

SCOTT COUNTY ENGINEER'S OFFICE

950 E. Blackhawk Trail
Eldridge, Iowa 52748

(563) 326-8640
FAX – (563) 328-4173
E-MAIL - engineer@scottcountyiowa.com
WEB SITE - www.scottcountyiowa.com



ANGELA K. KERSTEN, P.E.
County Engineer

ELLIOTT R. PENNOCK, E.I.T.
Assistant County Engineer

TARA YOUNGERS
Senior Administrative Assistant

MEMO

TO: Mahesh Sharma
County Administrator

FROM: Angie Kersten, P.E.
County Engineer

SUBJECT: Public Hearing for Proposed Road Right-of-Way Vacation

DATE: July 14, 2020

On July 9, 2020, a public hearing was held regarding a proposed road right-of-way vacation. The road right-of-way is a portion of an alley platted on the North Side of Block 1 of Roswell H. Spencer's Town Lots located in the Southeast Quarter of Section 7, Township 78 North, Range 5 East. Please see the attached map.

Our department was contacted by a Scott County resident, Monty Shumate, to vacate this piece of road right-of-way. Monty owns the land adjacent to the road right-of-way on both the north and south sides. He has been maintaining the area for ingress and egress to his property. He would like to extend water service and build an addition to his home within the road right-of-way.

We have not received any verbal or written notices of objection to the vacation from adjoining landowners or the public. None appeared at the hearing to voice objection to the proposed vacation.

Our department has not and does not maintain this road right-of-way. The traveled portion that exists in being solely used as a driveway for the property owner. The width of the road right-of-way is 20 feet, which is too narrow to construct a public road. The road right-of-way is not contiguous to the west. It is of greater benefit for us to vacate this piece of road right-of-way, put the land back on the tax rolls, and clear our records of unused right-of-way. I recommend vacating this piece of road right-of-way. Included with this memo is an Order pertaining to the vacation.

SCOTT COUNTY BOARD OF SUPERVISORS

**ORDER PERTAINING TO THE MATTER OF THE VACATION OF A PORTION OF A
PLATTED ALLEY ON THE NORTH SIDE OF BLOCK 1 OF ROSWELL H.
SPENCER'S TOWN LOTS**

On July 9, 2020, the Scott County Board of Supervisors (hereinafter "the Board") met pursuant to Iowa Code §306.11 for a hearing regarding the proposed vacation of a portion of a platted alley on the North Side of Block 1 of Roswell H. Spencer's Town Lots located in the Southeast Quarter of Section 7, Township 78 North, Range 5 East. 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 the hearing, the Board makes the following findings and enters this order:

Findings: The road right-of-way is a portion of a platted alley on the North Side of Block 1 of Roswell H. Spencer's Town Lots located in the Southeast Quarter of Section 7, Township 78 North, Range 5 East, which runs in a southwesterly and northeasterly direction that intersects with Spencer Road. The road right-of-way is part of an official plat that was conveyed to Scott County. The road right-of-way serves as access to one house. The road right-of-way is not contiguous to the west. Scott County does not maintain this road right-of-way and it is not currently being used as a public road.

The portion of the platted alley is legally described as:

A part of the Southeast Quarter (SE ¼) of Section 7, Township 78 North, Range 5 East of the 5th P.M., Scott County, Iowa; being also a part of Roswell H. Spencer's Town Lots, recorded in Book "B" T.L.D., page 356, Scott County, Recorder's Office, and more particularly described as follows: Beginning at the Northwest Corner of Lot 4, Block 1 of said Spencer's Town Lots; thence Easterly along the Northerly line of said Lot 4, 60' to the Northeasterly Corner of Lot 4; thence Northwesterly along the extended Easterly line of said Lot 4, 20' to the Northerly Line of a 20' Alley; thence Southwesterly along the Northern line of Said 20' Alley, 60' to a point 20' Northwesterly of the Point of Beginning; thence

Southeasterly along the extended Westerly Line of said Lot 4, 20' to the Point of Beginning.

Said tract being a portion of a 20' Alley platted on the North Side of Block 1 of Roswell H. Spencer's Town Lots, 60' in length adjacent on the Northerly Side of Lot 4, Block 1 in Roswell H. Spencer's Town Lots.

The Board has not received written notice of objection to the vacation from adjoining landowners or the public. None appeared at the hearing to voice objection to the proposed vacation. The Board notes that if the platted alley is vacated, Scott County's easement will no longer exist.

The Board recognizes that, although this road right-of-way is presently not being maintained, there is a loss of revenue to Scott County by not taxing the area. The Board is of the opinion that the general public is not served by continuing to keep this portion of a platted alley for road right-of-way. It also appears to the Board that it is in the general interest of economy and public welfare to vacate this portion of a platted alley.

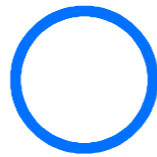
Order: The Scott County Board of Supervisors does hereby vacate and close the designated portion of a platted alley on the North Side of Block 1 of Roswell H. Spencer's Town Lots located in the Southeast Quarter of Section 7, Township 78 North, Range 5 East, located in Scott County, Iowa.

