

PLANNING & DEVELOPMENT

500 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643 Fax: (563) 326-8257

Email: planning@scottcountyiowa.com

Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator
From: Brian McDonough, Planning & Development Specialist
Date: July 20, 2015
Re: Discussion of the public hearing on the request to transfer a one (1) acre school site, located in Section 16 of Lincoln Township, from Scott County to Donald and Elaine Schneckloth.

This request comes from attorney Ryan Denman of Duffy Law Office representing Donald and Elaine Schneckloth. In the course of estate planning for the Schneckloth's Mr. Denman has discovered a title issue dating back to 1880. At that time a one acre school site was deeded to the Lincoln Township Trustees for the establishment of a rural school. This one acre site was separated from the surrounding farmland in the original 1880 deed for the prior owners. The Schneckloth family purchased the property in 1952, and this one acre exclusion carried over from that original title. When Scott County and the United States were originally surveyed land was set aside within each township for rural school sites. There are many such sites throughout the County which still exist in deed descriptions dating back to the 1800's. In most cases the adjacent property owner has used the land as their own and a school site was never built.

In this case, a separate parcel or legal description was never created for this site, and a school was never built. The Schneckloth's farm the adjoining land, and have for many years used and paid taxes on this one acre. At the advice of Assistant County Attorney Rob Cusack, we are asking the Board to transfer this one acre parcel to the Schneckloth's in order to clear up this title issue. If approved, a quit claim deed will be prepared and recorded. A public hearing must be held prior to consideration of a Resolution transferring County owned property. Proper notice of the public hearing has been published.

Duffy Law Office

Dennis D. Duffy
Ryan M. Denman
Attorneys at Law
Licensed in Iowa & Illinois

1840 E. 54th Street
Davenport, IA 52807
Tel (563) 445-7400
(877) 355-7070
Fax (563) 445-7474
www.duffylawoffice.com

June 25, 2015

Scott County Board of Supervisors
600 W. 4th Street
Davenport, IA 52801

Re: Section 16 Lincoln Township School

Dear Scott County Board of Supervisors:

I represent Edwin Schneckloth as executor of the Donald H. Schneckloth and the Elaine A. Schneckloth estates. We are writing this letter in the hope of obtaining a quit claim deed to a one acre parcel of land located in Section 16, Lincoln Township, in Scott County, Iowa to correct a title issue.

During the course of the administration of the estates I uncovered a title problem. The title issue dates back to 1880 when this one acre parcel was transferred to the Lincoln Township Trustees for the purposes of building a school house. I enclose with this letter a copy of the deed showing this conveyance to the Lincoln Township Trustees. When Donald and Elaine Schneckloth purchased the property in 1952 this one acre parcel was excluded from the legal description. I enclose with this letter a copy of the deed showing the conveyance to the Schneckloths. Prior to their deaths, Donald and Elaine Schneckloth actually, openly and notoriously, exclusively, hostilely, and continuously used this one acre parcel for more than 50 years. In addition, they have been paying Scott County property taxes on this one acre parcel.

After reaching out to Brian McDonough and Tim Huey, as well as Assistant County Attorney Robert Cusack at the Scott County Attorney's office, they indicated the best course of action to correct this matter would be a quitclaim deed officially transferring this one acre back to the Schneckloth family. In order to proceed they requested I write this letter to the Board of Supervisors seeking your approval. This one acre parcel is bare ground that has been farmed by the Schneckloth family for approximately 50 years.

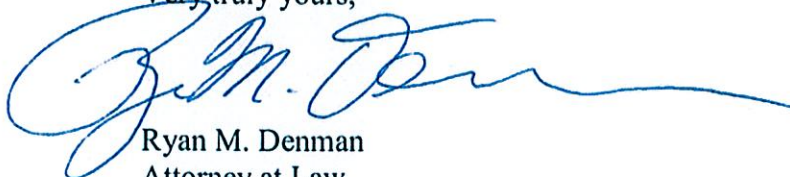
We thank you for your consideration and time and look forward to approval from the Board of Supervisors to correct this title issue for the Schneckloth family.

Duffy Law Office

June 25, 2015

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Very truly yours,



Ryan M. Denman
Attorney at Law

RMD/mam
Enclosures

Cc: Edwin Schneckloth
Brian McDonough
Tim Huey
Robert Cusack

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Timothy Huey
Director

NOTICE OF BOARD OF SUPERVISORS
PUBLIC HEARING ON TRANSFER OF COUNTY PROPERTY

Public Notice is hereby given that the Scott County Board of Supervisors will hold a public hearing on the request by Donald and Elaine Schneckloth for the transfer of property described as: One acre in the Northwest corner of the S.W. quarter of Section 16, Township 79 North, Range 4 East of the 5th Principal Meridian. Said one acre tract being the tract conveyed for school purposes per Warranty Deed recorded in Book 48 of Land Deeds, Page 532 in the Office of the Recorder of Scott County, Iowa. The public hearing will be held on Thursday, July 30, 2015 at 5:00 P.M. in the 1st Floor Board Room of the County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801.

If you have questions or comments regarding this proposed transfer, please call, write or email the Planning and Development Department, 500 West 4th Street, Davenport, Iowa 52801, 563-326-8643, planning@scottcountyiowa.com or attend the hearing.

Timothy Huey
Director

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
July 30, 2015

APPROVING THE TRANSFER OF COUNTY PROPERTY

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

Section 1. Scott County holds legal title to the following real estate: One acre in the Northwest corner of the S.W. quarter of Section 16, Township 79 North, Range 4 East of the 5th Principal Meridian (Lincoln Township).

Section 2. Said one acre tract being the tract conveyed for school purposes per Warranty Deed recorded in Book 48 of Land Deeds, Page 532 in the office of the Recorder of Scott County, Iowa.

Section 3. Said one acre tract has not, and will not, be utilized by Scott County for its original purpose, and may therefore be transferred to the estates of the current owners, being Donald H. and Elaine A. Schneckloth, to clear any title issues.

Section 4. A public hearing was held on July 30, 2015 to take public comments on the proposed transfer of the above-described real estate.

Section 5. The Chairman is authorized to sign the Quit Claim Deed.

Section 6. This resolution shall take effect immediately.