

BOARD OF SUPERVISORS
SAC COUNTY, IOWA

RESOLUTION NO. 23-0530

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 May 30, 2023.

-----MEMBERS:

VOTE:

Jim Wissler *Aye*
Ranell Drake *Aye*
Mike Fischer *Aye*

On motion of Supervisor Drake, seconded by Supervisor Fischer, 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 May 9, 1931 (*See* Exhibit "A"); and

WHEREAS, Jared Mohr, the owner of all the land adjoining the Property (*See* Exhibit "B"), 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 May 30, 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, May 30, 2023.

May 30, 2023
Board Room
10:00 AM

The Sac County Board of Supervisors met in regular session with all members present, Jim Wissler, Chairman, presiding. The minutes of the last meeting were approved as submitted.

It was moved by Fischer and seconded by Drake to approve the agenda as posted. Ayes all, motion carried.

It was moved by Fischer and seconded by Drake to approve application for renewal of a retail liquor license submitted by Rustic River Winery and vineyard. Ayes all, motion carried.

It was moved by Drake and seconded by Fischer that due to July 4, Independence Day, falling on Tuesday, there would be no regular Board meeting. Ayes all, motion carried.

The County Engineer updated the Board on activities of the county road crews and the status of current maintenance and construction projects.

It was moved by Drake and seconded by Fischer to approve the plans and notice to bidders for PCC patching plans L-PCCP24 – 73 – 81 on County Road D37 and parts of County Roads M68 and M50. Ayes all, motion carried.

The Engineer informed the Board that gravel hauling would begin this week and would be happening primarily in Eden, Cook, Boyer Valley and Clinton Townships.

At 10:30 the Chairman opened the public hearing to consider an amendment to the current county budget. There was no one present to oppose or support the amendment which included an increase in revenues of \$389,978 and an increase in expenditures of \$556,513.

It was moved by Drake and seconded by Fischer to close the public hearing. Ayes all, motion carried.

It was moved by Fischer and seconded by Drake to approve the amendment to the budget as proposed. Ayes all, motion carried.

At 10:45, the Chairman opened the public hearing to consider the disposition of a parcel of land owned by Sac County. One adjacent landowner was present to support the proposal.

It was moved by Drake and second by Fischer to close the public hearing. Ayes all, motion carried.

It was moved by Drake and seconded by Fischer to approve the disposition of approximately 2 acres of land in Section 1, Wall Lake Township pursuant to Iowa Code Chapter 354.23, and to direct the County Attorney to prepare a Quit Claim Deed and resolution supporting the action. Ayes all, motion carried.

With there being no further action, on motion, the meeting was adjourned.

Secretary S/ James W. Dowling Chairman _____, Date _____

*****23-0530

Instrument #: 240476
03/20/2024 10:24:38 AM Total Pages: 3
D DEED
Recording Fee: \$ 0.00 Transfer Tax: \$0.00
Laura McKeever, Recorder, Sac County IA



**QUIT CLAIM DEED
Recorder's Cover Sheet**

Preparer Information: Benjamin Smith, 100 NW State Street, Suite 9, Sac City, IA 50583,
Phone: (712) 662-4791

Taxpayer Information: Jared William Mohr, ~~PO BOX 19, LAKE CITY, IA 51449~~

Return Document To: Jared Mohr, ~~PO BOX 19, LAKE CITY, IA 51449~~

2848 Rolland Ave Sac City, IA

Grantors: County of Sac, Iowa

Grantees: Jared William Mohr

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

Prepared by Sac County Attorney Ben Smith, Courthouse, Sac City Iowa (712) 662-4791

QUITCLAIM DEED OF VACATION

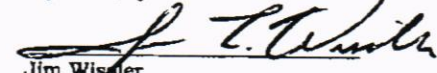
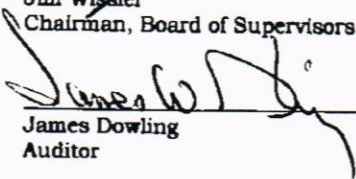
For valuable consideration, Sac County does hereby vacate and convey to Jared William Mohr all interest in the following real property or land in Sac County, Iowa, described as:

Commencing at a point 831 feet east and 25 feet north of the southwest corner of the southwest quarter of said section as a point of beginning, thence north on a line drawn at right angles with the south section line of said section 348 and 48/100 feet; thence east on a line parallel to the south section line of said section 250 feet; thence south on a line drawn at right angles to the south section line of said section 348 and 48/100 feet, thence west on a line parallel to the south section line of said section 250 feet to the place of beginning, containing two acres.

