

**SCOTT COUNTY ENGINEER'S OFFICE**

500 West Fourth Street  
Davenport, Iowa 52801-1106

(563) 326-8640  
FAX – (563) 326-8257  
E-MAIL - [engineer@scottcountyiowa.com](mailto:engineer@scottcountyiowa.com)  
WEB SITE - [www.scottcountyiowa.com](http://www.scottcountyiowa.com)



JON R. BURGSTRUM, P.E.  
County Engineer

ANGIE KERSTEN  
Assistant County Engineer

BECKY WILKISON  
Administrative Assistant

MEMO

TO: Dee Bruemmer  
County Administrator

FROM: Jon Burgstrum  
County Engineer

SUBJ: Resolution s approving the order and vacation of portions of 296th Street, Loussaert Road and 300<sup>th</sup> Street

DATE: September 27, 2011

These resolutions are approving the order and vacation of portions of 296<sup>th</sup> Street, Loussaert Road and 300<sup>th</sup> Street. A public hearing was held on September 15, 2011 for all three roads. The board having heard all objections and discussion - the next step would be for the Board to dismiss the road vacation or to approve. The county attorney's office has prepared an order for each road providing a description of the proceedings and the objections and has provided reasons for approval of the vacations. The resolutions reference the order, approve the order and road vacations.

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 29, 2011

APPROVAL OF ROAD VACATION OF A PORTION OF SCOTT COUNTY ROAD COMMONLY KNOWN AS 296<sup>th</sup> STREET, SOUTHEAST OF DIXON, IA DESCRIBED AS FOLLOWS:

WHEREAS, The Scott County Board of Supervisors having held a public hearing on the proposed vacation of a portion of Scott County Secondary Road, described as follows:

Commencing at the SW corner of the NW ¼ of Section 13, Township 80 N., Range 1 East of the 5<sup>th</sup> P.M. in Liberty Township, thence N.00°30'E. 407.67 feet along the West line of the NW ¼ of said Section 13 to its intersection with the centerline of County Road #128; thence S.83°07'E. 337.85 feet along said centerline to the place of beginning of the road to be vacated; thence continuing along said centerline S83°07'E. 145.17 feet; thence SE'LY along said centerline on a curve concave to the SW, the radius of which is 381.97 feet, for a distance of 305.17 feet; thence continuing along said centerline approximately S.37°21'E. 75.21 feet to its intersection with the N'LY R.O.W. line of the Dixon-New Liberty Road as reconstructed in 1973-1975, project L-173.

Also, commencing at the SE corner of the NE ¼ of Section 14, Township 80 N., Range 1 East of the 5<sup>th</sup> P.M. in Liberty Township, thence N.00°30'E. 407.67 feet along the East line of the NE ¼ of said Section 14 to its intersection with the centerline of County Road #128; thence N.83°07'W. 578.53 feet along said centerline to the place of beginning of the road to be vacated; thence W'LY along said centerline on a curve concave to the South, the radius of which is 3820 feet, for a distance of 193.60 feet.

Note: It is assumed that the south line of the NW ¼ of Section 13, T.80N., R.1E. bears due east-west.

WHEREAS, An order pertaining to the matter of vacating a portion of 296<sup>th</sup> Street, has been issued by the Scott County Board of Supervisors. THEREFORE,

BE IT RESOLVED by the Scott County Board of Supervisors that the order is approved and by this reference incorporated herein and that the above described section of road be ordered vacated, subject to existing utility easements.

\_\_\_\_\_  
Tom Sunderbruch, Chairperson  
Board of Supervisors

**SCOTT COUNTY BOARD OF SUPERVISORS**

**ORDER PERTAINING TO THE MATTER OF THE VACATION OF PORTIONS OF  
296<sup>th</sup> STREET**

On September 15, 2011, the Scott County Board of Supervisors (hereinafter “the Board”) met pursuant to Iowa Code §306.11 for hearing regarding the proposed vacation of portions of a public roadway, commonly known as 296<sup>th</sup> Street. All members of the Board were present for the hearing. The Board is satisfied that proper notice of hearing has been served in accordance with Iowa Code §306.12. After hearing, the Board makes the following findings and enters this order:

**Findings:** 296<sup>th</sup> Street is a service system “B” road that runs east and west from at the north end of 50<sup>th</sup> Avenue. Scott County’s interest in the roadway is by easement. The roadway serves as access to a farm and to the frontage area of the farm. The request for vacation does not involve the graveled portion of the roadway that is currently in use. The request for vacation only pertains to the right of way that extends from either end of the graveled portion of 296<sup>th</sup> Street. That right of way that is proposed to be vacated is not being used as a roadway and is currently being farmed.

296<sup>th</sup> Street is legally described as:

Commencing at the SW corner of the NW ¼ of Section 13, Township 80 N., Range 1 East of the 5<sup>th</sup> P.M. in Liberty Township, thence N.00°30’E. 407.67 feet along the West line of the NW ¼ of said Section 13 to its intersection with the centerline of County Road #128; thence S.83°07’E. 337.85 feet along said centerline to the place of beginning of the road to be vacated; thence continuing along said centerline S83°07’E. 145.17 feet; thence SE’LY along said centerline on a curve concave to the SW, the radius of which is 381.97 feet, for a distance of 305.17 feet; thence continuing along said centerline approximately S.37°21’E. 75.21 feet to its intersection with the N’LY R.O.W. line of the Dixon-New Liberty Road as reconstructed in 1973-1975, project L-173.

Also, commencing at the SE corner of the NE ¼ of Section 14, Township 80 N., Range 1 East of the 5<sup>th</sup> P.M. in Liberty Township, thence N.00°30’E. 407.67 feet

along the East line of the NE ¼ of said Section 14 to its intersection with the centerline of County Road #128; thence N.83°07'W. 578.53 feet along said centerline to the place of beginning of the road to be vacated; thence W'LY along said centerline on a curve concave to the South, the radius of which is 3820 feet, for a distance of 193.60 feet.

Note: It is assumed that the south line of the NW ¼ of Section 13, T.80N., R.1E. bears due east-west.

The Board has not received written notice of objection to the vacation from adjoining landowners or the public. Nobody appeared at the hearing to voice objection to the proposed vacation. The Board notes that if the road is vacated, Scott County's easement will no longer exist.

The Board recognizes that, although this is a low maintenance road, there is still expense involved to the taxpayers of Scott County in maintaining it. The Board is of the opinion that the general public is not served by continuing to keep this section of roadway open to the public. It also appears to the Board that it is in the general interest of economy and public welfare to vacate the designated portions of the roadway commonly known as 296<sup>th</sup> Street.

**Order:** The Scott County Board of Supervisors does hereby vacate and close the designated portions of the roadway commonly known as 296<sup>th</sup> Street, located in Scott County, Iowa

A copy of this Order shall be filed with the Scott County Auditor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

Tom Sunderbruch, Chair of the Board  
Scott County Board of Supervisor

---

ATTEST: Roxanna Moritz  
Scott County Auditor