Book 2014 Page 917

Document 2014 917 Type 06 018 Pages 6
Date 4/22/2014 Time 8:20:23AM
Rec Amt $.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Del Co. Auditor

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
No. 2014-025

Vacation of County Easement in Section 10-T88N-R5W, 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 21th day of April, 2014, 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 easements are described as follows:

A portion of the Easement for Public Highway along Jefferson Road, located in the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 1.44 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. (See attached Sheet 1 and 2 for Plat and Legal Description of Vacated Easement for Public Highway).

A portion of the Easement for Public Highway along Jefferson Road, located in the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 2.04 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. (See attached Sheet 3 and 4 for Plat and Legal Description of Vacated Easement for Public Highway).

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

SO ORDERED THIS 21th DAY OF April, 2014;

Board of Supervisors

Shirley E. Helmrichs, Chairperson

Jeff Madlom

Attest:

Carla K. Becker, Delaware County Auditor

DELAWARE COUNTY OFFICIAL SEAL IOWA

On this 21th day of April, 2014, before me Anne Rave, a notary public in and for the State of Iowa appeared Shirley E. Helmrichs, Jeff Madlom, and Carla K. 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, a member 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 21th day of April, 2014 and 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

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

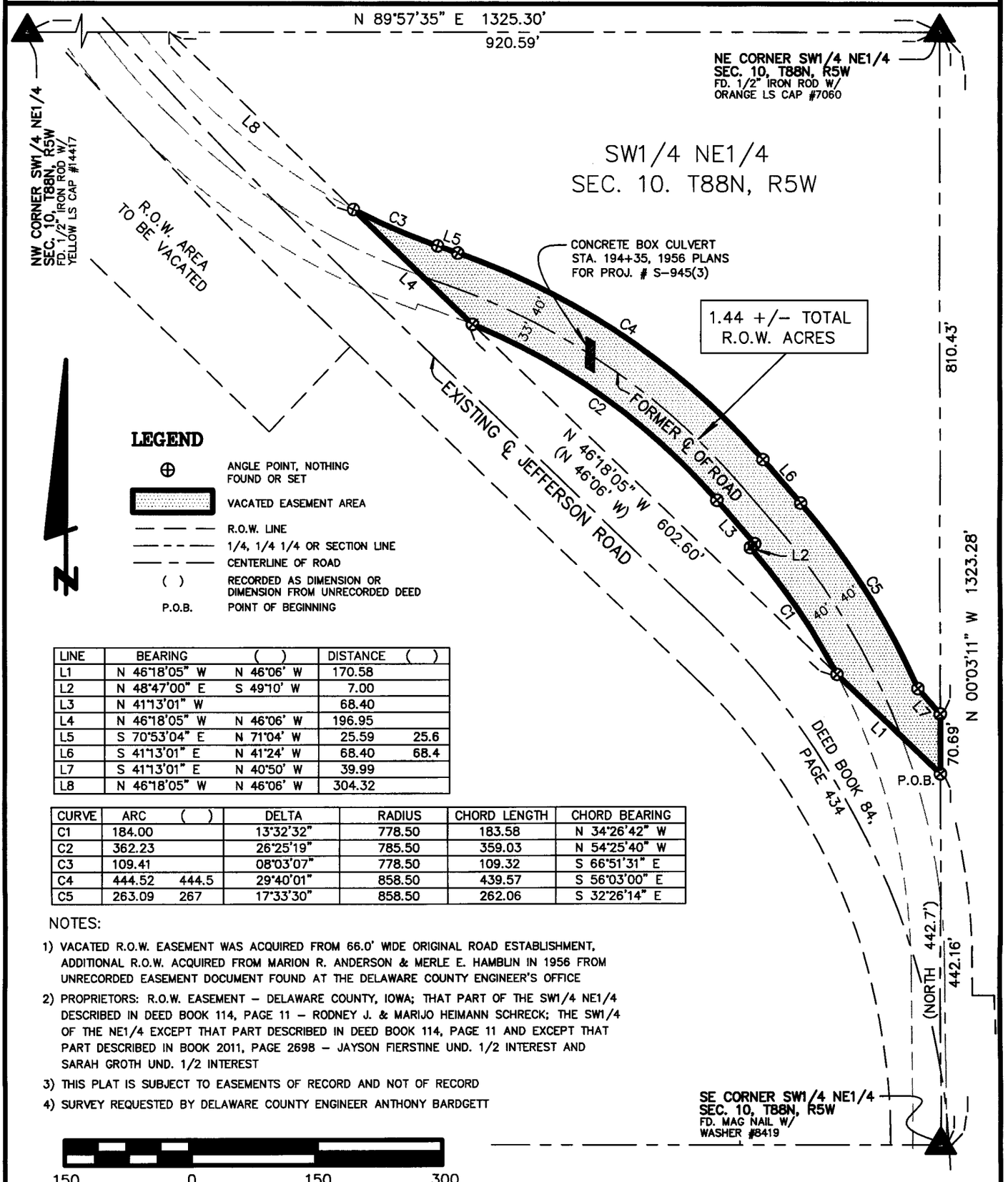
Seal: NOTARIAL SEAL IOWA

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

PREPARED BY BRAD BURGER, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38, MANCHESTER, IOWA 52057