Transfer tax is not required on this deed per the statutory exemption found in Iowa Code Section 428A.2(6).

IN WITNESS WHEREOF we have set our hands this ____ day of June 2023.

Sac County Iowa, by:


Jim Wissler
Chairman, Board of Supervisors

James Dowling
Auditor

On this 13th day of June 2023, before me, RENEE ROLAND a Notary Public in and for the State of Iowa, personally appeared Jim Wissler and James Dowling, to me known personally, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of and for the County of Sac, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in the adopted resolution, a copy of which is attached hereto. On the 13th day of June 2023, Jim Wissler and James Dowling acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Renee Roland
, Notary Public in and for the State of Iowa



BOARD OF SUPERVISORS
SAC COUNTY, IOWA

RESOLUTION NO. 23-0530

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-----MEMBERS:

VOTE:

Jim Wissler *Aye*
Ranell Drake *Aye*
Mike Fischer *Aye*

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WHEREAS, the Property was conveyed to Sac County by Warranty Deed on May 9, 1931 (See Exhibit "A"); and

WHEREAS, Jared Mohr, the owner of all the land adjoining the Property (See Exhibit "B"), 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

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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

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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, May 30, 2023.

Deed Record, No. 17, Sac County, Iowa

#1551 Genevieve Callahan, single

Filed for record this 8th day of May A. D. 1931 at 3:45 o'clock P. M.

TO Sac County, Iowa.

Dorothy Hanson
Mildred Tapley

Recorder
Deputy

Recording Fee \$3.50

Know all Men by these Presents. That Genevieve Callahan, single

of the County of San Francisco and State of California; in consideration of the sum of One Thousand and no/100 DOLLARS in hand paid by Sac County, Iowa, at Sac County, Iowa. do hereby sell and convey unto the said Sac County, Iowa.

the following described premises situated in the County of Sac and State of Iowa to-wit

Part of the southwest quarter of the southwest quarter of section one (1), township eighty-seven (87) range thirty-six (36) west of the 5th P. M., Sac County, Iowa, described as follows: Commencing at a point 831 feet east and 28 feet north of the southwest corner of the southwest quarter of said section as a point of beginning, thence north on a line drawn at right angles with the south section line of said section 348 and 48/100 feet; thence east on a line parallel to the south section line of said section 250 feet; thence south on a line drawn at right angles to the south section line of said section 348 and 48/100 feet, thence west on a line parallel to the south section line of said section 250 feet to the place of beginning, containing two acres.

And I hereby covenant with the said Sac County, Iowa, that I hold said premises by good and perfect title that I have good right and lawful authority to sell and convey the same that they are free and clear of all liens and encumbrances whatsoever

and I covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever.

And also each

Witness this 24th day of April A. D. 1931.

Genevieve Callahan

STATE OF _____ County of _____ On this _____ day of _____ A. D. 19____ before me personally appeared _____



to me known to be the person named in and who executed the foregoing instrument and acknowledged that executed the same as voluntary act and deed

Notary Public in and for said County

STATE OF IOWA - California City & County of San Francisco, ss:

On this 24th day of April A. D. 1931, before me Joseph Pensa a Notary Public in and for the City & County of San Francisco and State of California personally appeared Genevieve Callahan, single to me known to be the person named in said instrument and who executed the same and acknowledged the execution of the same as her voluntary act and deed.

In Witness Whereof, I have herunto signed my name and affixed my Notarial Seal the day and year last above written.



(SEAL)

Joseph Pensa
Notary Public in and for San Francisco County,
State of California
My Commission expires July 13th, 1932.