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Book 2005 Page 4480

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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

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

RESOLUTION

Order for vacation of easement on Independence and McCounts State Road in Section 19 T89N-R5W

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 Board of Supervisors no longer believes the county needs to maintain its easement on the following county highway, 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 December, 2005, enters the following order in regard to the aforementioned road vacation proceedings.

The Board of Supervisors orders the following described road segment to be closed and vacated. Said road is described as follows:

1) That portion of the Independence and McCounts State Road in the NE1/4 of Section 19, T89N, R5W which lies west of the east bank of the Maquoketa River. Said right of way is further described as the former road easement beginning at the east bank of the Maquoketa River and running westerly to the north right of way line of 195th Street. The right of way is 66 feet in width. Said right of way was dedicated to the county by easement. Vacation action vacates only the road easement; utility and other easements of record remain in force.

SO ORDERED THIS 19th DAY OF DECEMBER, 2005;

Board of Supervisors

Seal:

Shirley E. Helmrichs
Chair
William J. Skinner
Steven L. Koeneke

Attest:

Sharon McCrabb
Delaware County Auditor

On this 19th day of December, 2005, before me Mark J. Nahra a notary public in and for the State of Iowa appeared Shirley E. Helmrichs, Chair, Steven Koeneke, William Skinner, 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 X, as passed by the Board of Supervisors on the 19th day of December, 2005 and, Shirley E. Helmrichs, Steven Koeneke, William Skinner 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.

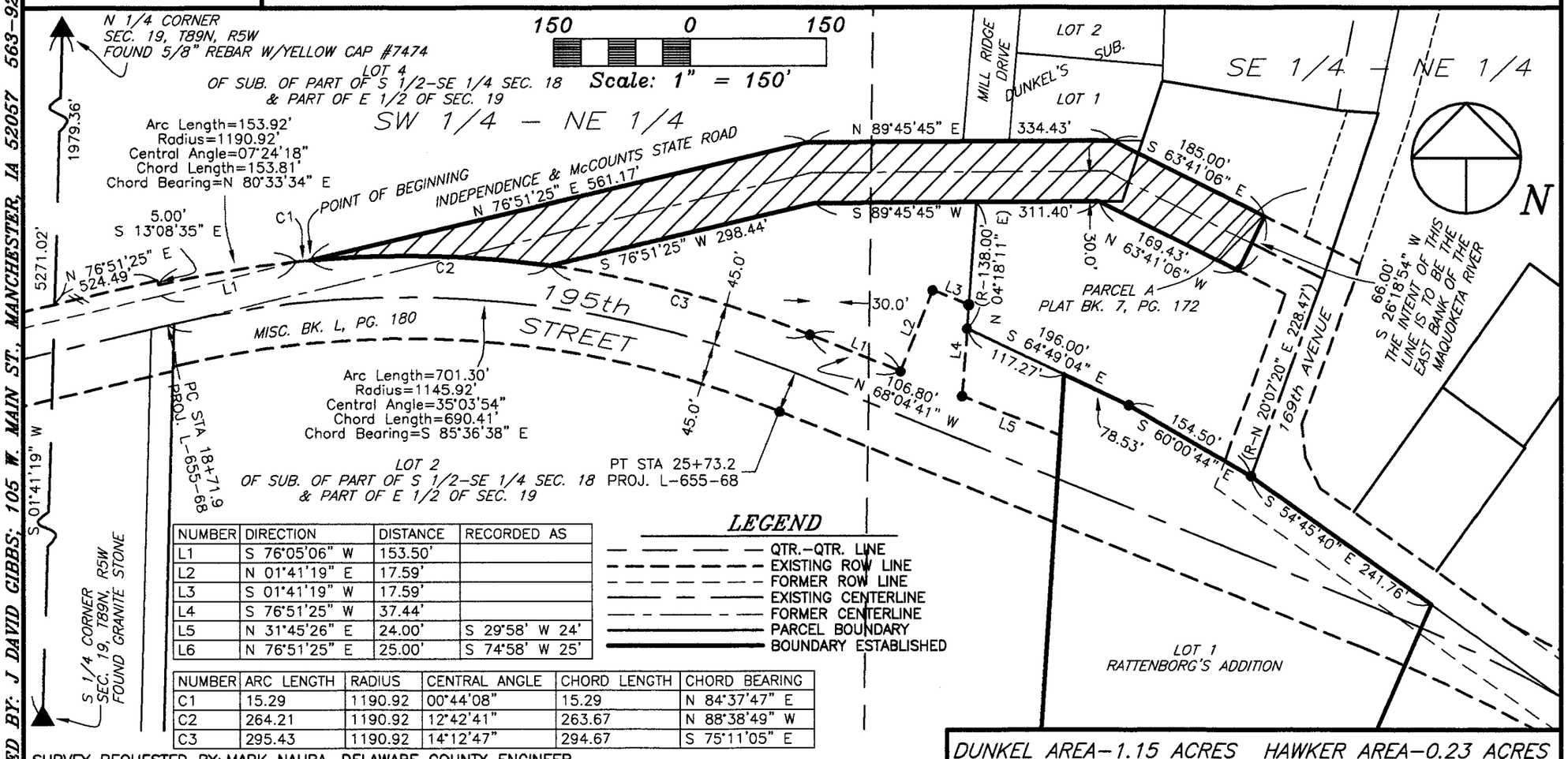
Mark J. Nahra
Notary Public
My Commission Expires: 7-2-2007