PLAT OF VACATED EASEMENT FOR PUBLIC HIGHWAY

LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TEN (10), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA



LINE	BEARING	( )	DISTANCE	( )
L1	N 46°18'05" W	N 46°06' W	170.58	
L2	N 48°47'00" E	S 49°10' W	7.00	
L3	N 41°13'01" W		68.40	
L4	N 46°18'05" W	N 46°06' W	196.95	
L5	S 70°53'04" E	N 71°04' W	25.59	25.6
L6	S 41°13'01" E	N 41°24' W	68.40	68.4
L7	S 41°13'01" E	N 40°50' W	39.99	
L8	N 46°18'05" W	N 46°06' W	304.32	

CURVE	ARC	( )	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	184.00		13°32'32"	778.50	183.58	N 34°26'42" W
C2	362.23		26°25'19"	785.50	359.03	N 54°25'40" W
C3	109.41		08°03'07"	778.50	109.32	S 66°51'31" E
C4	444.52	444.5	29°40'01"	858.50	439.57	S 56°03'00" E
C5	263.09	267	17°33'30"	858.50	262.06	S 32°26'14" E

NOTES:

1) VACATED R.O.W. EASEMENT WAS ACQUIRED FROM 66.0' WIDE ORIGINAL ROAD ESTABLISHMENT, ADDITIONAL R.O.W. ACQUIRED FROM MARION R. ANDERSON & MERLE E. HAMBLIN IN 1956 FROM UNRECORDED EASEMENT DOCUMENT FOUND AT THE DELAWARE COUNTY ENGINEER'S OFFICE
2) PROPRIETORS: R.O.W. EASEMENT – DELAWARE COUNTY, IOWA; THAT PART OF THE SW1/4 NE1/4 DESCRIBED IN DEED BOOK 114, PAGE 11 – RODNEY J. & MARIJO HEIMANN SCHRECK; THE SW1/4 OF THE NE1/4 EXCEPT THAT PART DESCRIBED IN DEED BOOK 114, PAGE 11 AND EXCEPT THAT PART DESCRIBED IN BOOK 2011, PAGE 2698 – JAYSON FIERSTINE UND. 1/2 INTEREST AND SARAH GROTH UND. 1/2 INTEREST
3) THIS PLAT IS SUBJECT TO EASEMENTS OF RECORD AND NOT OF RECORD
4) SURVEY REQUESTED BY DELAWARE COUNTY ENGINEER ANTHONY BARDGETT

LICENSED LAND SURVEYOR
BRAD J. BURGER
20281
IOWA

NO. OF SHEETS COVERED BY THIS SEAL: 1

DATE OF SURVEY: 3/5/2014 | SCALE: 1" = 150' | SHEET 1 OF 4

PROPRIETORS: SEE ABOVE

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND 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.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014

Brad J. Burger 4/21/14

BRAD J. BURGER #20281 DATE

Delaware County Engineer's Office
2139 Highway 38
Manchester, Iowa 52057

EASEMENT VACATION LEGAL DESCRIPTION

Vacated Easement for Public Highway, located in the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa; containing a total of 1.44 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 Southeast corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 00°-03'-11" West 442.16 feet along the East line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section Ten (10) to the Northerly right of way line described in Deed Book 84, Page 434 in the Office of the Delaware County Recorder, also being the **POINT OF BEGINNING**;

Thence North 46°-18'-05" West 170.58 feet along said Northerly right of way line;

Thence along a circular curve concave Southwesterly for an arc length of 184.00 feet, said circular curve having a central angle of 13°-32'-32", a radius of 778.50 feet, a chord bearing of North 34°-26'-42" West and a chord length of 183.58 feet;

Thence North 48°-47'-00" East 7.00 feet;

Thence North 41°-13'-01" West 68.40 feet to a point of curvature;

Thence along a circular curve concave Southwesterly for an arc length of 362.23 feet, said circular curve having a central angle of 26°-25'-19", a radius of 785.50 feet, a chord bearing of North 54°-25'-40" West and a chord length of 359.03 feet to said Northerly right of way line described in Deed Book 84, Page 434;

Thence North 46°-18'-05" West 196.95 feet along said Northerly right of way line;

Thence along a circular curve concave Northeasterly for an arc length of 109.41 feet, said circular curve having a central angle of 08°-03'-07", a radius of 778.50 feet, a chord bearing of South 66°-51'-31" East and a chord length of 109.32 feet;

