

RESOLUTION 2019-46

APPROVAL OF OFFER TO PURCHASE INTEREST IN REAL ESTATE PURSUANT TO IOWA CODE
331.212(d)

WHEREAS, the Lyon County Board of Supervisors has previously approved a project to widen the shoulder on A34, said project being Project No. 369168, and hereinafter referred to as "The Project";

WHEREAS, the shoulder widening project requires a permanent easement to widen the shoulder that meets the Iowa Department of Transportation's Standard Specifications;

WHEREAS, to comply with the requirements set by the Iowa Department of Transportation, hereinafter referred to as "DOT", the proposed project will contemplate the widening of the shoulder and the foregoing interest in real estate is necessary to completion of said project;

WHEREAS, in order to complete The Project, the Lyon County Engineer's Office must obtain a permanent easement. Attached to this resolution is a copy of the Easement Drawing. The Easement Drawing outlines the property and area necessary to the completion of The Project;

WHEREAS, in order to complete The Project, the Lyon County Engineer's Office must obtain an easement as located on said survey. The said property is owned by Kippley Brothers L.L.C.;

WHEREAS, said permanent easement(s) are legally described as follows:

DESCRIPTION - EASEMENT #12 IN THE SW1/4 SECTION 32-99-46

That part of the Southwest Quarter (SW1/4) of Section Thirty-Two (Sec. 32), Township 99 North, Range 46 West of the 5th P.M., Lyon County, Iowa, described as follows:

Commencing at the Southwest Corner of said Section 32; thence South 88°33'06" East along the south line of the SW1/4 of said Section 32 for a distance of 33.00 feet; thence North 01°45'18" East for a distance of 33.00 feet to the north line of the presently established Public Road right-of-way of County Road A34 and to the Point of Beginning; thence South 88°33'06" East along said presently established Public Road right-of-way line for a distance of 2,518.24 feet to the west line

of the Burlington Northern and Santa Fe Railroad right-of-way; thence North 16°15'18" West along said right-of-way line for a distance of 17.32 feet; thence North 88°33'06" West for a distance of 2,512.88 feet; thence South 01°45'18" West for a distance of 16.50 feet to the Point of Beginning, containing 0.953 acres.

WHEREAS, the Lyon County Engineer, Laura Sievers, proposes that Lyon County pay \$18,600 for the permanent easement;

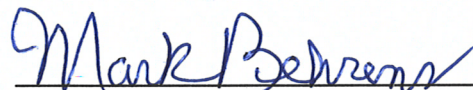
WHEREAS, stated above the property interest will be acquired for the above project and will be used for a public purpose; to wit: to widening the shoulder for use by the traveling public; and

WHEREAS, this Resolution was introduced and Feucht moved that said Resolution be adopted. The motion was seconded by Koedam. The roll was called and the vote was: AYES District 1 Feucht, District 2 Koedam, District 3 Behrens and NAYS District 4 Birkey, District 5 Herman.

NOW, THEREFORE, BE IT RESOLVED by the Lyon County Board of Supervisors of Lyon County Iowa:

1. That the Lyon County Engineer be and is hereby authorized to proceed with the necessary activities to acquire the aforesaid property interest for The Project;
2. If the property owner agrees to convey the property interest to the County in the above amount, the Lyon County Auditor's Office is authorized and directed to issue a check in the amount authorized above as necessary to carry out these transactions and to pay any unforeseen additional costs as certified by the Lyon County Engineer's Office; the Lyon County Attorney's Office is authorized and directed to complete this transaction in accordance with Iowa Code.

Passed and approved this 24th day of September, 2019.


Mark Behrens, Chairman
Lyon County Board of Supervisors

ATTEST: 
Jen Smit
Lyon County Auditor