

RESOLUTION NO. 2017-35

**SETTING PUBLIC HEARING ON PROPOSED EXCHANGE OF COUNTY'S
INTEREST IN CERTAIN REAL PROPERTY**

WHEREAS, Sioux County has an interest in certain real property, as shown on "Attachment A" as Easement #3 (TO BE VACATED), and legally described as follows:

Easement #3

That part of the Northeast Quarter (NE1/4) of Section Thirty-Four (Sec. 34), Township 97, Range 46 West of the 5th P.M., Sioux County Iowa, described as follows:

Commencing at the Northeast Corner of said Section 34; thence South 01°20'25" West along the east line of said NE1/4 for a distance of 379.50 feet; thence North 27°58'47" West for a distance of 10.22 feet; thence North 85°34'45" West for a distance of 109.38 feet; thence South 85°04'06" West for a distance of 248.33 feet; thence North 86°39'37" West for a distance of 89.41 feet; thence South 62°51'49" East for a distance of 80.82 feet; thence North 84°38'11" East for a distance of 380.26 feet to the Point of Beginning, containing 0.25 acres.

WHEREAS, Sioux County is desirous of disposing of its interest in the above legally described property by transferring ownership to the Estate of Gertrude Zevenbergen, Roderick J. Kiers, Executor.

WHEREAS, said landowner is desirous of disposing of its interest in certain real property, as shown on "Attachment A" as Easement's #1 and #2 (TO BE ACQUIRED), and legally described as follows, by transferring ownership to Sioux County, which owns and maintains a roadway on the described property:

Easement #1

That part of the Northeast Quarter (NE1/4) of Section Thirty-Four (Sec. 34), Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa, described as follows:

Commencing at the Northeast Corner of said Section 34; thence North 88°21'49" West along the north line of said NE1/4 for a distance of 759.00 feet; thence South 43°32'48" East for a distance of 46.82 feet to the Point of Beginning; thence North 88°21'49" West for a distance of 340.03 feet; thence South

82°04'44" East for a distance of 169.55 feet; thence South 70°49'13" East for a distance of 327.17 feet; thence North 62°51'49" West for a distance of 193.46 feet; thence South 88°21'49" East for a distance of 68.27 feet; thence North 43°32'48" West for a distance of 48.08 feet to the Point of Beginning, containing 0.26 acres.

Easement #2

That part of the Northeast Quarter (NE1/4) of Section Thirty-Four (Sec. 34) Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa, described as follows:

Commencing at the Northeast Corner of said Section 34; thence North 88°21'49" West along the north line of said NE1/4 for a distance of 759.00 feet; thence South 43°32'48" East for a distance of 140.45 feet; thence South 89°47'46" East for a distance of 33.96 feet to the Point of Beginning; thence continuing South 89°47'46" East for a distance of 461.04 feet; thence South 27°58'47" East for a distance of 40.33 feet; thence North 89°51'49" West for a distance of 445.77 feet; thence North 43°21'49" West for a distance of 49.79 feet to the Point of Beginning, containing 0.37 acres.

WHEREAS, as more particularly described above, the Board is desirous of describing and setting forth the proposed land exchange prior to disposing of the County's interest in the real property as required by Iowa Code Section 333.361; setting a public hearing on the proposed property exchange in accordance with Iowa Code Section 331.305; publishing notice of the time and place of the public hearing on the proposed property exchange; and soliciting public comment and input on the proposed property disposition prior to finally acting on such proposal.

WHEREAS, while the above legally-described property is an unused highway right-of-way and is being transferred to a non-governmental entity, Iowa Code Section 306.23 notice requirements do not apply to this transaction for two reasons:

(1) there are no adjacent land owner(s) except for the landowner to whom the County desires to transfer this parcel; and (2) the persons who may have had an interest in the land at the time it was purchased or condemned for highway purposes, listed below as follows, are all believed to have deceased:

- John H. Teller and wife Henrietta Teller conveyed interest in 1886,
- John Kurvink and wife Mary Kurvink conveyed interest in 1907, and
- Frank Mc Gill conveyed interest in 1938.

See "Attachment B" fully incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors will hold a public hearing to discuss the proposed property exchange and the proposed real estate transfer to effectuate such real estate transfer, and to discuss whether or not to pass and approve the proposed property exchange. Such public hearing will be held on **December 19, 2017, at 9:00 a.m.** in the Sioux County Courthouse at 210 Central Avenue SW, Orange City, Iowa.

PASSED AND APPROVED this 5th day of December, 2017.



Mark Sybesma
Chairman, Board of Supervisors

ATTEST:



Ryan Dokter, Sioux County Auditor