

Consent Agenda

December 27, 2022

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Wichman presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

After discussion was held by the Board, a motion was made by Grobe, and second by Belt, to approve:

- A. December 20, 2022, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Shea, second by Grobe, to approve the Board to sign the Tyler Termination Agreement for Executive Project.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve the funding for quote for replacement Timeclocks in the amount of \$25,352.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Grobe, to approve project plans for FM-C078(207)- - 55-78; reconstructing L66 from Tamarack Road North 0.41 miles.

UNANIMOUS VOTE. Motion Carried.

3. OTHER

Jana Lemrick/Director, Human Resources and Matt Wyant/Director, Planning and Development appeared before the Board to discuss employee recognition for completing NACO High Performance Leadership Academy. Discussion only. No Action Taken.

4. RECEIVED/FILED

A. Salary Action(s):

- 1) Conservation – Employment of Hallie Uhlig, Lauren Hargreaves, Ted Duitsman, Dale Ostrander, Ryan Grieb, Dylan Reimer and Jacob Boaz as Ski/Snowboard Instructors.
- 2) Conservation – Employment of Amy Graeve and Mary Graeve as Ticket Agents.
- 3) Conservation – Employment of Fiona Bryant and Meleia Hetzel as Hospitality and Guest Services workers.
- 4) Conservation – Employment of Bryce McIntosh as a Cleaning and Support Team Member.
- 5) Sheriff – Payroll status change for Zach Norman.
- 6) Communications – Payroll status change for Taylor Winey.

B. Out of State Travel Notification:

- 1) Secondary Roads – Out of State Travel Notification for John Rasmussen.

C. Report(s):

- 1) Sheriff's Report of Fees Disbursed and Collected for November 2022.

5. PUBLIC COMMENTS

Lisa Lima and Susan Miller both wanted to Thank the Board for everything they have done in 2022.

6. CLOSED SESSION

Motion by Shea, second by Schultz, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second by Schultz, to go out of Closed Session.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second Belt, to go into Closed Session pursuant to Iowa Code §21.5(1)(i), for discussion and/or decision on personnel matters.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Schultz, second by Grobe, to go out of Closed Session.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Schultz, second by Grobe set aside agenda to pay Lea Voss her sick leave, per policy in the amount of \$5,895.32.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Schultz, second by Shea, to go into Closed Session pursuant to Iowa Code §21.5(1)(c), for pending or potential litigation.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second by Belt, to go out of Closed Session.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried

Motion by Schultz, second by Belt, to have County Ttorney move forward with settlement agreement as discussed in Closed Session.

Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried

7. BUDGET STUDY SESSION

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session. Discussion only. No Action Taken.

8. ADJOURN

Motion by Schultz, second by Grobe, to adjourn meeting.

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:15 P. M.

Tim Wichman, Chairman

ATTEST: _____

Melvyn Houser, Auditor

APPROVED: January 3, 2023

PUBLISH: X

Scheduled Sessions

District Court Judge Maggie Popp Reyes

Swearing in of Elected Officials.

**Election of Board Chair and Chair Pro-
Tem for 2023.**

John Rasmussen / County Engineer

Discussion and/or decision to approve and authorize Board to sign Resolution No. 06-2023 entitled: Resolution Authorizing the County Engineer to close Secondary Roads for construction and/or maintenance.

RESOLUTION NO. 06-2023

RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.

WHEREAS, Section 306.41 of the Code of Iowa, 2002, provides that “The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor,”

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2022, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved “Pottawattamie County Secondary Road Construction Program for the fiscal year 2023-2024, and any approved supplements thereto.”

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

John Rasmussen / County Engineer

Discussion and/or decision to approve and authorize Board to sign Resolution No. 07-2023 entitled: Resolution Authorizing the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems.

RESOLUTION NO. 07-2023

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ADMINISTER AND MANAGE CONTRACTS FOR THE SECONDARY ROADS DEPARTMENT, CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK USING LOCAL, FARM TO MARKET, AND FEDERAL AID FUNDS.

WHEREAS, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm-to-Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, as well as, Local and Federally funded contract construction work,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that said County Engineer John A. Rasmussen, be hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to administer and manage contracts for the Secondary Roads Department, execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications utilizing Local, Farm-to-Market and Federally funded construction projects for the Secondary Roads Department in Pottawattamie County for the year 2023.