Seal:

NOTARIAL SEAL IOWA
Mark J. Nahra
COMMISSION NUMBER 165627
MY COMMISSION EXPIRES
7-2-2007

EXHIBIT A

VACATION OF PART OF THE INDEPENDENCE & McCOUNTS STATE ROAD, PART OF THE SW 1/4 – NE 1/4 & PART OF THE SE 1/4 – NE 1/4, SEC. 19, T89N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



NUMBER	DIRECTION	DISTANCE	RECORDED AS
L1	S 76°05'06" W	153.50'	
L2	N 01°41'19" E	17.59'	
L3	S 01°41'19" W	17.59'	
L4	S 76°51'25" W	37.44'	
L5	N 31°45'26" E	24.00'	S 29°58' W 24'
L6	N 76°51'25" E	25.00'	S 74°58' W 25'

NUMBER	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD LENGTH	CHORD BEARING
C1	15.29	1190.92	00°44'08"	15.29	N 84°37'47" E
C2	264.21	1190.92	12°42'41"	263.67	N 88°38'49" W
C3	295.43	1190.92	14°12'47"	294.67	S 75°11'05" E

LEGEND

- QTR.-QTR. LINE
- EXISTING ROW LINE
- FORMER ROW LINE
- EXISTING CENTERLINE
- FORMER CENTERLINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED

DUNKEL AREA–1.15 ACRES HAWKER AREA–0.23 ACRES

SURVEY REQUESTED BY: MARK NAHRA, DELAWARE COUNTY ENGINEER

PREPARED BY: J. DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SCALE: 1"=150'
DATE: 1/13/2005
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 2

PROPRIETORS: NICHOLAS E. DUNKEL & JOAN V. DUNKEL
PARCEL A – CARL W. HAWKER

PROJECT NO. 05-50/04-89

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

J. DAVID GIBBS, P.E., L.S. LICENSE #8419 DATE 12/21/05
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006

LICENSED SURVEYOR J. DAVID GIBBS 8419

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET, MANCHESTER, IA 52057

LEGAL DESCRIPTION:

VACATION OF PART OF THE INDEPENDENCE & McCOUNTS STATE ROAD, *PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION NINETEEN (19), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA:*

COMMENCING at the North Quarter Corner of Section Nineteen (19), Township Eighty-Nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of said Section Nineteen (19), South 01° 41' 19" West, to the Northerly Line of 195th Street, as recorded in Book 2005, Page 753 in the Office of the Delaware County Recorder, 1979.36 feet;

THENCE along the Northerly Line of 195th Street, North 76° 51' 25" East, 524.49 feet;

THENCE continuing along the Northerly Line of 195th Street, South 13° 08' 35" East, 5.00 feet;

THENCE continuing along the Northerly Line of 195th Street along a circular curve concave Southeasterly for an arc length of 153.92 feet, said circular curve having a radius of 1190.92 feet, a central angle of 07° 24' 18", a chord length of 153.81 feet, and a chord bearing of North 80° 33' 34" East;

THENCE continuing along the Northerly Line of 195th Street along a circular curve concave Southeasterly for an arc length of 15.29 feet, said circular curve having a radius of 1190.92 feet, a central angle of 00° 44' 08", a chord length of 15.29 feet, and a chord bearing of North 84° 37' 47" East to the Northerly Line of the former Independence and McCounts State Road, the **POINT OF BEGINNING**;

THENCE along the Northerly Line of the former Independence and McCounts State Road, North 76° 51' 25" East, 561.17 feet;

THENCE continuing along the Northerly Line of the former Independence and McCounts State Road, North 89° 45' 45" East, 334.43 feet;

THENCE continuing along the Northerly Line of the former Independence and McCounts State Road, South 63° 41' 06" East, to the Easterly Bank of the Maquoketa River, 185.00 feet, more or less;

THENCE along the Easterly Bank of the Maquoketa River, South 26° 18' 54" West, to the Southerly Line of the former Independence and McCounts State Road, 66.00 feet;

THENCE along the Southerly Line of the former Independence and McCounts State Road, North 63° 41' 06" West, 169.43 feet;

THENCE continuing along the Southerly Line of the former Independence and McCounts State Road, South 89° 45' 45" West, 311.40 feet;

THENCE continuing along the Southerly Line of the former Independence and McCounts State Road, South 76° 51' 25" West, to the Northerly Line of 195th Street, 298.44 feet;

THENCE along the Northerly Line of 195th Street along a circular curve concave Southerly for an arc length of 264.21 feet, said circular curve having a radius of 1190.92 feet, a central angle of 12° 42' 41", a chord length of 263.67 feet, and a chord bearing of North 88° 38' 49" West to the **POINT OF BEGINNING**;

The Westerly Line of the Northeast Quarter (NE ¼) of Section Nineteen (19), Township Eighty-Nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 01° 41' 19" West.