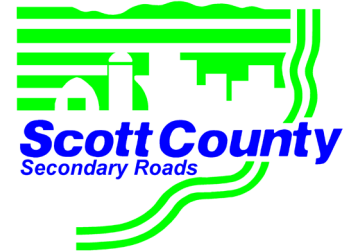


SCOTT COUNTY ENGINEER'S OFFICE

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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: Vacation and Sale of a Parcel of Road Right-of-Way

DATE: April 20, 2022

On March 3, 2022, a public hearing was held regarding vacating and selling a parcel of road right-of-way. The parcel of road right-of-way is described as follows:

Part of the Southwest Quarter of the Northeast Quarter of Section 7, Township 80 North, Range 4 East of the 5th P.M., Scott County, Iowa, more particularly described as follows: Commencing at the Center of said Section 7; thence north 87 degrees 57 minutes 14 seconds east along the South line of the Northeast Quarter of said Section 7, 573.52 feet; thence north 02 degrees 02 minutes 46 seconds west and perpendicular to said South line, 414.32 feet to the Point of Beginning; thence north 04 degrees 27 minutes 22 seconds east along the Westerly right-of-way line of Scott Park Road, 174.85 feet to the Southeast Corner of Lot 1 of Shannon Subdivision; thence north 87 degrees 13 minutes 07 seconds east, 55.35 feet; thence south 01 degree 08 minutes 47 seconds west, 174.70 feet; thence south 87 degrees 57 minutes 14 seconds west along the existing Scott Park Road right-of-way line, 65.42 feet to the Point of Beginning. Containing 0.24 acres or 10,500 square feet more or less, and subject to easements, reservations, restrictions, and right-of-way record and not of record.

Our department was contacted by Scott County residents, Mark and Melissa Lane, to vacate and sell this parcel of road right-of-way. The Lane's own the land adjacent to the parcel of road right-of-way. The above described land is a portion of a frontage road that parallels Scott Park Road on the west side, south of 307th Street. The public can access the frontage road from the intersection of 307th Street and Scott Park Road. However, the frontage road dead ends at Lane's property line. Although the road right-of-way dead ends at their north property line, the road continues south onto their property and outlets onto Scott Park Road through their driveway entrance. Occasionally, the traveling public uses this frontage road to make U-turns back onto Scott Park Road. This creates a hardship for the Lane's. This frontage road is of no benefit to the traveling public, because it dead ends at Lane's property line and it has no turn-around area.

Our department has performed minimal maintenance of this frontage road since it was transferred to our department by the Iowa Department of Transportation in 2003.

After meeting with the Lanes, discussing their request, and researching road records, our department determined it would be a mutual benefit to move forward with the vacation and sale of this parcel. We contracted with a registered land surveyor to perform road record research and prepare a plat of survey. We determined that the county owns the land by fee title. We followed Iowa Code 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 parcel of county road right-of-way, that the land had been appraised at a value of \$8,400.00, and that we will accept offers for a sixty day time period. We received an offer from the only adjacent land owner, Mark and Melissa Lane, for \$8,400.00.

As mentioned above, a public hearing was held on March 3, 2022, regarding vacating and selling this parcel of road right-of-way. No one appeared at the hearing to voice objection to the proposed vacation and sale of road right-of-way. Our department has not received any written or verbal notice of objections from adjoining landowners or the public. I recommend vacating the parcel of road right-of-way and selling the parcel to Mark and Melissa Lane for \$8,400.00. Included with this memo is an order pertaining to the vacation, a resolution to sell the parcel to Mark and Melissa Lane, and a location map.

SCOTT COUNTY BOARD OF SUPERVISORS

ORDER PERTAINING TO THE MATTER OF THE VACATION OF A PARCEL OF ROAD RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 80 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA

On March 3, 2022, 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 parcel of road right-of-way located in the Southwest Quarter of the Northeast Quarter of Section 7, Township 80 North, Range 4 East of the 5th P.M., Scott County, Iowa. 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 parcel of road right-of-way is a portion of a frontage road that originally provided access for a private property to Primary Road No. IA. 956. The frontage road is an approximately 12 feet wide gravel lane. In 2003, the Iowa Department of Transportation transferred jurisdiction of IA. 956 to Scott County. The road and adjoining right-of-way became a part of the Scott County Secondary Road System and is now known as Scott Park Road. Sometime after the transfer, the private property obtained direct access to Scott Park Road. Mark and Melissa Lane presently own the above mentioned private property and contacted our department to vacate and sell this parcel of road right-of-way. The Lane’s own the land adjacent to the parcel of road right-of-way. The public can access this gravel lane from the intersection of 307th Street and Scott Park Road. However, the gravel lane dead ends at Lane’s property line. Although the road right-of-way dead ends at their north property line, the gravel lane continues south onto their property and outlets onto Scott Park Road through their driveway entrance. Occasionally, the traveling public uses this gravel lane and Lane’s driveway to make U-turns

