

BOARD OF SUPERVISORS
SAC COUNTY, IOWA

RESOLUTION NO. 23-2307

At a regular meeting of the Sac County (hereinafter referred to as the "County") Board of Supervisors (hereinafter referred to as the "Board") held in the Board Room, Sac County Courthouse, Sac City, Iowa, on February 28, 2023.

-----MEMBERS:

Jim Wissler
Ranell Drake
Mike Fischer

VOTE:

Aye
Aye
Aye

On motion of Supervisor Drake, seconded by Supervisor Wissler, which carried by a vote of 3 to 0, the following resolution was adopted:

WHEREAS, Sac County, is the owner of the real property described in the legal description attached as Exhibit "A" and incorporated herein by reference (hereinafter referred to as the "Property"); and

WHEREAS, the Property was conveyed to Sac County by Warranty Deed on June 9, 1912 (See page 3 of Exhibit "A"); and

WHEREAS, Gregory W. Schnirring, the owner of all the land adjoining the Property, has requested that the County vacate the Property under Iowa Code section 354.23; and

WHEREAS, Iowa Code section 354.23(1) provides that "[a] city or a county may vacate part of an official plat that had been conveyed to the city or county or dedicated to the public which is deemed by the governing body to be of no benefit to the public"; and

WHEREAS, Iowa Code section 354.23(2) provides that the "county shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded; and

WHEREAS, the Board did on February 28, 2023, hold a public hearing to hear arguments for and against vacating the Property under Iowa Code section 354.23; and

WHEREAS, there was no opposition to the proposed vacation; and

WHEREAS, the County desires to release, relinquish, and terminate any and all rights to the Property; and

WHEREAS, Iowa Code section 354.23(2) further provides that "the county may convey the vacated property by deed."

BE IT RESOLVED that having considered all evidence and testimony adduced or introduced at the public hearing, the Board finds the Property to be of no benefit to the public, and vacation of the Property serves the best interests of Sac County; and

BE IT FURTHER RESOLVED that the Board does now order the Property be released,

terminated, and vacated under Iowa Code section 354.23; and

BE IT FURTHER RESOLVED that the County Attorney is authorized to do any and all things necessary to accomplish the termination, vacation, and release of the Property.

APPROVED AND ADOPTED during a meeting duly and regularly called, noticed, convened and held at the Sac County Courthouse, February 28, 2023.