 feet, and on the South line of said Northwest Quarter (NW 1/4) Southeast Quarter (SE 1/4) of Section 19, thence North 90°00' East along the South line of said Northwest Quarter (NW 1/4) Southeast Quarter (SE 1/4) of Section 19, a distance of 232.4 feet, thence North 33°13' West a distance of 533.0 feet, thence South 7°30' East a distance of 450.0 feet to the point of beginning, said tract containing two acres more or less; subject to overflow rights granted to E.H. Fleming by Deed Contract recorded in Book 59, page 488, assigned to Interstate Power Company by Assignment recorded in Book 59, page 531, Records of Delaware County, Iowa; and subject to Easement to Interstate Power Company recorded in Book F, page 127, Records of Delaware County, Iowa, granting unto Interstate Power Company, the right to construct, operate and maintain a power transmission line for the transmission of electrical energy and a telegraph or telephone line or lines over and along the East line of said North One-Half (N ½) Southeast Quarter (SE 1/4) of Section 19, all in Township Eighty-Eight North (88 N), Range Four (4), West of the 5th P.M.

BE IT FURTHER RESOLVED that based on the contents of the Petition to Add Real Property to the Lake Delhi Benefitted Lake District by H & H Investment, Inc. and with full and due consideration given to the comments received regarding the Petition, the Delaware County Board of Supervisors hereby amend the Lake Delhi Benefitted Recreational Lake District established by Resolution on November 30, 1989, to add and include the property described herein.

BE IT RESOLVED this 27 day of September, 2004.

DELAWARE COUNTY BOARD OF SUPERVISORS

BY: Steven L. Koeneke
Steven L. Koeneke, Chairperson

Shirley E. Helmrichs
Shirley Helmrichs

William Skinner
William Skinner

ATTEST:

Sharon McCrabb
Sharon McCrabb, Auditor

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 27 day of September, 2004, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared Steven L. Koeneke, Shirley Helmrichs and William Skinner to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and Supervisors, 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 Ordinance No. _____ passed (or Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 27 day of September, 2004, and Steven L. Koeneke, Shirley Helmrichs and William Skinner acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Carolyn A. Wilson
Notary Public, State of Iowa

CAROLYN A. WILSON
Commission Number 167742
My Comm. Exp 2-19-04