

A RESOLUTION APPROVING THE PARTIAL VACATION OF A RECORDED UTILITY EASEMENT

RESOLUTION # 2019-6-84

WHEREAS, Kent D. Mattison and Polly S. Mattison, FKA Polly S. Morris, are the owners of record (Owners) of Lots 41 & 42 (Lots), Timberlake 3rd Addition to Linn County, Iowa (Subdivision);

AND WHEREAS, there is a 10' platted utility easement (Easement) between the Lots as part of the Subdivision, which Easement is described as;

The south ten feet (10') of Lot 42, except the west ten feet (10') thereof AND the north ten feet (10') of Lot 41, except the west ten feet (10') thereof, located on Lots 41 & 42, Timberlake 3rd Addition to Linn County, Iowa.

AND WHEREAS, the Owners have recorded a Deed Restriction (Restriction) for the Lots stipulating the Lots shall not be sold, divided, or in any way separated unless replatted or in another way come into compliance with all regulations in effect at the time of separation;

AND WHEREAS, as a result of the Restriction, the Owners have requested the Easement be vacated;

AND WHEREAS, the request to vacate the Easement and has been reviewed by all utility service providers with an interest in the Easement;

AND WHEREAS, such requests are allowed under Section 107-72, § (2) h. 6. iii. of the Linn County Unified Development Code by Resolution of the Board of Supervisors upon recommendation by the Technical Review Committee and Planning & Zoning Commission;

AND WHEREAS, no objections to the proposed vacation have been expressed by the Technical Review Committee;

AND WHEREAS, on May 20, 2019 the proposed vacation was recommended for approval by the Planning & Zoning Commission;

AND WHEREAS, on May 20, 2019 the proposed vacation was reviewed by the Board of Supervisors, Linn County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Linn County, Iowa, that said Easement as described herein and shown on Exhibit A is hereby vacated.

EFFECTIVE DATE. This resolution is effective upon adoption.

2019-6-84

Passed and approved this 5th day of June 2019.

Linn County Board of Supervisors

Stacey Walker

Stacey Walker, Chairperson

Ben Rogers

Ben Rogers, Vice Chairperson

Brent Oleson

Brent Oleson, Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

Joel D. Miller by Rebecca Shoop, Deputy
Joel D. Miller, Linn County Auditor

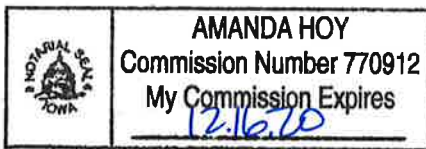
STATE OF IOWA)
) SS
COUNTY OF LINN)

I, Joel D. Miller, County Auditor of Linn County, Iowa, hereby certify that at a regular meeting of the said Board of Supervisors the foregoing resolution was duly adopted by a vote of:

3 AYE, 0 NAY, 0 ABSTAIN, AND 0 ABSENT FROM VOTING.

Joel D. Miller by Rebecca Shoop, Deputy
Joel D. Miller




Subscribed and sworn to before me by the aforesaid Joel D. Miller, *by Rebecca Shoop, Deputy*
on this 5 day of June, 2019.



Amanda Hoy
NOTARY PUBLIC, STATE OF IOWA

EXHIBIT "A"

Legend

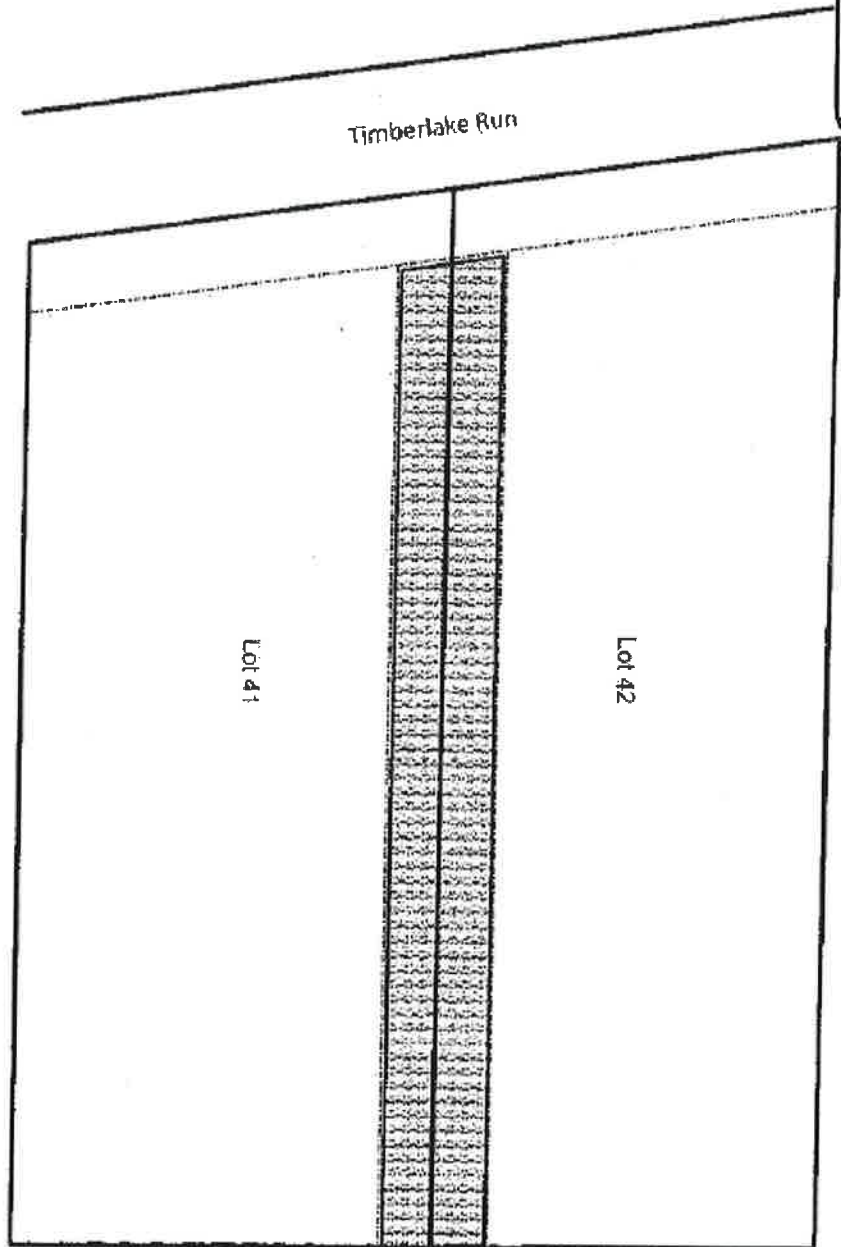
-  - Subject Property Line & ROW
-  - Easement area vacated
-  - P.U.E.


Parcel Legal Description:

Lots 41 & 42 in the Timberlake Third Addition in Linn County, Iowa.

Easement Area Vacated:

The south ten (10') feet of Lot 42, except the west ten (10') feet thereof AND the north ten (10') feet of Lot 41, except the west (10') feet thereof, located on the above described property.



		Customer: Kent D. Mattison & Polly S. Morris		DR # n/a	
Address: 1669 Stillwater Pass		Scale: Not to Scale		Date: May 28 2019	
City: Cedar Rapids State: Iowa		Folder: 7433-19		Sec 27, T 83 N, R 8 W	
Job Desc: Partial Release of Interest in P.U.E.					