back onto Scott Park Road. This creates a hardship for the Lane's. This gravel lane is of no benefit to the traveling public, because it dead ends at Lane's property line and it has no turn-around area. Our department has performed minimal maintenance of this gravel lane since it was transferred to our department.

The parcel of road right-of-way is legally described as:

Part of the Southwest Quarter of the Northeast Quarter of Section 7, Township 80 North, Range 4 East of the 5th P.M., Scott County, Iowa, more particularly described as follows: Commencing at the Center of said Section 7; thence north 87 degrees 57 minutes 14 seconds east along the South line of the Northeast Quarter of said Section 7, 573.52 feet; thence north 02 degrees 02 minutes 46 seconds west and perpendicular to said South line, 414.32 feet to the Point of Beginning; thence north 04 degrees 27 minutes 22 seconds east along the Westerly right-of-way line of Scott Park Road, 174.85 feet to the Southeast Corner of Lot 1 of Shannon Subdivision; thence north 87 degrees 13 minutes 07 seconds east, 55.35 feet; thence south 01 degree 08 minutes 47 seconds west, 174.70 feet; thence south 87 degrees 57 minutes 14 seconds west along the existing Scott Park Road right-of-way line, 65.42 feet to the Point of Beginning. Containing 0.24 acres or 10,500 square feet more or less, and subject to easements, reservations, restrictions, and right-of-way record and not of record.

The Board has not received written notice of objection to the vacation from the public.

The Lane's are the only adjoining landowners and they requested the road right-of-way vacation. Nobody appeared at the hearing to voice objection to the proposed vacation. The Board notes that if the parcel of road right-of-way is vacated and sold to the Lane's, Scott County's interest will no longer exist.

The Board recognizes that, although this parcel of road right-of-way 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 parcel of 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 parcel of road right-of-way.

Order: The Scott County Board of Supervisors does hereby vacate and close the above described parcel of road right-of-way located in the Southwest Quarter of the Northeast Quarter of Section 7, Township 80 North, Range 4 East of the 5th P.M., Scott County, Iowa.