Thence South 70°-53'-04" East 25.59 feet to a point of curvature;

Thence along a circular curve concave Southwesterly for an arc length of 444.52 feet, said circular curve having a central angle of 29°-40'-01", a radius of 858.50 feet, a chord bearing of South 56°-03'-00" East and a chord length of 439.57 feet;

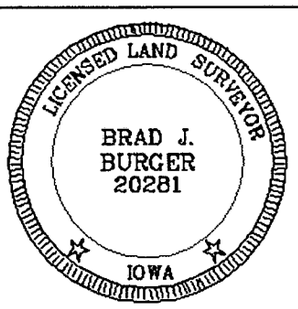
Thence South 41°-13'-01" East 68.40 feet to a point of curvature;

Thence along a circular curve concave Southwesterly for an arc length of 263.09 feet, said circular curve having a central angle of 17°-33'-30", a radius of 858.50 feet, a chord bearing of South 32°-26'-14" East and a chord length of 262.06 feet;

Thence South 41°-13'-01" East 39.99 feet to said East line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10);

Thence South 00°-03'-11" East 70.69 feet along said East line to the **POINT OF BEGINNING** containing a total of 1.44 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 East line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00°-03'-11" West.



SURVEYORS CERTIFICATE

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 Professional Land Surveyor under the laws of the State of Iowa.

My license renewal date is December 31, 2014

Brad J. Burger 4/21/14

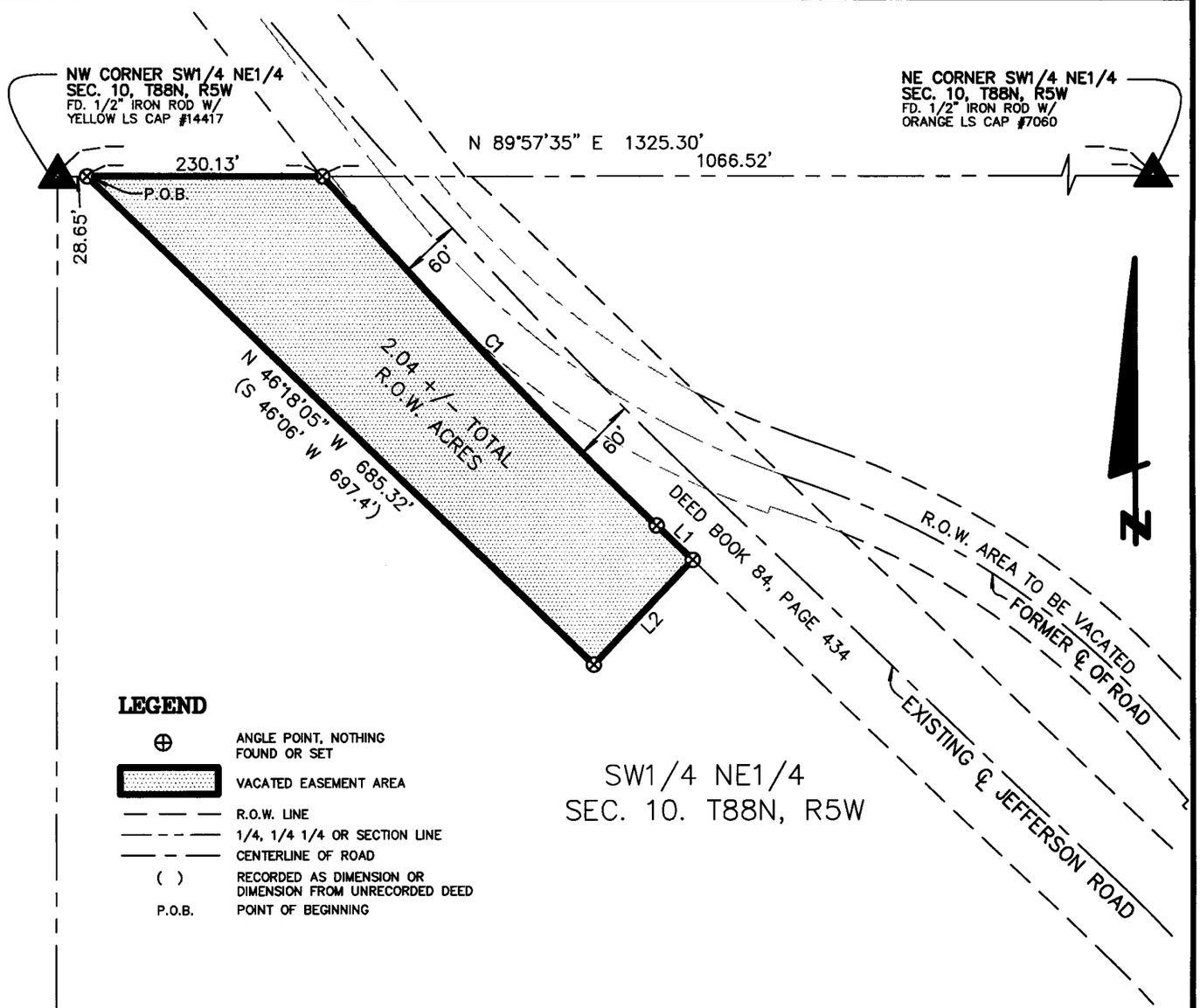
Brad J. Burger Date Reg. No. 20281

Sheet No. covered by this seal

PREPARED BY BRAD BURGER, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38, MANCHESTER, IOWA 52057

