Del. Co. Auditor

Book 2015 Page 3114

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Daneen Schindler, 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 NO. 2015-048

Vacation of a Portion of Easement along 221st St in Section 3, T88N-R3W, Delaware County, Iowa

WHEREAS, the Code of Iowa, section 306.10 gives the Board of Supervisors the power to establish, alter and vacate any road under its jurisdiction, and

WHEREAS, the Board of Supervisors no longer believes the county needs to maintain easement or ownership of right of way on the following road, 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 16th day of November, 2015, enters the following order in regard to the aforementioned road easement vacation proceedings.

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

A portion of right-of-way along 221st Street located in the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa. (See attached Exhibit A)

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

SO ORDERED THIS 16th DAY OF NOVEMBER, 2015;

Board of Supervisors

Jeff Madlom, Chairperson

Douglas S. Dabroski
Doug Dabroski

Shirley E. Helmrichs
Shirley E. Helmrichs

Attest:

Carla K. Becker
Carla K. Becker, Delaware County Auditor

On this 16th day of November, 2015, before me Anne Rave, a notary public in and for the State of Iowa appeared Jeff Madlom, Doug Dabroski, Shirley E. Helmrichs, 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, 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, as passed by the Board of Supervisors on the 16th day of November, 2015 and, Jeff Madlom, Doug Dabroski, Shirley E. Helmrichs, and Carla K. 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
My Commission Expires: 3/25/2018

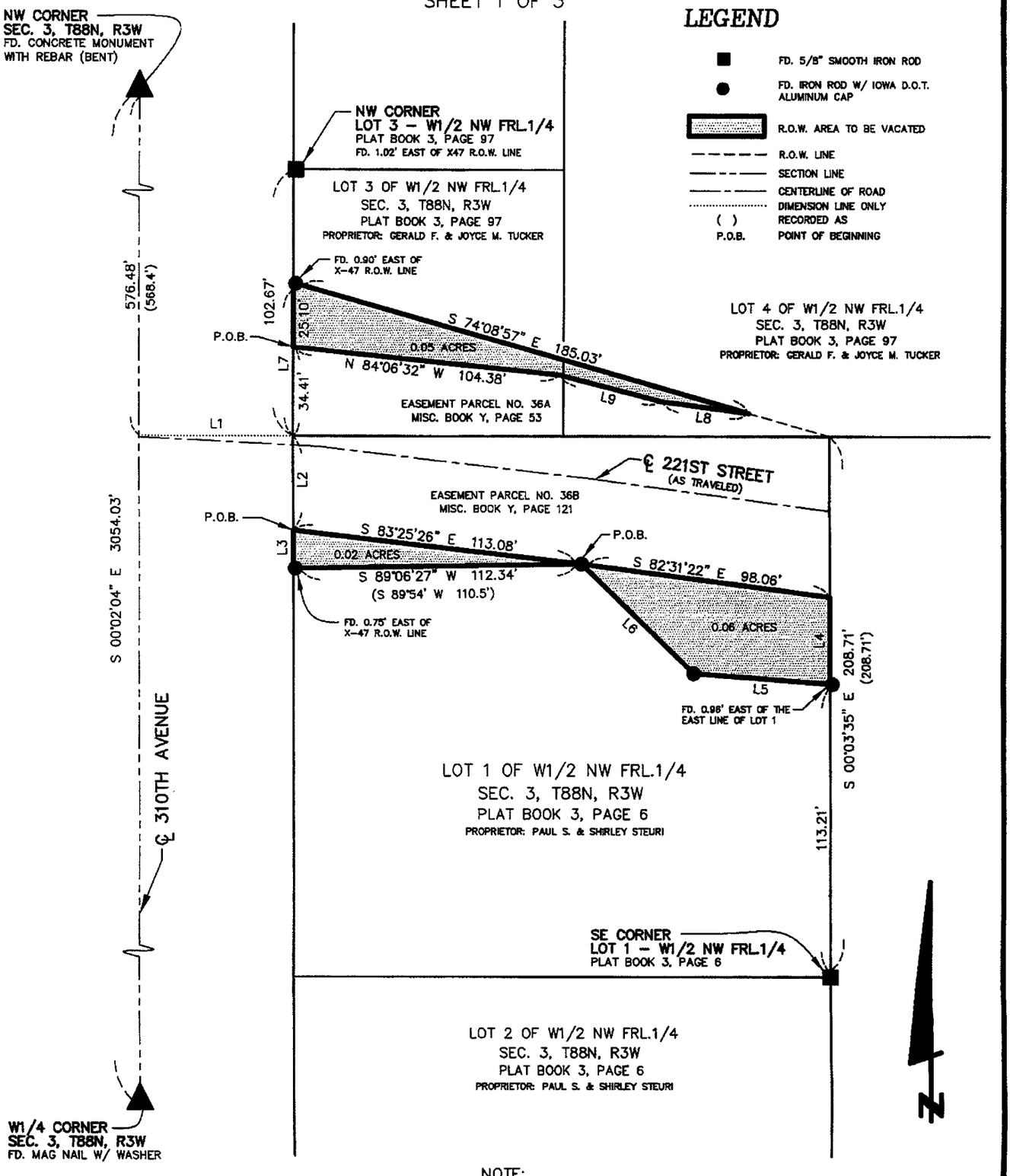
Seal:

ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38, MANCHESTER, IOWA 52057

RIGHT–OF–WAY EASEMENT VACATION
EXHIBIT A

SHEET 1 OF 3



LINE	BEARING		DISTANCE
L1	N 89°59'43" E	(EAST)	60.00'
L2	S 00°02'04" E	(S 0°38–1/2' W)	36.03'
L3	N 00°02'04" W	(S 0°38–1/2' W)	14.70'
L4	S 00°03'35" E	(S 0°45' W)	33.75'
L5	N 85°42'44" W	(N 85°03' W)	53.58' (53.4')
L6	N 45°52'55" W	(N 45°10' W)	61.05' (61.3')
L7	N 00°02'04" W		59.51'
L8	N 82°31'11" W		34.48'
L9	N 75°38'17" W		41.25'

NOTE:

– R.O.W. AREA BEING VACATED WAS ACQUIRED IN 1986 FROM JACK LINK TRUCK LINES, INC. PER MISCELLANEOUS BOOK Y, PAGE 53, AND FROM PAUL G. STEURI AND SHIRLEY STEURI PER MISCELLANEOUS BOOK Y, PAGE 121, ALL IN THE OFFICE OF THE DELAWARE COUNTY RECORDER.

– SURVEY REQUESTED BY JAMIE DIRKS

SCALE: 1" = 50'

50 0 50 100

EXHIBIT A – SHEET 2 OF 3

R.O.W. EASEMENT VACATION DESCRIPTION

Located in Lot 1 of the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa as recorded in Plat Book 3, Page 6 in the Office of the Delaware County Recorder; containing a total of 0.02 acres more or less of public road right of way and more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 00°-02'-04" East 576.48 feet along the West line of the Northwest Fractional Quarter (NW Frl.1/4) of said Section Three (3);

Thence North 89°-59'-43" East 60.00 feet to the Northwest corner of Lot 1 of the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of said Section Three (3) as recorded in the Office of the Delaware County Recorder in Plat Book 3, Page 6;

Thence South 00°-02'-04" East 36.03 feet along the West line of said Lot 1 to the **POINT OF BEGINNING;**

Thence South 83°-25'-26" East 113.08 feet to a Southerly corner of public highway easement Parcel No. 36B as recorded in the Office of the Delaware County Recorder in Miscellaneous Book Y, Page 121;

Thence South 89°-06'-27" West 112.34 feet along a Southerly line and to the Southwesterly corner of said public highway easement Parcel No. 36B, said corner also being on the West line of said Lot 1;

Thence North 00°-02'-04" West 14.70 feet along the West line of said Lot 1 to the **POINT OF BEGINNING** containing a total of 0.02 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 West line of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian of Delaware County, Iowa is assumed to bear South 00°-02'-04" East.

R.O.W. EASEMENT VACATION DESCRIPTION

Located in Lot 1 of the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa as recorded in Plat Book 3, Page 6 in the Office of the Delaware County Recorder; containing a total of 0.06 acres more or less of public road right of way and more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 00°-02'-04" East 576.48 feet along the West line of the Northwest Fractional Quarter (NW Frl.1/4) of said Section Three (3);

Thence North 89°-59'-43" East 60.00 feet to the Northwest corner of Lot 1 of the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of said Section Three (3) as recorded in the Office of the Delaware County Recorder in Plat Book 3, Page 6;

Thence South 00°-02'-04" East 36.03 feet along the West line of said Lot 1;

Thence South 83°-25'-26" East 113.08 feet to the **POINT OF BEGINNING**, said corner also being a Southerly corner of public highway easement Parcel No. 36B as recorded in the Office of the Delaware County Recorder in Miscellaneous Book Y, Page 121;

Thence South 82°-31'-22" East 98.06 feet to the East line of said Lot 1;

Thence South 00°-03'-35" East 33.75 feet along the East line of said Lot 1 to the Southeasterly corner of said public highway easement Parcel No. 36B;

Thence North 85°-42'-44" West 53.58 feet along a Southerly line and to a Southerly corner of said public highway easement Parcel No. 36B;

Thence North 45°-52'-55" West 61.05 feet along a Southerly line of said public highway easement Parcel No. 36B to the **POINT OF BEGINNING** containing a total of 0.06 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 West line of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian of Delaware County, Iowa is assumed to bear South 00°-02'-04" East.

EXHIBIT A – SHEET 3 OF 3

R.O.W. EASEMENT VACATION DESCRIPTION

Located in Lot 3 and Lot 4 of the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa as recorded in Plat Book 3, Page 97 in the Office of the Delaware County Recorder; containing a total of 0.05 acres more or less of public road right of way and more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 00°-02'-04" East 576.48 feet along the West line of the Northwest Fractional Quarter (NW Frl.1/4) of said Section Three (3);

Thence North 89°-59'-43" East 60.00 feet to the Southwest corner of Lot 3 of the West Half (W1/2) of the Northwest Fractional Quarter (NW Frl.1/4) of said Section Three (3) as recorded in the Office of the Delaware County Recorder in Plat Book 3, Page 97;

Thence North 00°-02'-04" West 34.41 feet along the West line of said Lot 3 to the **POINT OF BEGINNING**;

Thence continuing along the West line of said Lot 3 North 00°-02'-04" West 25.10 feet to the Northwesterly corner of public highway easement Parcel No. 36A as recorded in the Office of the Delaware County recorder in Miscellaneous Book Y, Page 53;

Thence South 74°-08'-57" East 185.03 feet along a Northerly line of said public highway easement Parcel No. 36A;

Thence North 82°-31'-11" West 34.48 feet;

Thence North 75°-38'-17" West 41.25 feet;

Thence North 84°-06'-32" West 104.38 feet to the **POINT OF BEGINNING** containing a total of 0.05 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 West line of the Northwest Fractional Quarter (NW Frl.1/4) of Section Three (3), Township Eighty-eight North (T88N), Range Three West (R3W) of the Fifth Principal Meridian of Delaware County, Iowa is assumed to bear South 00°-02'-04" East.