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

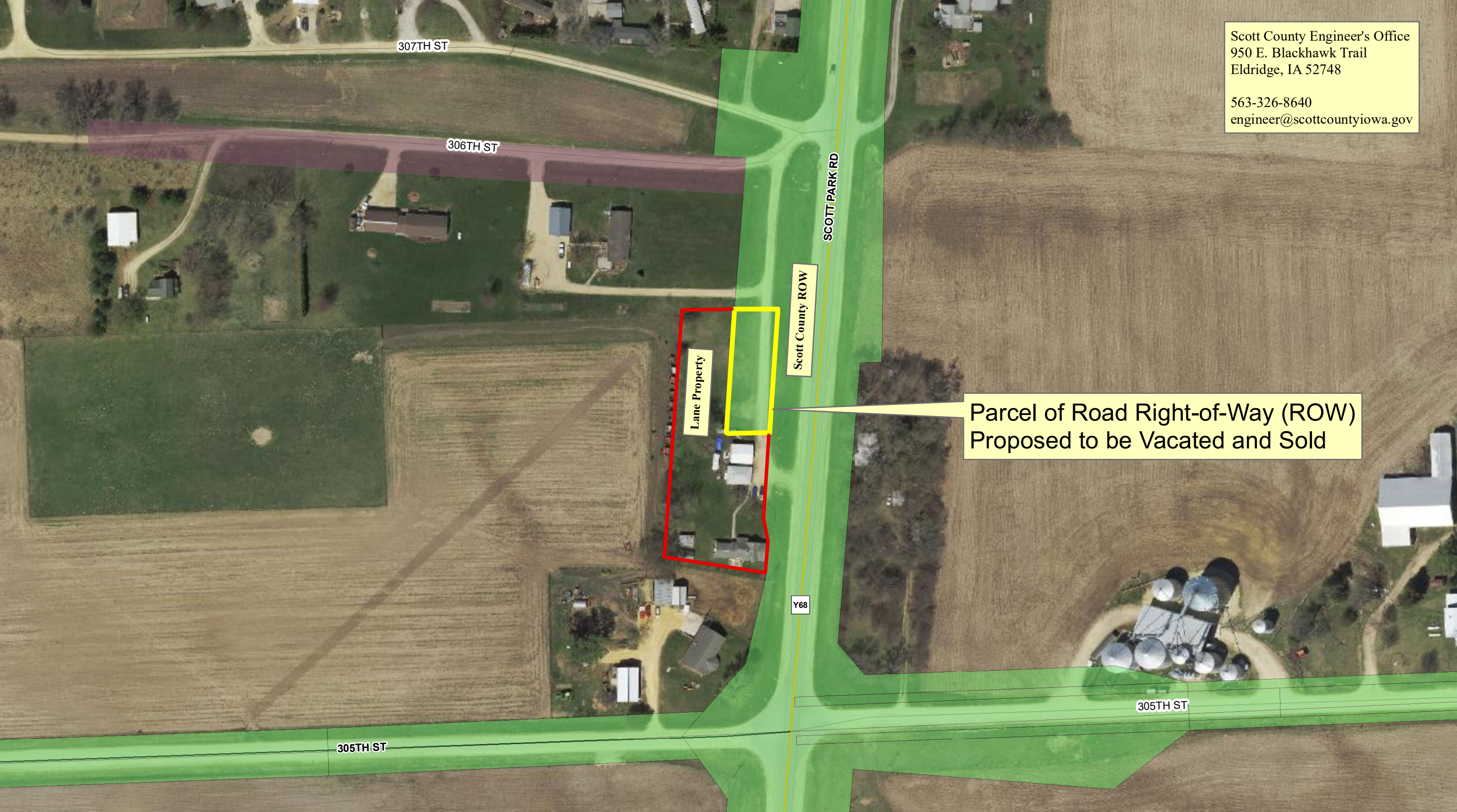
Dated this _____ day of _____, 2022.

Ken Beck, Chairman of the Board
Scott County Board of Supervisor

ATTEST: Kerri Tompkins
Scott County Auditor

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

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engineer@scottcountyiowa.gov



307TH ST

306TH ST

SCOTT PARK RD

Scott County ROW

Lane Property

Parcel of Road Right-of-Way (ROW)
Proposed to be Vacated and Sold

Y68

305TH ST

305TH ST

DATE

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

APRIL 28, 2022

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

WHEREAS, a public hearing was conducted on March 3, 2022, following publication and service of notice as required by law on the proposed vacation, closure, and sale of a parcel of Scott County Secondary Road right-of-way, described as follows:

Part of the Southwest Quarter of the Northeast Quarter of Section 7, Township 80 North, Range 4 East of the 5th P.M., Scott County, Iowa, more particularly described as follows: Commencing at the Center of said Section 7; thence north 87 degrees 57 minutes 14 seconds east along the South line of the Northeast Quarter of said Section 7, 573.52 feet; thence north 02 degrees 02 minutes 46 seconds west and perpendicular to said South line, 414.32 feet to the Point of Beginning; thence north 04 degrees 27 minutes 22 seconds east along the Westerly right-of-way line of Scott Park Road, 174.85 feet to the Southeast Corner of Lot 1 of Shannon Subdivision; thence north 87 degrees 13 minutes 07 seconds east, 55.35 feet; thence south 01 degree 08 minutes 47 seconds west, 174.70 feet; thence south 87 degrees 57 minutes 14 seconds west along the existing Scott Park Road right-of-way line, 65.42 feet to the Point of Beginning. Containing 0.24 acres or 10,500 square feet more or less, and subject to easements, reservations, restrictions, and right-of-way record and not of record.

WHEREAS, no objections were received, either in writing or by persons present, and

WHEREAS, on April 28, 2022, by order of the Scott County Board of Supervisors the subject parcel of road right-of-way was vacated and closed, and

WHEREAS, the Scott County Board of Supervisors intends to dispose of all interest in said subject parcel of real property by sale in accordance with Iowa Code Chapter 331.361, and

WHEREAS, when unused road right-of-way is not being sold or transferred to another governmental authority, the county shall comply with Iowa Code Chapter 306.23, and

WHEREAS, Scott County received one offer for the subject section of vacated road right-of-way.

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

Section 1. That the subject parcel of vacated road right-of-way be sold to Mark and Melissa Lane for \$8,400.00.

Section 2. This resolution shall take effect immediately.