

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 LOUSSAERT ROAD, NORTH OF LONG GROVE, 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 center of Section 18, Township 80 North, Range 4 East of the 5<sup>th</sup> P.M., thence west 40.00 chains on division line of said Section 18, thence S49½°W, 64 chains to the intersection with 290<sup>th</sup> Street.

WHEREAS, An order pertaining to the matter of vacating a portion of Loussaert Road, 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 LOUSSAERT ROAD**

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 a public roadway, Road #66, commonly known as Loussaert Road. 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:** Loussaert Road is a service system “B” road that runs west from Scott Park Road approximately ¼ of a mile. Scott County’s interest in the roadway is by easement. The roadway serves as access to farm fields. The easement continues past the end of the roadway, curving southwest to 290<sup>th</sup> Street. This portion of the easement is currently being farmed.

Road #66, commonly known as Loussaert Road is legally described as:

Commencing at the center of Section 18, Township 80 North, Range 4 East of the 5<sup>th</sup> P.M., thence west 40.00 chains on division line of said Section 18, thence S49½°W, 64 chains to the intersection with 290<sup>th</sup> Street.

The Board received written notice of objection to the vacation from property owner Eugene A. Loussaert. Mr. Loussaert was not present for the hearing. The Board also received written claims for damages from Burnette B. Marten and Dean L. Marten. Both Ms. Marten and Mr. Marten were present for the hearing.

Mr. Loussaert’s concern, as set forth in his letter, appears to be that the road will be closed and there will be no access to the farm fields. The Board notes that if the road is vacated, Scott County’s easement will no longer exist. The land over which Loussaert Road runs is owned by Mr. Loussaert and Mr. Marten. If the road is vacated, they will both have the same

rights to ingress and egress to the fields that they currently have. Scott County does not intend to physically deny access to these fields, but merely intends to vacate its interest in this roadway thereby giving up the public right of way acquired through easement.

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 roadway commonly known as Loussaert Road.

Both Ms. Marten and Mr. Marten appear to claim damages from the closing of Loussaert Road. Ms. Marten and Mr. Marten, in letters dated September 1, 2011, state that they will “. . . suffer irreparable damage. Amount of damage has not been determined yet.” While both were present at the hearing and addressed the Board, neither offered proof of any damages. In fact, the issue of damages was not brought up by either claimant and a dollar amount claimed as damages was never mentioned at hearing. Further, it appears that the Marten homestead is actually on Scott Park Road. Neither claimant has set forth any evidence that would permit a claim as defined in Iowa Code §306.14.

**Order:** The Scott County Board of Supervisors does hereby vacate and close Road #66, commonly known as Loussaert Road, located in Scott County, Iowa. There has been no showing of damages by Burnette B. Marten and Dean L. Marten at hearing, therefore, no damages to the claimants is allowed.

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

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

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

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ATTEST: Roxanna Moritz  
Scott County Auditor