PLAT OF VACATED EASEMENT FOR PUBLIC HIGHWAY

LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TEN (10), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA



LEGEND

⊕	ANGLE POINT, NOTHING FOUND OR SET
▭	VACATED EASEMENT AREA
— — —	R.O.W. LINE
— - - —	1/4, 1/4 1/4 OR SECTION LINE
— - —	CENTERLINE OF ROAD
( )	RECORDED AS DIMENSION OR DIMENSION FROM UNRECORDED DEED
P.O.B.	POINT OF BEGINNING

LINE	BEARING	( )	DISTANCE
L1	S 46°18'05" E		48.63
L2	S 43°41'55" W	N 43°54' E	140.00

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	470.93	04°39'07"	5800.10	470.80	S 43°58'31" E

NOTES:

1) VACATED R.O.W. EASEMENT WAS ACQUIRED FROM JAMES T. LEWIS AND JOCIE M. LEWIS IN 1965 FROM EASEMENT RECORDED IN DEED BOOK 84, PAGE 434 IN THE OFFICE OF THE DELAWARE COUNTY RECORDER
2) PROPRIETORS: R.O.W. EASEMENT – DELAWARE COUNTY, IOWA; THE SW1/4 NE1/4 OF SECTION 10, T88N, R5W, EXCEPT THAT PART DESCRIBED IN DEED BOOK 114, PAGE 11 AND EXCEPT THAT PART DESCRIBED IN BOOK 2011, PAGE 2698 – JAYSON FIERSTINE UND. 1/2 INTEREST AND SARAH GROTH UND. 1/2 INTEREST
3) THIS PLAT IS SUBJECT TO EASEMENTS OF RECORD AND NOT OF RECORD
4) SURVEY REQUESTED BY DELAWARE COUNTY ENGINEER ANTHONY BARDGETT

150 0 150 300

LICENSED LAND SURVEYOR
BRAD J. BURGER
20281
IOWA

NO. OF SHEETS COVERED BY THIS SEAL: 1

DATE OF SURVEY: 3/5/2014 | SCALE: 1" = 150' | SHEET 3 OF 4

PROPRIETORS: SEE ABOVE

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND 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.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014

Brad J Burger 4/21/14

BRAD J. BURGER #20281 DATE

Delaware County Engineer's Office
2139 Highway 38
Manchester, Iowa 52057

EASEMENT VACATION LEGAL DESCRIPTION

Vacated Easement for Public Highway, located in the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa; containing a total of 2.04 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 Northwest corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 89°-57'-35" East 28.65 feet along the North line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section Ten (10) to the Westerly right of way line described in Deed Book 84, Page 434 in the Office of the Delaware County Recorder, also being the **POINT OF BEGINNING**;

Thence continuing along said North line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) North 89°-57'-35" East 230.13 feet;

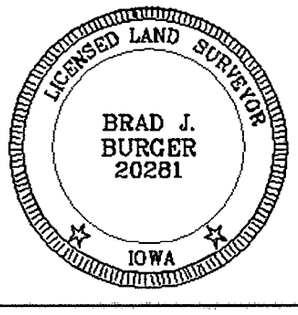
Thence along a circular curve concave Northeasterly for an arc length of 470.93 feet, said circular curve having a central angle of 04°-39'-07", a radius of 5800.10 feet, a chord bearing of South 43°-58'-31" East and a chord length of 470.80 feet;

Thence South 46°-18'-05" East 48.63 feet to a Southerly corner of said right of way described in Deed Book 84, Page 434;

Thence South 43°-41'-55" West 140.00 feet along a Southeasterly line and to a Southerly corner of said right of way described in Deed Book 84, Page 434;

Thence North 46°-18'-05" West 685.32 feet along said Westerly right of way line described in Deed Book 84, Page 434 to the **POINT OF BEGINNING** containing a total of 2.04 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 Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Ten (10), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 89°-57'-35" East.



SURVEYORS CERTIFICATE

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 Professional Land Surveyor under the laws of the State of Iowa.

My license renewal date is December 31, 2014

Brad J Burger 4/21/14

Brad J. Burger Date Reg. No. 20281

Sheet No. covered by this seal