

**RESOLUTION 2018-25**

**RESOLUTION TO GRANT AN EASEMENT TO THE CITY OF LESTER**

**WHEREAS**, the City of Lester has requested to place Village of Lester signs, hereafter referred to as "The Project", on real estate property that Lyon County owns and is described as follows:

A tract of land in Parcel D of Lot IX in Thomas Subdivision of Section 36, Township 100 North, Range 47, West of the 5<sup>th</sup> P.M. Lyon County, Iowa, as shown by Plat of Survey recorded in Plat Book "12" at Page 66 in the Office of the Recorder of Lyon County, Iowa, described as:

Beginning at a point of beginning on the East line of Parcel D intersecting with the North line of highway right-of-way line; thence West 20 feet along the highway right-of-way line; thence North 20 feet; thence East to the East line of Parcel D; thence South along the East line of Parcel D to the point of the beginning.

**WHEREAS**, Lyon County has been contacted by the City of Lester about granting an easement to the City of Lester for the purpose of constructing, operating, repairing, and maintaining the Village of Lester sign.

**WHEREAS**, Lyon County, Iowa, in accordance with the requirements of Sections 331.361 and 331.305 of the Code of Iowa, by Resolution 2018-24 amended and set for this proposal and scheduled a public hearing by resolution dated August 6<sup>th</sup>, 2018.

**WHEREAS**, the Board held a properly noticed public hearing on this proposed easement on August 6, 2018, and

**WHEREAS**, Lyon County may only dispose of an interest in real property by gift when given for a public purpose, as determined by the Board and

**WHEREAS**, this Resolution was introduced and Koedam moved that said Resolution be adopted. The motion was seconded by Michael. The roll was called and the vote was

AYES: Dist. 1 Michael, Dist. 2 Koedam, Dist. 3 Behrens, Dist. 4 Bosch, Dist. 5 Peters  
Nays: None.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Lyon County, Iowa, that the attached easement is hereby granted and that Randy Bosch, Chairman of the

Lyon County Board of Supervisors, is hereby authorized to sign and execute all documents necessary to finalize this easement agreement, and

**BE IT ALSO RESOLVED** by the Board of Supervisors of Lyon County, Iowa, that it believes construction of a sign for the City of Lester is a legitimate public purpose and believes it is in the public interest to add signs that will welcome people into the City. The Board finds that the gift of this easement is lawfully given for a legitimate public purpose.

Passed and approved this 6<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Randy Bosch, Chairman  
Lyon County Board of Supervisors

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

END OF DOCUMENT

**EASEMENT FOR SIGN  
Recorder's Cover Sheet**

**Preparer Information:** (name, address and phone number)

Paul Kippley, 110 North Marshall Street, Rock Rapids, IA 51246, Phone: (712) 472-2567

**Taxpayer Information:** (name and complete address)

Not Applicable

**Return Document To:** (name and complete address)

Paul Kippley, 110 North Marshall Street, Rock Rapids, IA 51246

**Grantors:**

Lyon County, Iowa

**Grantees:**

City of Lester, Iowa

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:**

## EASEMENT FOR SIGN

Lyon County, "Grantor", hereby grants and conveys an easement to the City of Lester on the following described real estate:

A tract of land in Parcel D of Lot IX in Thomas Subdivision of Section 36, Township 100 North, Range 47, West of the 5<sup>th</sup> P.M., Lyon County, Iowa, as shown by Plat of Survey recorded in Plat Book "12" at Page 66 in the Office of the Recorder of Lyon County, Iowa, described as:

Beginning at a point of beginning on the East line of Parcel D intersecting with the North line of highway right-of-way line; thence West 20 feet along the highway right-of-way line; thence North 20 feet; thence East to the East line of Parcel D; thence South along the east line of Parcel D to the point of beginning.

The Easement shall be for the placement of a sign for the City of Lester.

The City of Lester shall be responsible for installation and maintenance of the sign and for maintenance and landscaping of the easement area.

The Easement shall include the right of ingress and egress over adjoining land of the Grantor for access to the site for the purposes of installation and maintenance of the sign and the easement area.

If the City of Lester elects to terminate the Easement, the City of Lester shall remove the sign and return the property to its current condition.

The Easement shall run with the land and be binding upon the Grantors, its successors and assigns.

Dated this 6 day of August, 2018.



LYON COUNTY

By: Randy Bosch  
Randy Bosch,  
Chairman of the Board of Supervisors

ATTEST:

By: Jennifer Smit  
Jennifer Smit, County Auditor

STATE OF IOWA, COUNTY OF LYON, ss:

On this 6 day of August, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Randy Bosch and Jennifer Smit to me personally known and who being sworn did on oath say they are the Chairman of the Board of Supervisors and County Auditor, respectfully, of the County of Lyon, Iowa; that the seal of the County of Lyon affixed to the foregoing instrument is the County Seal and that the instrument was signed and sealed on behalf of Lyon County by authority of its Board of Supervisors by Resolution of the Board of Supervisors on the 6 day of August, 2018 and Randy Bosch and Jennifer Smit acknowledged the execution of said instrument to be the voluntary act and deed of Lyon County by it voluntarily executed.



*Sara Sprock* Notary Public