DELAWARE CO AUDITOR

Entered for taxation 30 day
of January A.D., 2008
Carla K. Becker, Auditor
By D. Willman, Deputy
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DEBORAH L PEYTON, RECORDER/REGISTRAR
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

Vacation of excess right of way on 245th Avenue in Section 33-T90N-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 Code of Iowa, section 306.11, allows the Board to vacate a road right of way held by easement that will not change the traveled portion of the road or deny access to adjoining landowners, and

WHEREAS a road vacation under the circumstances outlined in 306.11 does not require a hearing, and

WHEREAS there is excess right of way near the intersection of county road C64 and 245th Avenue, and

WHEREAS vacation of the excess right of way does not affect access or highway use, and

WHEREAS the current Board of Supervisors no longer believes the county needs to maintain its easement on the following county highway,

NOW THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors, in session this 28th day of January, 2008, enters the following order in regard to the aforementioned road closure.

The Board of Supervisors orders the following described right of way be vacated. Said road is described as follows:

That portion of the road right of way of 245th Avenue in the NE ¼ of Section 33, T90N, R4W, Elk Township, now known as, and described as Parcel B and Parcel D as recorded in Book 2008, Page 181 in the office of the Delaware County Recorder.

SO ORDERED THIS 28st DAY OF January, 2008;

Board of Supervisors

Shirley E. Helmrichs
Chair **SHIRLEY E. HELMRICHS**

Bill Skinner
BILL SKINNER

Steven L. Koeneke
STEVEN L. KOENEKE

Attest: Carla K. Becker
Delaware County Auditor **CARLA K. BECKER**

DELAWARE COUNTY OFFICIAL SEAL IOWA

On this 28th day of January, 2008, before me Mark J. Nahra a notary public in and for the State of Iowa appeared Shirley E. Helmrichs, Steven Koeneke, William Skinner, and Carla Becker, 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 1, as passed by the Board of Supervisors on the 28th day of January, 2008 and, Shirley E. Helmrichs, Steven Koeneke, William Skinner and Carla Becker 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: 7-2-2010

Seal:

Mark J. Nahra
COMMISSION NUMBER 165627
MY COMMISSION EXPIRES
7-2-2010