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of May A.D., 2011
Carla K. Becker, Auditor
By J. Hildebrand, Deputy
89-94

Book 2011 Page 1515

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

THIS DOCUMENT WAS PREPARED BY ANTHONY BARDGETT, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38., MANCHESTER, IA 52057, 563-927-3505

Return to: Delaware County Auditor, 301 E. Main Street, Manchester, IA 52057

RESOLUTION

Vacation of a Portion of Right-Of-Way along 270th Ave in Section 36-T89N-R4W, Delaware County, Iowa

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.

NOW THEREFORE BE IT RESOLVED that the Delaware County Board of Supervisors, in session this 9th day of May, 2011, enters the following order in regard to the aforementioned road vacation proceedings.

The Board of Supervisors orders the following described right-of-way to be closed and vacated. Said right-of-way is described as follows:

A portion of right of way along 270th Avenue, of the NW 1/4 of the SW 1/4 of Section 36, T89N, R4W. Said portion of right of way is 0.55 acres. See attached graphic exhibit. (page 3 and 4)

The Board of Supervisors finds no additional damages are to be paid to any claimants on this vacation.

SO ORDERED THIS 9th DAY OF May, 2011;

Board of Supervisors

Jerry Ries, Chairperson

Shirley E. Helmrichs

Jeff Madlom

Attest:

Carla K. Becker, Delaware County Auditor

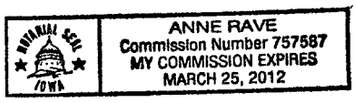
DELAWARE COUNTY OFFICIAL SEAL IOWA

On this 9th day of May, 2011, before me, Anne Rave, a notary public in and for the State of Iowa appeared Jerry Ries, Shirley E. Helmrichs, Jeff Madlom 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 9th day of May, 2011 and Jerry Ries, Shirley E. Helmrichs, Jeff Madlom 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.

Anne Rave

Notary Public Anne Rave
My Commission Expires: 3/25/2012

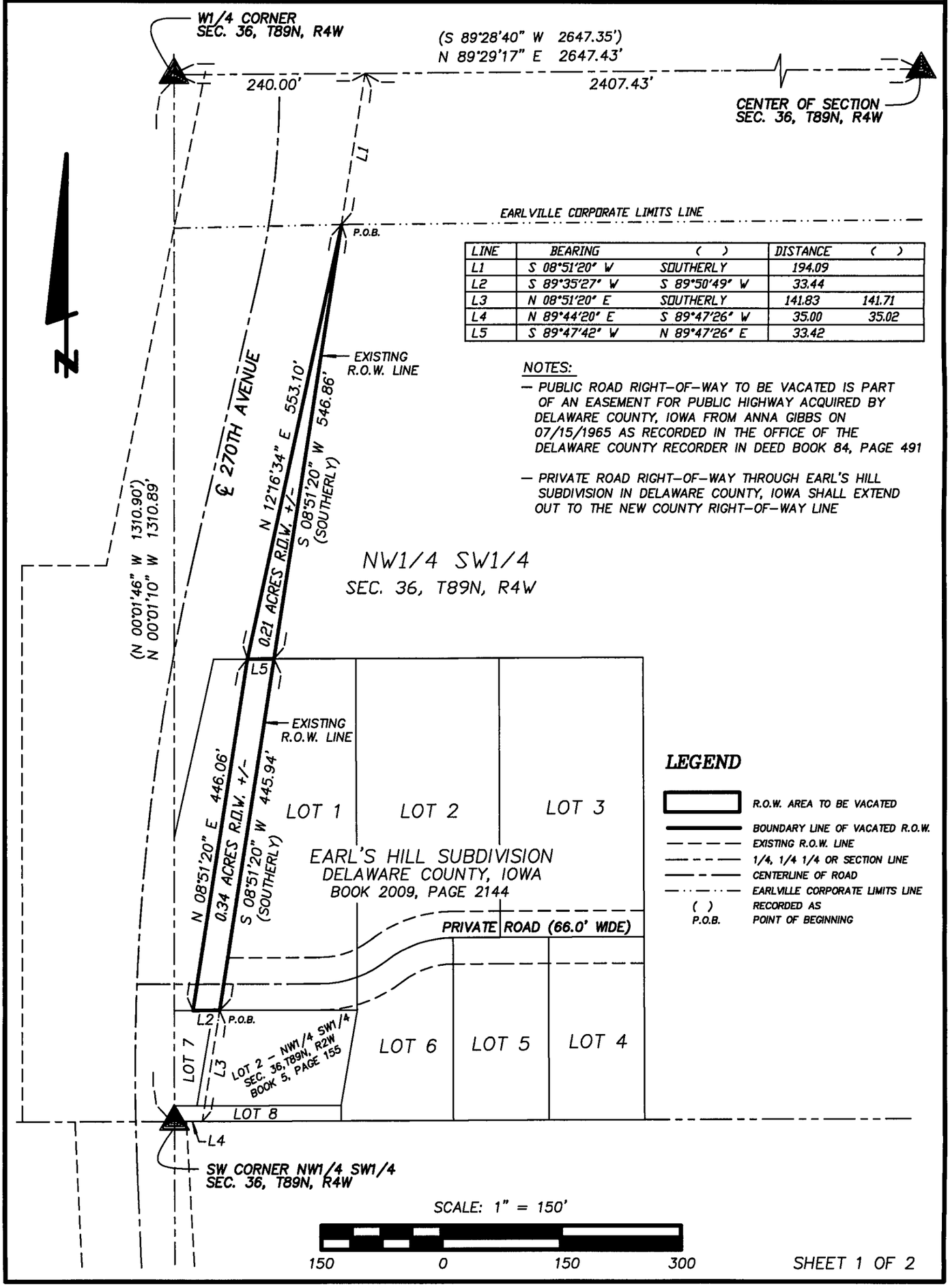
Seal:



PREPARED BY THE DELAWARE COUNTY ENGINEERS OFFICE 2139 HIGHWAY 38, MANCHESTER, IOWA 52057 (563) 927 3505

GRAPHIC EXHIBIT

SHOWING AND DESCRIBING THAT PORTION OF PUBLIC ROAD RIGHT-OF-WAY TO BE VACATED BY DELAWARE COUNTY, IOWA. SAID RIGHT-OF-WAY IS LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND LOT 1 OF EARL'S HILL SUBDIVISION, ALL IN SECTION THIRTY-SIX (36), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA



LINE	BEARING	( )	DISTANCE	( )
L1	S 08°51'20" W	SOUTHERLY	194.09	
L2	S 89°35'27" W	S 89°50'49" W	33.44	
L3	N 08°51'20" E	SOUTHERLY	141.83	141.71
L4	N 89°44'20" E	S 89°47'26" W	35.00	35.02
L5	S 89°47'42" W	N 89°47'26" E	33.42	

NOTES:

- PUBLIC ROAD RIGHT-OF-WAY TO BE VACATED IS PART OF AN EASEMENT FOR PUBLIC HIGHWAY ACQUIRED BY DELAWARE COUNTY, IOWA FROM ANNA GIBBS ON 07/15/1965 AS RECORDED IN THE OFFICE OF THE DELAWARE COUNTY RECORDER IN DEED BOOK 84, PAGE 491
- PRIVATE ROAD RIGHT-OF-WAY THROUGH EARL'S HILL SUBDIVISION IN DELAWARE COUNTY, IOWA SHALL EXTEND OUT TO THE NEW COUNTY RIGHT-OF-WAY LINE

PARTIAL EASEMENT VACATION LEGAL DESCRIPTION

Part of Lot 1 of Earl's Hill Subdivision in Delaware County, Iowa; containing a total of 0.34 acres more or less of public road right of way, **subject to easements, reservations, restrictions, and rights of way of record and not of record** and more particularly described by metes and bounds as follows:

COMMENCING at the Southwest corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 89°-44'-20" East 35.00 feet along the South line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section Thirty-six (36) to the Easterly right of way line of 270th Avenue;

Thence North 08°-51'-20" East 141.83 feet along said Easterly right of way line of 270th Avenue to the **POINT OF BEGINNING**;

Thence South 89°-35'-27" West 33.44 feet along the South line of Lot 1 of Earl's Hill Subdivision in Delaware County, Iowa as recorded in the Office of the Delaware County Recorder in Plat Book 2009, Page 2144;

Thence North 08°-51'-20" East 446.06 feet to the North line of said Lot 1 of Earl's Hill Subdivision in Delaware County, Iowa;

Thence North 89°-47'-42" East 33.42 feet along said North line of Lot 1 of Earl's Hill Subdivision in Delaware County, Iowa to said Easterly right of way line of 270th Avenue;

Thence South 08°-51'-20" West 445.94 feet along said Easterly right of way line of 270th Avenue to the **POINT OF BEGINNING** containing a total of 0.34 acres more or less of public road right of way, **subject to easements, reservations, restrictions, and rights of way of record and not of record**;

The South line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian of Delaware County, Iowa is assumed to bear North 89°-44'-20" East.

PARTIAL EASEMENT VACATION LEGAL DESCRIPTION

Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa; containing a total of 0.21 acres more or less of public road right of way, **subject to easements, reservations, restrictions, and rights of way of record and not of record** and more particularly described by metes and bounds as follows:

COMMENCING at the West Quarter (W1/4) corner of Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 89°-29'-17" East 240.00 feet along the North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section Thirty-six (36) to the Easterly right of way line of 270th Avenue;

Thence South 08°-51'-20" West 194.09 feet along said Easterly right of way line of 270th Avenue to the **POINT OF BEGINNING**;

Thence South 08°-51'-20" West 546.86 feet along said Easterly right of way line of 270th Avenue to the North line of Lot 1 of Earl's Hill Subdivision in Delaware County, Iowa as Recorded in the Office of the Delaware County Recorder in Plat Book 2009, Page 2144;

Thence South 89°-47'-42" West 33.42 feet along said North line of Lot 1 of Earl's Hill Subdivision in Delaware County, Iowa;

Thence North 12°-16'-34" East 553.10 feet to the **POINT OF BEGINNING** containing a total of 0.21 acres more or less of public road right of way, **subject to easements, reservations, restrictions, and rights of way of record and not of record**;

The North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian of Delaware County, Iowa is assumed to bear North 89°-29'-17" East.