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Jasper County, Iowa
Denise Allan County Recorder

File **2021-00003482**

DOCUMENT PREPARED BY:

Jason Lowry – Jasper County Engineers Office

Address: 910 N. 11th Ave E. - Newton, IA 50208 – Phone: 641.792.5862

RETURN RECORDED DOCUMENT TO:

JASPER COUNTY AUDITOR'S OFFICE

TITLE OF DOCUMENT:

Resolution No. 21-42 Vacating a Portion of Jasper County Public Roadway

GRANTOR: See Page 2

GRANTEE: See Page 2

*No Fee
Engineer*

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

BE IT RESOLVED that the Jasper County, Iowa roadway easements and other interests upon the real estate 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.

FURTHER RESOLVED that by Iowa Code 306.11 which states "If the proposed vacation is of part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners, a hearing is not required" a public hearing was not held since there was no evidence found to indicate that any of the described portions of roadway were ever open or used as roadways.

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:

Parcel B as recorded in Book 2020, Page 4074, in the Jasper County, Iowa, Recorder's Office, described as follows:

That part of the existing Railroad Street right-of-way, established at part of the Original Town of Killduff, an official plat, located in Jasper County, and being more particularly described as follows:

**Commencing at the Southeast Corner of Lot 8, Block 10, said Original Town of Killduff;
Thence North 00 degrees 00 minutes 12 seconds West, along the east line of said Block 10, the Original Town of Killduff, a distance of 12.90 feet, to the point of beginning;
Thence North 47 degrees 53 minutes 47 seconds West, along the northeasterly line of said Block 10, the Original Town of Killduff, a distance of 155.68 feet;
Thence South 66 degrees 41 minutes 45 seconds East, a distance of 31.26 feet;
Thence Southeasterly 67.26 feet along a curve to the left, tangent to the last described line, having a radius of 105.00 feet, a delta angle of 36 degrees 42 minutes 07 seconds and a chord distance of 66.12 feet which bears South 85 degrees 02 minutes 49 seconds East, to the north right-of-way line of said Railroad Street;
Thence South 47 degrees 53 minutes 47 seconds East, not tangent to the last described curve, along said north right-of-way line of Railroad Street, a distance of 28.21 feet, to the west right-of-way line of Lodge Street;
Thence South 00 degrees 00 minutes 12 seconds East, a distance of 67.40 feet, to the point of beginning.**


Contains 0.093 acres more or less.

Said parcel is subject to any and all restrictions, covenants and easements of record.

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 or as agreed upon by said owners, 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 and to the satisfaction of the Jasper County Attorney as to both form and content, 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 11 day of May 2021.




Doug Cupples
Chairman Board of Supervisors



Brandon Talsma
Board of Supervisors



Dennis Carpenter
Board of Supervisors

ATTEST: 

Dennis Parrott
County Auditor

INDEX LEGEND

COUNTY: JASPER COUNTY, IOWA
 LOCATION:
 RAILROAD STREET RIGHT-OF-WAY OF
 THE ORIGINAL TOWN OF KILLDUFF
 PROPRIETOR: JASPER COUNTY, IOWA
 COUNTY ENGINEER: RUSSELL STUTT
 910 N 11TH AVENUE E
 NEWTON, IA 50208
 PH: 641-792-5862
 REQUESTED BY: KILLDUFF TRANSPORT
 7389 LODGE STREET
 SULLY, IOWA 50251
 SURVEYOR: THAREN J. HELGERSON, PLS #18530
 SURVEY COMPANY: NILLES ASSOCIATES, INC.
 RETURN TO: THAREN J. HELGERSON,
 NILLES ASSOCIATES, INC.
 1250 SW STATE STREET, SUITE A
 ANKENY, IOWA 50023 PH: (515) 965-0123

LEGEND

- FOUND MONUMENT 5/8" IR WITH ORANGE CAP #9763 UNLESS OTHERWISE NOTED
- SET MONUMENT 5/8" IR WITH RED CAP #18530 UNLESS OTHERWISE NOTED
- ⊙ FOUND MONUMENT 5/8" IR WITH RED CAP #18530 UNLESS OTHERWISE NOTED
- IR ROUND IRON REBAR (OUTSIDE DIAMETER)
- IP ROUND IRON PIPE (OUTSIDE DIAMETER)
- (R) RECORD DIMENSION
- OF - WAY
- SUBJECT BOUNDARY LINE
- EXISTING BOUNDARY LINE
- EXISTING EASEMENT LINE
- SECTION LINE

