

SCOTT COUNTY ENGINEER'S OFFICE

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ANGELA K. KERSTEN, P.E.
County Engineer

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Assistant County Engineer

TARA YOUNGERS
Senior Administrative Assistant

MEMO

TO: Mahesh Sharma
County Administrator

FROM: Angie Kersten, P.E.
County Engineer

SUBJECT: Public Hearing Regarding the Sale of Vacated Road Right-of-Way

DATE: March 9, 2021

On March 4, 2021, a resolution was passed to hold a public hearing on March 18, 2021, regarding the sale of a vacated piece of road right-of-way. The road right-of-way was 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. Included with this memo is the vacation order and a location map.

In order to dispose of our interest in the land, Iowa Code Chapter 331.361 requires the county to hold a public hearing on the sale of the land. We are also required to follow Iowa Code Chapter 306.23 regarding notice and preference of sale. In accordance with this law, our department notified all adjacent land owners of our intent to sell the vacated piece of county road right-of-way, that the land had been appraised at a value of \$400.00, and that we will accept offers for a sixty day time period. We received one offer from an adjacent land owner, Monty Shumate, for \$427.50.

In addition to holding the public hearing, I recommend action is taken to sell the vacated piece of county road right-of-way to Monty Shumate for \$427.50. Monty Shumate was the only adjacent land owner to submit a bid and the bid exceeds the appraised value of the land. Monty owns the land adjacent to the vacated piece of 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 vacated road right-of-way.



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.

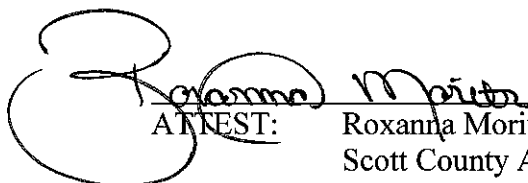
Order: The Scott County Board of Supervisors does hereby vacate and close the designated portion of a platted alley on the North Side of Block 1 of Roswell H. Spencer's Town Lots located in the Southeast Quarter of Section 7, Township 78 North, Range 5 East, located in Scott County, Iowa.

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

Dated this 23rd day of July, 2020.



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



ATTEST: Roxanna Moritz
Scott County Auditor

Vacated Road Right-of-Way



SPENCER RD

24TH AVE

VALLEY DR

SPENCER RD

GREAT RIVER RD



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

DATE

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

March 18, 2021

APPROVAL OF SALE OF A VACATED SECTION OF SCOTT COUNTY SECONDARY
ROAD RIGHT-OF-WAY

WHEREAS, A public hearing was conducted on March 18, 2021, following publication and service of notice as required by law on the sale of a vacated section of Scott County Secondary Road right-of-way, 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 vacated road right-of-way be sold to Monty Shumate for \$427.50.
- Section 2. This resolution shall take effect immediately.