

19-84 & 85

## VACATING A PORTION OF ROADWAY

306.10 Power to establish, alter, or vacate. In the construction, improvement, operation or maintenance of any highway, or highway system, the agency which has control and jurisdiction over such highway or highway system, shall have power, on its own motion, to alter or vacate and close any such highway or railroad crossing thereon, and to establish new highways or railroad crossing thereon which are or are intended to become a part of the highway system over which said agency has jurisdiction and control.

Written requests were received by the Jasper County Engineers Office asking that action be taken to vacate and two sections of Level "B" Roadway in Jasper County, described as:

That portion of N 99<sup>th</sup> Avenue West commencing at the Southwest Corner of Section 10-81N-19W; thence 33 feet east to the Point of Beginning; thence south 33 feet; thence east 300 feet; thence north 66 feet; thence west 300 feet; thence south 33 feet to the Point of Beginning; all in Sections 10 and 15, Township 81 North, Range 19 West of the 5<sup>th</sup> P.M., Jasper County, Iowa.

And

That portion of Johnson Street beginning 33 feet south of the West Quarter Corner of Section 20, Township 80 North, Range 17 West; thence southerly to the Southwest Corner of Section 20, Township 80 North, Range 17 West; thence east to a point 33 feet east of the Southeast Corner of the Southwest Quarter of Section 20, Township 80 North, Range 17 West; all in Sections 19, 20, 29, and 30, Township 80 North, Range 17 West of the 5<sup>th</sup> P.M., Jasper County, Iowa.

As per Section 306.11 of the Iowa Code: the proposed vacation is part of a roadway right-of-way held by easement that will not deny access to the adjoining landowners or impede the traveling public, therefore; A hearing on the proposed vacation is not required.

**RESOLUTION  
VACATING A PORTION OF  
JASPER COUNTY PUBLIC ROADWAY**

RESOLVED that the Jasper County, Iowa roadway easements and other interests upon the roadway described below are no longer necessary for any public purpose and ought now be vacated in the manner allowed by law,-- reserving however all of such area for general public utility usage.

NOW, THEREFORE, BE IT HEREBY RESOLVED that any and all interests of Jasper County, Iowa in and to the following described real estate are hereby vacated and no longer shall be available for any public use for roadway or other public purposes other than utility purposes:

**DESCRIPTION TO VACATE PUBLIC RIGHT-OF-WAY**

That portion of Johnson Street beginning 33 feet south of the West Quarter Corner of Section 20, Township 80 North, Range 17 West; thence southerly to the Southwest Corner of Section 20, Township 80 North, Range 17 West; thence east to a point 33 feet east of the Southeast Corner of the Southwest Quarter of Section 20, Township 80 North, Range 17 West; all in Sections 19, 20, 29, and 30, Township 80 North, Range 17 West of the 5th P.M., Jasper County, Iowa.

BE IT HEREBY FURTHER RESOLVED that the aforesaid property and all interests of Jasper County, Iowa in and to said property be, and are hereby, conveyed to the owners of record ( both legal and equitable titleholders as their respective interests may appear),-- an equal split of the adjacent strip to record owners of such respective adjoining parcels, subject to reservation of utility use thereof. Upon subsequent formal or informal request by any such adjoining landowner or successors in interest and preparation of all documents by said landowners at their sole expense, Jasper County, Iowa, by and through the chairperson of its Board of Supervisors and its Auditor shall execute and deliver appropriate conveyancing instruments reserving utility use interests only.

The Auditor of Jasper County, Iowa is hereby directed to promptly file in the office of the Jasper County Recorder a certified copy of this Resolution.

Passed and approved this 5th day of November 2019 upon the following roll call vote:

AYES: 2

NAYS: 0

Dennis Carpenter  
Dennis Carpenter, Chairman,  
Jasper County Board of Supervisors

ATTEST: Teresa A. Parrott Deputy  
Dennis Parrott  
Jasper County Auditor