

**RESOLUTION 2016-26**

**RESOLUTION TO SELL REAL PROPERTY AND SET HEARING**

**WHEREAS**, the Lyon County owns the following real property, located in Rock Rapids, Iowa and specifically described as:

Lots Five (5) and Six (6), Block Five (5) of East Rock Rapids, and that part of Outlot Three (3) of East Rock Rapids, Lyon County, Iowa, described as follows:

Commencing at the Southeast Corner of Lot Five (5), Block Five (5), of said East Rock Rapids, Iowa, thence directly South to the East Bank of the Rock River, thence Northwesterly along the East Bank of said Rock River to a point directly South of the Southwest Corner of Lot Six (6), of Block Five (5), of said East Rock Rapids, thence directly North to the Southwest Corner of said Lot Six (6), Block Five (5), of East Rock Rapids, thence East along the South line of said Lots Six (6) and Five (5), of Block Five (5), of East Rock Rapids, to the point of beginning.

WHEREAS, the above property was previously used by Lyon County Conservation as an office and worksite;

WHEREAS, due to a flood event that occurred during the summer of 2014, the above property has ceased to be used by the Lyon County Conservation Department and said Department has requested permission to dispose of said real estate;

WHEREAS, due to the flood event, the existing property is currently located in a flood plain, and, due to newly passed Rock Rapids City Ordinances, the existing property will need to be renovated to comply with said ordinances, at a significant cost to either the county or a potential purchaser;

WHEREAS, the City of Rock Rapids, in conjunction with the Federal Emergency Management Agency, hereinafter referred to as "FEMA" and the Iowa Department of Homeland Security, hereinafter referred to as "DHS" have offered the County an opportunity to participate in a buyout of the above property at a predetermined sale price;

WHEREAS, the buyout by the City of Rock Rapids, in addition to the sale proceeds to the County, would include the cleanup, demolition, and removal of hazardous waste after which said property would be transferred to the City of Rock Rapids, Lyon County, Iowa to be used as green space;

WHEREAS, the Lyon County Conservation Board has met and considered the proposal to participate in the FEMA buyout program, and having approved the above, has recommended to the Lyon County Board of Supervisors Lyon County participate in and agree to the FEMA buyout;

NOW, THEREFORE BE IT RESOLVED by the Lyon County Board of Supervisors for Lyon County, Iowa; that it is in the best interests of Lyon County and the residents thereof, to consider selling the above property.

BE IT FURTHER RESOLVED, that the Lyon County Auditor is hereby directed to publish Notice of the time and place of the Public Hearing on the proposal to sell the above property as outlined above. Publication and the Public Hearing shall be in compliance with Iowa Code Sections 331.305 and 331.361(2). The date fixed for the Public Hearing on the proposed sale, as outline above, of the above property is to be September 12, 2016 at 11:00 a.m.

BE IT FURTHER RESOLVED, that unless an objection to selling this property is raised which the Board of Supervisors determines should result in further consideration of said selling property, then immediately after the Public Hearing, the Lyon County Auditor and the Chairman of the Lyon County Board of Supervisors of Lyon County, Iowa, may be directed and empowered to execute and deliver any necessary documents to sell the property as described above.

PASSED, APPROVED, AND ADOPTED, this 22nd day of August, 2016.

ATTEST: \_\_\_\_\_  
Jen Smit,  
Lyon County Auditor

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Randy Bosch, Chairman  
Lyon County Board of Supervisors