Dated this 3rd day of January, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

John Rasmussen / County Engineer

Discussion and/or decision to approve and authorize Board to sign Resolution No. 08-2023 entitled: Resolution to authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight upon Pottawattamie County Secondary Roads.

RESOLUTION NO. 08-2023

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.

WHEREAS, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

WHEREAS, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer
Mike Bonnet, Program Administrator
Kristina R. Treantos, Operations Administrator

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

John Rasmussen / County Engineer

Discussion and/or decision to approve and sign Contract to purchase additional Right of Way from Patrick E and Doris A Montang in the amount of \$1,380.00.



MIDWEST

R | O | W

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December 20, 2022

Pottawattamie County Engineer's Office
c/o John Rasmussen, Pottawattamie County Engineer
223 South 6th Street,
Council Bluffs, Iowa 51501

RE: Pottawattamie County
Project Dumfries and 240th Grading and Paving
Project # L-2022-(Dumfries)(240th)--73-78
Tract #8

Dear Mr. Rasmussen:

Enclosed are original, executed copies of the Contract – Purchase Agreement and Easement for Public Roadway Contracts for Tract 8 – Patrick E. and Doris A. Montang. The authorized representative of Pottawattamie County will need to sign both copies of the Contract. One signed original is to be kept by Pottawattamie County and placed in the completed file. The second original should be sent with payment to the property owner.

The Easement for Public Roadway needs to be recorded at the Pottawattamie County Register of Deeds' office. The original, recorded document should be kept in the completed file.

Please send an original executed Contract, a copy of the recorded Easement, and a check in amount of \$1,380.00 made payable to:

**Patrick E. Montang and Doris A. Montang
11702 240th Street
Council Bluffs, Iowa 51503**

Please e-mail copies of the signed contracts, recorded deed, and a copy of the payment to kroegers@midwestrow.com to be included in the electronic file for audit purposes. If you have any questions, please contact us at 402-955-2900.

Sincerely,

A handwritten signature in blue ink that reads "Stacey Kroeger".

Stacey Kroeger
Acquisition Agent

Enclosures

13425 "A" Street • Omaha, Nebraska 68144 • 402.955.2900 • Toll-Free: 866.955.2901

CONTRACT – PURCHASE AGREEMENT

THIS AGREEMENT Made and entered into this 19th of December, A.D. 2022

By and between: **PATRICK E. MONTANG and DORIS A. MONTANG, husband and wife**

Address: **11702 240th Street, Council Bluffs, Iowa 51503**

party of the first part, and the **Board of Supervisors, acting for Pottawattamie County, Iowa**, party of the second part.

WITNESSETH:

In consideration of **ONE THOUSAND, THREE HUNDRED EIGHTY and NO/100 DOLLARS (\$1,380.00)** receipt of which is hereby acknowledged, the party of the first part hereby agrees to furnish to the second party an easement for use as a public roadway, to the real estate situated in the County of Pottawattamie, State of Iowa, to-wit:

In Section 25, Township 74 North, Range 43 West

As shown on plans for Project No. L-2022-(Dumfries)(240th)-73-78 - Additional Rights of Way as follows:

See Attached Permanent Easement Exhibits

It is hereby agreed that possession of the premises is the essence of this contract and that party of the second part may take immediate possession of the premises upon the signing of this contract for the purposes above set forth, and first party agrees to convey to second party for the consideration hereinafter named, on or before the 19th day of December, 2022.

Party of the second part agrees to purchase the above described real estate or take easement thereto for road purposes and to pay therefore upon delivery of warranty deed, or easement, showing merchantable title.

