Entered for taxation 26th day
of November AD 2013
Carla K. Boecher Auditor
By V.H. Hobrock Deputy

Book 2013 Page 3674

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Legal Description on Page 1 and 2

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

Sections 34 & 35
Vacation of County Easement in ~~Section XX~~ 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 the following described easements, 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 25th day of November, 2013, enters the following order in regard to the aforementioned road vacation proceedings.

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

That portion of 260th Avenue described in Road Book 1, Pages 129, 130, 131 and 132 in the Office of the Delaware County Auditor, lying between the North right of way line of U.S. Highway 20 and the South right of way line of 212th Street in Section Thirty-four (34) and Section Thirty-five (35), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa, **subject to easements, reservations, restrictions, and rights of way of record and not of record** and said road is 66.00 feet wide, 33.00 feet on each side of the following described centerline:

COMMENCING at the Southwest corner of Section Thirty-five (35), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 00°-12'-45" West 253.55 feet along the West line of the Southwest Quarter (SW1/4) of said Section Thirty-five (35) to the North right of way line of U.S. Highway 20, also being the **POINT OF BEGINNING**;

Thence continuing along said West line of the Southwest Quarter (SW1/4) of Section Thirty-five (35) North 00°-12'-45" West 2385.01 feet to the West Quarter (W1/4) corner of said Section Thirty-five (35);

Thence North 00°-35'-31" West 1295.07 feet along the Westerly line of the Northwest Quarter (NW1/4) of said Section Thirty-five (35) to the South right of way line of 212th Street;
The West line of the Southwest Quarter (SW1/4) of Section Thirty-five (35), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00°-12'-45" West.

That portion of 260th Avenue described in Road Book 4, Page 78 in the Office of the Delaware County Auditor, lying between the North right of way line of U.S. Highway 20 and the South right of way line of 212th Street in Section Thirty-four (34) and Section Thirty-five (35), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa, **subject to easements, reservations, restrictions, and rights of way of record and not of record** and said road is 66.00 feet wide, 33.00 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Thirty-five (35), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth principal Meridian, Delaware County, Iowa;

Thence South 00°-35'-31" East 865.77 feet along the West line of the Northwest Quarter (NW1/4) of said Section Thirty-five (35) to the **POINT OF BEGINNING**;

Thence South 26°-22'-22" East 190.38 feet to the South line of the Chicago Central and Pacific Railroad right of way;

Thence curving Southwesterly, said curve having a chord bearing and distance of South 18°-11'-27" West 264.12 feet to the West line of said Northwest Quarter (NW1/4) of Section Thirty-five (35);
The West line of the Northwest Quarter (NW1/4) of Section Thirty-five (35), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 00°-35'-31" East.

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

SO ORDERED THIS 25th DAY OF November, 2013;

Board of Supervisors

Jeff Madlom, Chairperson

Jerry Ries

Shirley E. Helmrichs

DELAWARE COUNTY IOWA OFFICIAL SEAL

Attest:

Carla K. Becker, Delaware County Auditor

On this 25th day of November, 2013, before me Anne Rave, a notary public in and for the State of Iowa appeared Jeff Madlom, Jerry Ries, Shirley E. Helmrichs, 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 25th day of November, 2013 and Jeff Madlom, Jerry Ries, Shirley E. Helmrichs, 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.

Notary Public Anne Rave
My Commission Expires: 3/25/2015

Seal:

NOTARIAL SEAL IOWA
ANNE RAVE
Commission Number 757587
MY COMMISSION EXPIRES
MARCH 25, 2015

