

13C
5/29/18

Resolution Number 12,740

**NOTICE SETTING TIME AND PLACE OF HEARING ON PROPOSAL
TO VACATE AND CLOSE A PORTION OF SECONDARY ROAD
IN WOODBURY COUNTY, IOWA**

TO: All owners of property adjoining portions of the secondary road herein described, to all utility companies whose facilities adjoin the right of way of said described portion of said secondary road, and to all other persons interested in portions of secondary road described in this notice.

You and each of you are hereby notified that the Board of Supervisors of Woodbury County, Iowa, on the 29th day of May, 2018, adopted a resolution to vacate and close the following portions of Secondary Right of Way in Woodbury County, to wit:

A parcel of land described as the South 33.00 feet of the South Half of the Southeast Quarter of Section 35, Township 90 North, Range 44 West of the 5th P.M., Plymouth County, Iowa.

EXCEPT: the East 33 feet thereof, (both measured at the Right Angle).

Contains 1.97 acres and is subservient to any and all Easements, be they of record or not.

For the purpose of this Survey the South line of the SE1/4 of said section 35 is assumed to bear N89°40'03"W;

AND

A parcel of land described as the East 33.00 feet of the South 33.00 feet, (both measured at a Right Angle) of the Southeast Quarter of the Southwest Quarter of Section 35, Township 90 North, Range 44 West of the 5th P.M., Plymouth County, Iowa. Contains 0.03 acres and is subservient to any and all Easement, be they of record or not.

For the purpose of this Survey the East line of the SW1/4 of said Section 35 is assumed to bear S 00°01'09"E;

AND

A parcel of land described as the North Half of the Northeast Quarter of Section 2, Township 89 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Southwest corner of the NW1/4 of the NE1/4 of said Section 2; thence N 01°45'31"E on the West line of the NW1/4 of the NE1/4 of said Section 2, a distance of 262.22 feet to the POINT OF BEGINNING; thence continuing N 01°45'31" E on said West line, a distance of 764.90 feet to the Northwest corner of the NE1/4 of said Section 2; then S 89°40'43" E on the North line of said NE1/4; a distance of 2606.77 feet, thence S 00°27'02"W, a distance of 33.00 feet to a point on the South Right of Way Line of 100th Street (the following two courses are common to said Right of Way Line); thence N 89°40'03"W, a distance of 2574.51 feet; thence S 01°45'31"W, a distance of 735.52 feet; thence N 83°22'33"W, a distance of 33.12 feet to the POINT OF

BEGINNING; contains 2.53 acres and is subservient to any and all Easements, be they of record or not.

For the purpose of this Survey the West line of the NW1/4 of the NE1/4 of said Section 2 is assumed to bear N 01°45'31"E;

AND

A parcel of land described as the Northwest Quarter of the Northeast Quarter of Section 2, Township 89 North, Range 44 West of the 5th P.M.; Woodbury County, Iowa, further described as follows:

Commencing at the Southwest corner of the NW1/4 of the NE1/4 of said Section 2; thence N 01°45'31"E on the West line of the NW1/4 of the SW1/4 of said Section 2, a distance of 126.84 feet to the POINT OF BEGINNING; thence continuing N 01°45'31"E, a distance of 135.38 feet; thence S 83°22'33"E, a distance of 33.12 feet to a point on the East Right of way Line of 100th Street; then S 01°45'31"W on said Right of Way Line, a distance of 131.75 feet; thence N 89°40'03"W, a distance of 33.01 feet to the POINT OF BEGINNING; contains 0.10 acres and is subservient to any and all Easement, be they of record of not.

For the purpose of this Survey the West line of the NW1/4 of the NE1/4 of said Section 2 is assumed to bear N 01°45'31"E;

AND

A parcel of land described as the East 33.00 feet of the North 900.00 feet, (both measured at a Right Angel) of the Northeast Quarter of the Northwest Quarter of Section 2, Township 89 North, Range 44 West of the 5th P.M. Woodbury County, Iowa. Containing 0.68 acres and is subservient to any and all Easements, be they of record of not.

For the purpose of this Survey the East line of the NE1/4 of the NW1/4 of said Section 2 is assumed to bear S 01°45'31"W.

It is proposed to vacate and close a portion of road right of way adjacent to the existing secondary road commonly known as 340th Street, Section 35, of Elkhorn Township, Plymouth County, Iowa and also commonly known as 100th Street, Section 2, of Arlington Township, Woodbury County, Iowa for the reason that the same is no longer needed or usable as a public highway or public right of way, and that the vicinity of said right of way is adequately served by other existing highways, and that the best public interest will be promoted by vacating a portion of right of way as described above.

You are further notified that the Board of Supervisors of Plymouth and Woodbury County, Iowa, have fixed a hearing on the proposal to close said road(s) for **10:00 a.m. on the 5th day of June, 2018**; that the hearing will be held in the Board of Supervisors room, in the Plymouth County Courthouse, in Le Mars, Iowa; and that at said time all persons interested may appear and object and be heard. At or prior to said hearing any person owning land abutting said road(s) to be vacated shall have the right to file, in writing, a claim for damages with the Board of Supervisors of Woodbury County, Iowa, will consider the same and make final decision with respect of said proposal to vacate and close said road and the claims of damages, if any, that you believe may result.

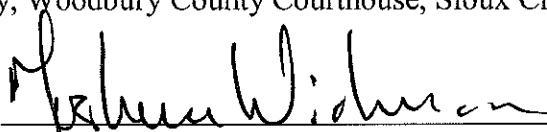
Dated at Sioux City, Iowa, this 29th day of May, 2018.

BY ORDER OF THE BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA.



Rocky DeWitt, Chairman

Please publish one time, and mail the affidavit of publication and statement to Patrick Jennings, Woodbury County Attorney, Woodbury County Courthouse, Sioux City, Iowa.



Woodbury County Attorney's Office

Joshua Widman assistant
county attorney

PETITION TO VACATE

COMES NOW, the undersigned and requests that Woodbury County Board of Supervisors, vacate a portion of secondary road right of way which is more formally described as follows:

A parcel of land described as the South 33.00 feet of the South Half of the Southeast Quarter of Section 35, Township 90 North, Range 44 West of the 5th P.M., Plymouth County, Iowa.

EXCEPT: the East 33 feet thereof, (both measured at the Right Angle).

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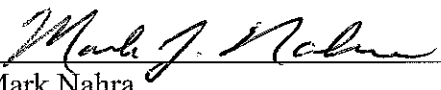
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For the purpose of this Survey the East line of the NE1/4 of the NW1/4 of said Section 2 is assumed to bear S 01°45'31"W.

If the Woodbury County governing Board of Supervisors adopts a resolution to vacate this road, it will be necessary to publish notice of a hearing of the resolution to vacate, stating the time and place of the hearing and the exact location of the road and area to be vacated pursuant to the provision of the Code of Iowa Section 306.13. The notice of hearing should be published preferably in the newspaper of general circulation in the county or that area at least twenty (20) days prior to and not less than four (4) days before the date for hearing.

Dated this 25th day of May, 2018.



Mark Nahra
Woodbury County Engineer