

SCOTT COUNTY ENGINEER'S OFFICE

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MEMO

TO: Dee F. Bruemmer
County Administrator

FROM: Jon Burgstrum
County Engineer

SUBJ: Approval of policy and procedure of conveyance for unused road right of way

DATE: September 1, 2011

Resolution approving the policy and procedure for conveyance of unused road right of way.

**SCOTT COUNTY SECONDARY ROAD
POLICY AND PROCEDURES
FOR
CONVEYANCE OF UNUSED
ROAD RIGHT-OF-WAY**

POLICY NO. I-30

SUBJECT: To establish a policy for the conveyance of unused right of way in Scott County.

LEGAL REFERENCES: Iowa Code Chapter 306.22 and 306.23.

POLICY: It is the policy of the Scott County Board of Supervisors and the Secondary Road Department to comply with the procedures identified in the Code of Iowa, Chapter 306 when it becomes necessary to convey right of way under the jurisdiction of Scott County. All procedures as designated in the Code of Iowa Chapter 306, including notification to effected landowners.

APPROVED by the Scott County Board of Supervisors,

/s/ _____

Dated: _____

**SCOTT COUNTY SECONDARY ROAD
POLICY AND PROCEDURES
FOR
CONVEYANCE OF UNUSED
ROAD RIGHT-OF-WAY**

PURPOSE: The County Engineer shall review the status of the county road system on a regular basis. The County Engineer shall when appropriate make a recommendation to the Board of Supervisors on the continued need to hold on record specific areas of right of way that are unused by the general public for travel purposes. At which time the County Engineer shall present to the Board of Supervisors any requests to purchase unused right of way or a recommendation to convey all or part of the unused right of way per this procedure.

GENERAL: The Scott County Board of Supervisors realizes the importance of following proper procedures when conveying County unused right of way to insure that the affected landowners are treated in a fair and consistent manner. The Board further realizes that the State of Iowa has legislation in place that establishes certain procedures regarding the conveyance of right of way. It is therefore the policy of Scott County to follow the procedures that are identified in the Code of Iowa. The procedures described in the Scott County Policy for the conveyance of right of way shall be subject to any change that may be made in the Code of Iowa.

PROCEDURES: Right of way under the jurisdiction of Scott County may be held in one of two ways, either by easement or by deed. Therefore there are two procedures that shall be defined by this policy.

RIGHT OF WAY HELD BY EASEMENT: When a road right of way that is held by easement is vacated the County Engineer is required to submit to the County Auditor a description and a plat of the property. When appropriate, the County will attach an easement for ingress and egress for adjacent property. The vacated right of way is then transferred to the property from which the easement was originally taken. Said land then becomes a taxable part of the landowner's property and is under the control of the landowner.

RIGHT OF WAY HELD BY DEED: When a road right of way that is held by deed is vacated the right of way becomes unused right of way for public purposes. This unused right of way is then considered County owned land. If the County does not choose to retain ownership of this unused right of way, it shall be conveyed in accordance with the Code of Iowa section 306. Scott County will follow the procedures as defined by the Iowa Department of Transportation – Office of Right of Way. The Board of Supervisors designates the County Engineer as their representative to carry out the procedures for the conveyance. If said land is conveyed with an attached easement for egress and ingress the landowner to which the land is conveyed must honor the easement.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

September 1, 2011

APPROVAL OF THE POLICY AND PROCEDURE FOR CONVEYANCE OF
UNUSED RIGHT OF WAY.

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. Approval of the Policy (I-30) and Procedure for conveyance of
unused right of way in Scott County.

Section 2. This resolution shall take effect immediately.