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

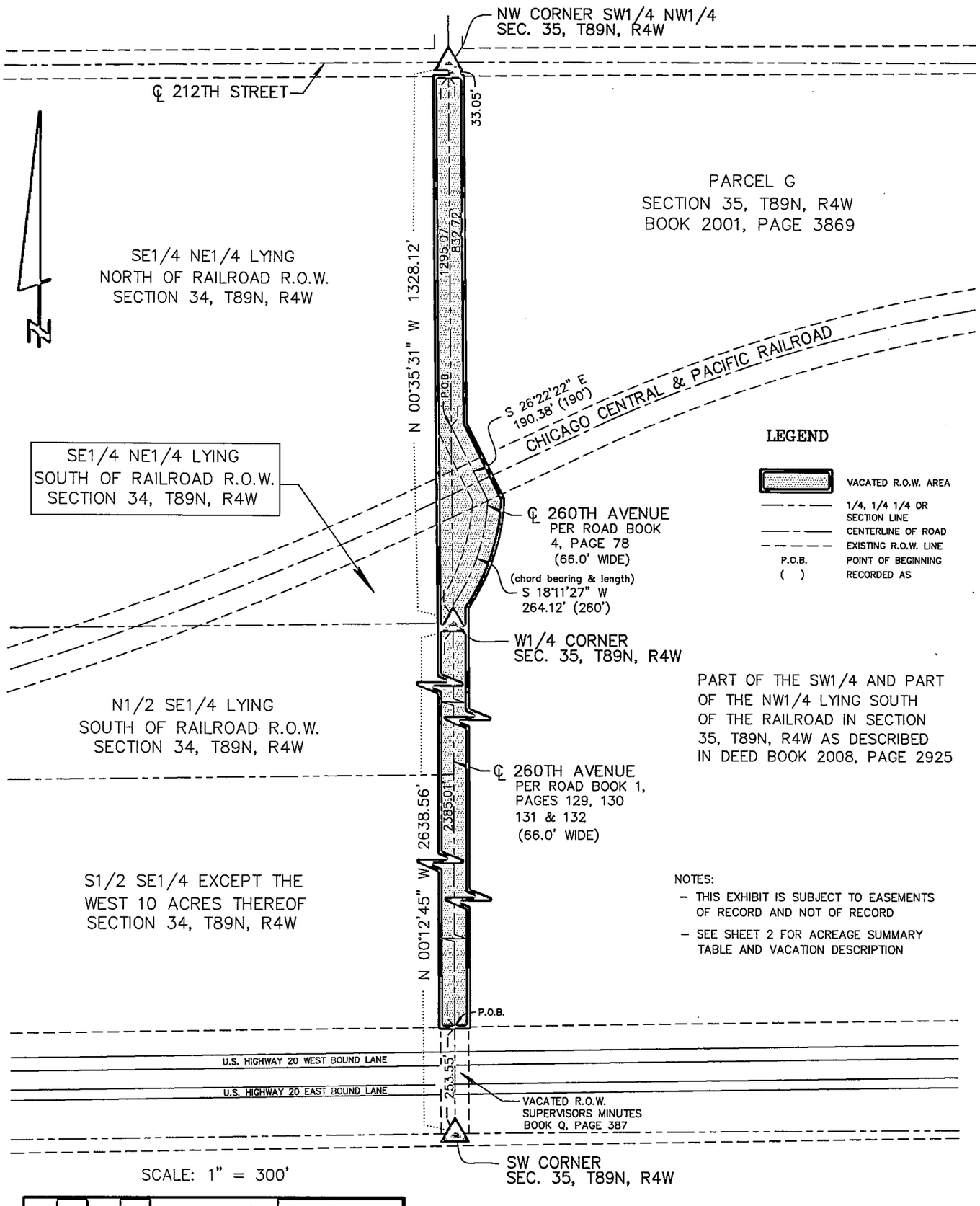
DELAWARE COUNTY ENGINEERS OFFICE
RIGHT OF WAY VACATION
EXHIBIT A

SECTION 34 & 35 **TOWNSHIP** 89 NORTH **RANGE** 4 WEST

EXCESS – RIGHT OF WAY ACRES (EASEMENT) 6.00 ACRES +/-

ACQUIRED FROM ORIGINAL ROAD ESTABLISHMENT – ROAD BOOK 1, PAGES 129, 130, 131, AND 132 AND ROAD BOOK 4, PAGE 78

PROPRIETORS SEE ACREAGE SUMMARY TABLE ON SHEET 2



ACREAGE SUMMARY TABLE

LEGAL DESCRIPTION	PROPRIETOR	R.O.W. ACRES VACATED
SE1/4 NE1/4 LYING NORTH OF THE RAILROAD R.O.W. IN SEC. 34, T89N, R4W	RICK J. & CINDY S. MORMANN	0.64 +/-
SE1/4 NE1/4 LYING SOUTH OF THE RAILROAD R.O.W. IN SEC. 34, T89N, R4W	RICK J. & CINDY S. MORMANN	0.18 +/-
N1/2 SE1/4 LYING SOUTH OF THE RAILROAD R.O.W. IN SEC. 34, T89N, R4W	RICK J. & CINDY S. MORMANN	1.00 +/-
S1/2 SE1/4 EXCEPT THE WEST 10 ACRES THEREOF SEC. 34, T89N, R4W	DEED HOLDER: GOOD NEIGHBOR SOCIETY 40% LIFE FUND, EWALU CAMP & RETREAT CENTER 40%, CHRISTIAN CRUSADERS RADIO MINISTRY 20% CONTRACT HOLDER: DUANE D. & KAREN H. NIEMAN	0.81 +/-
PART OF THE SW1/4 AND PART OF THE NW1/4 LYING SOUTH OF THE RAILROAD IN SECTION 35, T89N, R4W AS DESCRIBED IN DEED BOOK 2008, PAGE 2925	LARRY W. & DIANE K. BOCKENSTEDT	2.25 +/-
PARCEL G IN SECTION 35, T89N, R4W	DEED HOLDER: EUGENE J. & BETTY ANN KRAPFL CONTRACT HOLDER: MIKE & JANET ORCUTT	0.80 +/-
CHICAGO CENTRAL & PACIFIC RAILROAD R.O.W. PROPERTY	CHICAGO CENTRAL & PACIFIC RAILROAD	0.32 +/-

EASEMENT VACATION DESCRIPTION

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