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

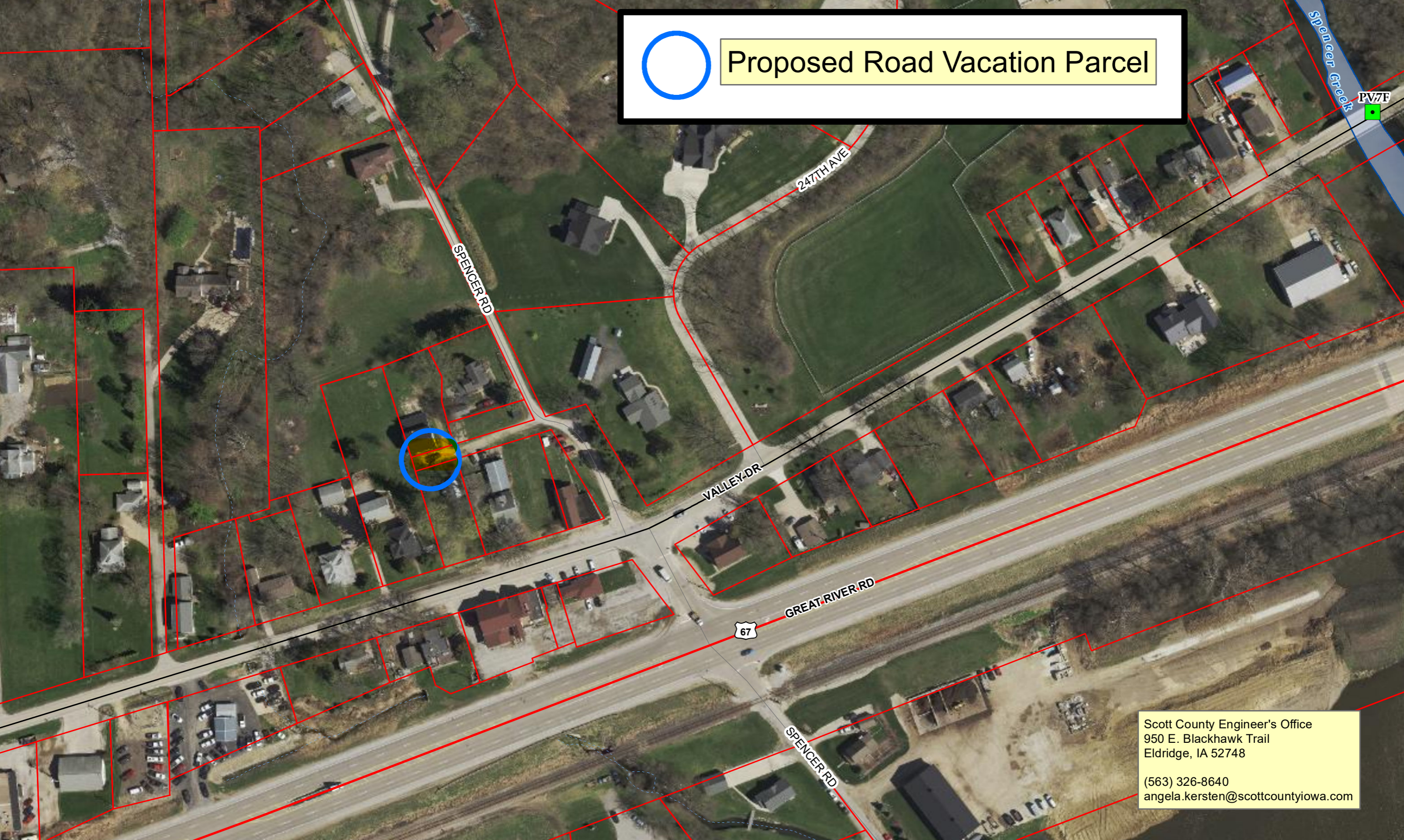
Dated this _____ day of _____, 2020.

Tony Knobbe, Chairperson of the Board
Scott County Board of Supervisor

ATTEST: Roxanna Moritz
Scott County Auditor



Proposed Road Vacation Parcel



Scott County Engineer's Office
950 E. Blackhawk Trail
Eldridge, IA 52748

(563) 326-8640
angela.kersten@scottcountyiowa.com

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 23, 2020

APPROVAL OF ROAD VACATION OF A PORTION OF A PLATTED ALLEY ON THE
NORTH SIDE OF BLOCK 1 OF ROSWELL H. SPENCER'S TOWN LOTS

WHEREAS, A public hearing was conducted on July 9, 2020, following publication and service of notice as required by law on the proposed vacation and closure of a portion of Scott County Secondary Road, described as follows:

A part of the Southeast Quarter (SE ¼) of Section 7, Township 78 North, Range 5 East of the 5th P.M., Scott County, Iowa; being also a part of Roswell H. Spencer's Town Lots, recorded in Book "B" T.L.D., page 356, Scott County, Recorder's Office, and more particularly described as follows: Beginning at the Northwest Corner of Lot 4, Block 1 of said Spencer's Town Lots; thence Easterly along the Northerly line of said Lot 4, 60' to the Northeasterly Corner of Lot 4; thence Northwesterly along the extended Easterly line of said Lot 4, 20' to the Northerly Line of a 20' Alley; thence Southwesterly along the Northern line of Said 20' Alley, 60' to a point 20' Northwesterly of the Point of Beginning; thence Southeasterly along the extended Westerly Line of said Lot 4, 20' to the Point of Beginning.

Said tract being a portion of a 20' Alley platted on the North Side of Block 1 of Roswell H. Spencer's Town Lots, 60' in length adjacent on the Northerly Side of Lot 4, Block 1 in Roswell H. Spencer's Town Lots.

WHEREAS, No objections have been received, either in writing or by persons present.

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

- Section 1. That the subject section of road be ordered vacated and closed.
- Section 2. This resolution shall take effect immediately.