PERMANENT EASEMENT FOR ROADWAY PURPOSES:

Approximately 1,628 SF at \$1.00 per SF x 75% = \$ 1,230.00 @

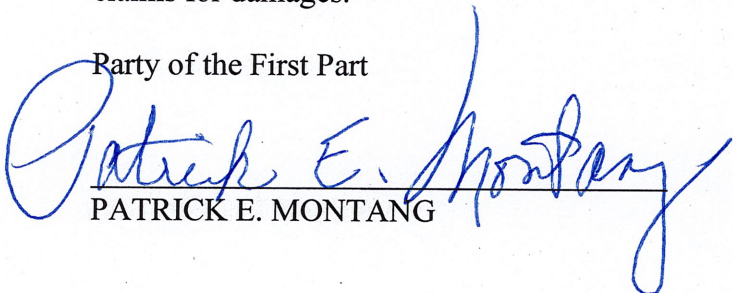
ABSTRACT ALLOWANCE: \$ 150.00

TOTAL \$ 1,380.00

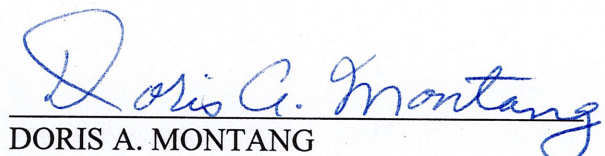
Should the area taken for roadway be more or less than shown above, same is to be paid for at the agreed unit price. Any and all verbal agreements are merged in this written contract. Should the roadway as finally located require none of the real estate described, this contract becomes null and void.

Party of the first part consents to the establishment of the proposed road and relinquishes all claims for damages.

Party of the First Part



PATRICK E. MONTANG



DORIS A. MONTANG

Party of the Second Part: POTTAWATTAMIE COUNTY

By: _____, Chairman

RECORDER'S INDEX	
ALIQUOT PART:	SE 1/4 NE 1/4
SECTION:	25 / TOWNSHIP: T74N / RANGE: R43W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	PATRICK E. - DORIS A. MONTANG
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	08-03-2022

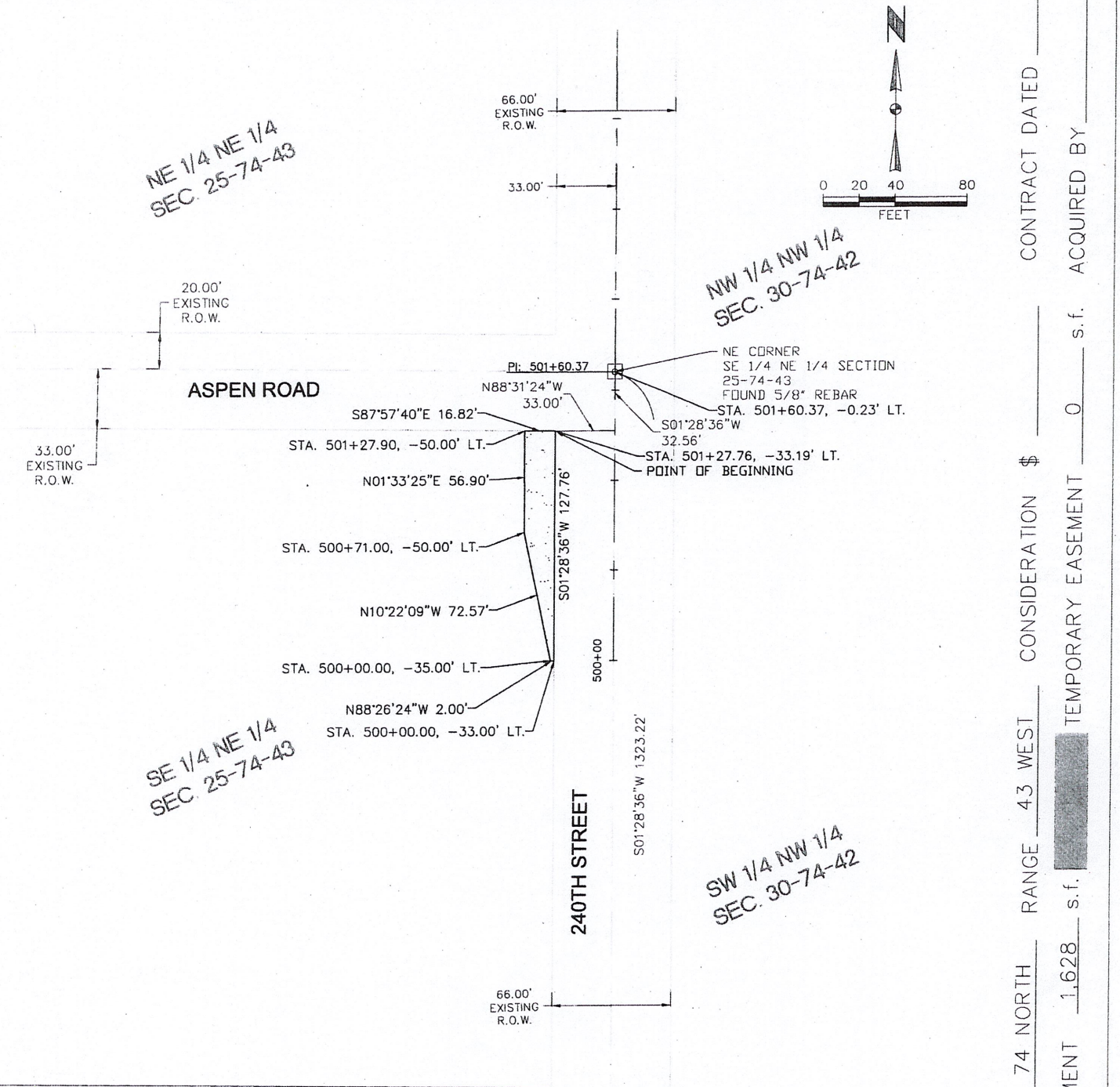
PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

