

RESOLUTION NO. 2017-36

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, all its right, title, interest, estate, claim and demand, in the above described real estate.

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, the Board is desirous of disposing of the County's interest in the real property, more particularly described as Easement #3, as required by Iowa Code Section 331.361; has held a public hearing on the proposed property sale in accordance with Iowa Code Section 331.305; has published notice of the time and place of the public hearing on the proposed property sale; and has solicited public comment and input on the proposed property sale prior to finally acting on such proposal.

WHEREAS, as more particularly described above, the Board is desirous of finalizing the proposed land exchange as described above.

WHEREAS, the chairman of the Sioux County Board of Supervisors is hereby authorized to sign a Quit Claim Deed from Sioux County, Iowa to the Estate of Gertrude Zevenbergen, Roderick J. Kiers, Executor.

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, after a public hearing on the matter, the Sioux County Board of Supervisors resolves to transfer any ownership it may have in Easement #3, in exchange for Easement #1 and Easement #2, to the Estate of Gertrude Zevenbergen, Roderick J. Kiers, Executor, all its right, title, interest, estate, claim and demand, in the above described real estate in Sioux County, Iowa.

PASSED AND APPROVED this 19th day of December, 2017.



Mark Sybesma
Chairman, Board of Supervisors

ATTEST:



Ryan Dokter, Sioux County Auditor