

**RESOLUTION 2016-22**

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 build a bridge, said project being a project to build a bridge, Bridge 12W on 140<sup>th</sup> Street in Lyon County, Iowa, and hereinafter referred to as “The Project”;

**WHEREAS**, to comply with the requirements set by the Iowa Department of Transportation, and other applicable laws and regulations, the proposed project will contemplate the building of a bridge, and the foregoing interests in real estate are necessary to completion of said project;

**WHEREAS**, in order to complete The Project, the Lyon County Engineer’s Office must obtain a Perpetual 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 a Perpetual Easement, as located on said survey. The said property is owned by the Virginia M. Berg Revocable Trust;

**WHEREAS**, the Lyon County Board of Supervisors previously approved the purchase of said easements and said Resolution was filed in Book 2016, Page 830 in the office of the Lyon County Recorder; and

**WHEREAS**, subsequent to the filing of the original Resolution, the owner(s) of said property requested additional compensation therefore necessitating the approval of a new Resolution to Purchase Real Estate Interest as further contained herein;

**WHEREAS**, this Resolution is meant to supersede the previously filed Resolution;

**WHEREAS**, said requested Perpetual Easement is legally described as follows:

A perpetual bridge and grading easement located in part of the Southwest Quarter (SW 1/4) of Section 25, Township 100 North, Range 45 West of the 5<sup>th</sup> P.M., Lyon County, Iowa. Said perpetual easement being more particularly described as follows:

Commencing as a point of reference at the Southwest corner of said SW 1/4; thence North 01°35'34" East (all bearings reference to Grid North Iowa Real Time Network North Zone), a distance of 33.00 feet along the West line of said SW 1/4 to the North right-of-way of 140<sup>th</sup> Street, said point being the point of beginning; thence continuing North 01°35'34" East, a distance of 22.00 feet along said West line; thence South 88°24'26" East, a distance of 205.30 feet; thence North 77°17'05" East, a distance of 182.09 feet; thence South 88°24'26" East, a distance of 366.67 feet; thence South 35°01'38" East, a distance of 83.48 feet to said North right-of-way of 140<sup>th</sup> Street; thence North 88°24'26" West, a distance of 798.20 feet along said North right-of-way to the point of beginning.

Containing 33,603 square feet, more or less.

**WHEREAS**, the Lyon County Engineer, Laura Sievers, has engaged in negotiations to acquire the above described property and hereby informs the Lyon County Board of Supervisors that said Trust, by and through its respective Trustees, have agreed to convey the Perpetual Easement for a total of \$8,850.00; the total of which includes compensation to cover CRP expenses incurred by the owner(s) as part of the project; and

**WHEREAS**, stated above the property interest will be acquired for the above project and will be used for a public purpose; to wit: to construct, install, and maintain a concrete slab bridge for use by the traveling public; and

**WHEREAS**, this Resolution was introduced and \_\_\_\_\_ moved that said Resolution be adopted. The motion was seconded by \_\_\_\_\_. The roll was called and the vote was: AYES \_\_\_\_\_ and NAYS \_\_\_\_\_.

**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. That if the above 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 outlined 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 these transaction in accordance with Iowa Code.

Passed and approved this 18th day of July, 2016.

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Randy Bosch, Chairman  
Lyon County Board of Supervisors

ATTEST: \_\_\_\_\_  
Jennifer Smit  
Lyon County Auditor