PLAT OF SURVEY

PARCEL B LEGAL DESCRIPTION

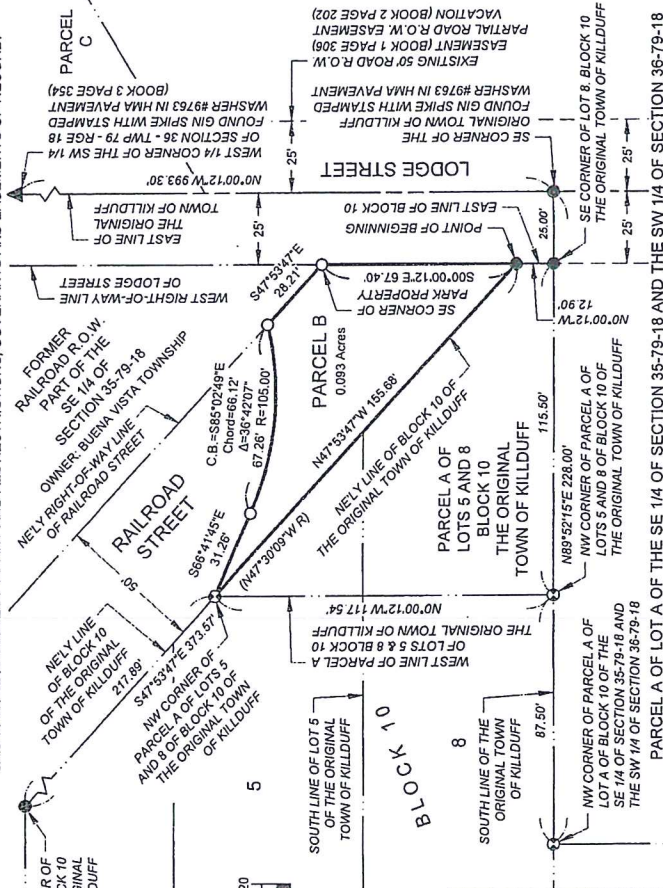
THAT PART OF THE EXISTING RAILROAD STREET RIGHT-OF-WAY, ESTABLISHED AT PART OF THE ORIGINAL TOWN OF KILLDUFF, AN OFFICIAL PLAT, LOCATED IN JASPER COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 10, SAID ORIGINAL TOWN OF KILLDUFF; THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS WEST, ALONG THE EAST LINE OF SAID BLOCK 10, THE ORIGINAL TOWN OF KILLDUFF, A DISTANCE OF 12.90 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 53 MINUTES 47 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 10, THE ORIGINAL TOWN OF KILLDUFF, A DISTANCE OF 155.88 FEET; THENCE SOUTH 66 DEGREES 41 MINUTES 45 SECONDS EAST, A DISTANCE OF 31.26 FEET; THENCE SOUTHEASTERLY 67.26 FEET ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 105.00 FEET. A DELTA ANGLE OF 36 DEGREES 42 MINUTES 07 SECONDS AND A CHORD DISTANCE OF 66.12 FEET WHICH BEARS SOUTH 85 DEGREES 02 MINUTES 49 SECONDS EAST, TO THE NORTH RIGHT-OF-WAY LINE OF SAID RAILROAD STREET; THENCE SOUTH 47 DEGREES 53 MINUTES 47 SECONDS EAST, NOT TANGENT TO THE LAST DESCRIBED CURVE, ALONG SAID NORTH RIGHT-OF-WAY LINE OF RAILROAD STREET, A DISTANCE OF 28.21 FEET, TO THE WEST RIGHT-OF-WAY LINE OF LODGE STREET; THENCE SOUTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 67.40 FEET, TO THE POINT OF BEGINNING.
 CONTAINS 0.093 ACRES MORE OR LESS.
 SAID PARCEL IS SUBJECT TO ANY AND ALL RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.

SURVEY NOTES

- LAND AREA : 0.093 ACRES
- THE SOUTH LINE OF THE ORIGINAL TOWN OF KILLDUFF IS ASSUMED TO BEAR NORTH 89°52'15" EAST.
- PARCEL B OF EXISTING RAILROAD STREET RIGHT-OF-WAY WILL BE TIED TO PARCEL A OF LOTS 5 AND 8, BLOCK 10, THE ORIGINAL TOWN OF KILLDUFF AND PARCEL A OF LOT A OF THE SE 1/4 OF SECTION 35-79-18 AND THE SW 1/4 OF SECTION 36-79-18.



F.I.L.# 2020-00004074



CERTIFICATION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
 SIGNATURE: *[Signature]* DATE: 07/08/20
 NAME: THAREN J. HELGERSON, P.L.S. #18530 DATE OF SURVEY: 05/19/2020
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020 SHEET PS-1 ONLY
 PAGES OR SHEETS COVERED BY THIS SEAL: SHEET PS-1 ONLY



OK 7/8 Nilles Associates Inc (c.c.)