

RESOLUTION 2019-36

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 Gilbert Teunissen Revocable Trust, ETAL;

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

DESCRIPTION - EASEMENT #2 IN THE FRACTIONAL SW1/4 SECTION 31-99-46

That part of the South 363 feet of the West 132 feet of the Fractional Southwest Quarter (Frac. SW1/4) of Section Thirty-One (Sec. 31), 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 31; thence South 87°50'34" East along the south line of the Frac. SW1/4 of said Section 31 for a distance of 132.00 feet to the Southwest Corner of Parcel H in said Frac. SW1/4 (the Plat of Survey of said Parcel H being recorded in Plat Book 18, Page 72, Lyon County Recorder's Office); thence North 02°00'05" East along the west

line of said Parcel H 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 North 87°50'34" West along said presently established Public Road right-of-way line for a distance of 92.00 feet; thence North 02°00'05" East for a distance of 16.50 feet; thence South 87°50'34" East for a distance of 92.00 feet to the west line of said Parcel H; thence South 02°00'05" West along said west line for a distance of 16.50 feet to the Point of Beginning, containing 0.035 acres.

WHEREAS, the Lyon County Engineer, Laura Sievers, proposes that Lyon County pay \$455 for the permanent easement;

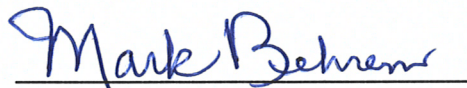
WHEREAS, stated above the property interest will be acquired for the above project and will be used for a public purpose; to wit: to widening the shoulder for use by the traveling public; and

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, District 4 Birkey, and District 5 Herman and NAYS none.

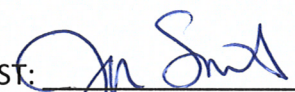
NOW, THEREFORE, BE IT RESOLVED by the Lyon County Board of Supervisors of Lyon County Iowa:

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 these 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