PAGE 1 OF 2
PARCEL NO. 8

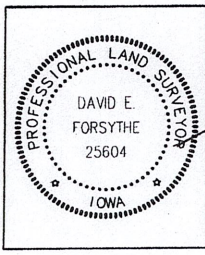
EXHIBIT "A"
PERMANENT
EASEMENT PLAT

ACQUIRED FROM PATRICK E. - DORIS A. MONTANG



CONTRACT DATED _____
ACQUIRED BY _____ s.f.
CONSIDERATION \$ _____
TEMPORARY EASEMENT 0 s.f.
PERMANENT EASEMENT 1,628 s.f.

FILENAME: S:\Blue_Team\Projects\11921 DUMFRIES AVE AND 240TH ST\Engineering\Drawings\Survey\11921 PLATS 8-1-22.cwg
DRAWN BY: JNS, SAVE DATE: Aug 1, 2022 10:59 AM, DATE PLOTTED: 8/2/2022 8:25 AM, PLOT SCALE: 1:1



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.

DAVID E. FORSYTHE
08-03-2022
DATE

LICENSE NUMBER 25604

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 AND SHEET 2 OF 2

SE CORNER
SE 1/4 NE 1/4
SECTION 25-74-43
FOUND 1/2" REBAR
STA. 488+37.18, 1.69' RT

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT

PAGE 2 OF 2
PARCEL NO. 8

ACQUIRED FROM PATRICK E. - DORIS A. MONTANG

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4) OF SECTION 25, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4);

THENCE ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4), SOUTH 01 DEGREE 28 MINUTES 36 SECONDS WEST, 32.56 FEET;

THENCE NORTH 88 DEGREES 31 MINUTES 24 SECONDS WEST, 33.00 FEET TO A POINT AT STATION 501+27.76, 33.19 FEET LEFT, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF 240TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01 DEGREE 28 MINUTES 36 SECONDS WEST, 127.76 FEET TO A POINT AT STATION 500+00.00, 33.00 FEET LEFT;

THENCE NORTH 88 DEGREES 26 MINUTES 24 SECONDS WEST, 2.00 FEET TO A POINT AT STATION 500+00.00, 35.00 FEET LEFT;

THENCE NORTH 10 DEGREES 22 MINUTES 09 SECONDS WEST, 72.57 FEET TO A POINT AT STATION 500+71.00, 50.00 FEET LEFT;

THENCE NORTH 01 DEGREE 33 MINUTES 25 SECONDS EAST, 56.90 FEET TO A POINT AT STATION 501+27.90, 50.00 FEET LEFT, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ASPEN ROAD;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 87 DEGREES 57 MINUTES 40 SECONDS EAST, 16.82 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 1,628 s.f. (0.037 ACRE), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING SECTION LINE.

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

John Rasmussen / County Engineer

**Discussion and/or decision to approve
and sign Contract to purchase
additional Right of Way from Eric G and
Nicole L Thomsen in the amount of
\$5,012.00.**



December 19, 2022

Pottawattamie County Engineer's Office
c/o John Rasmussen, Pottawattamie County Engineer
223 South 6th Street,
Council Bluffs, Iowa 51501

RE: Pottawattamie County
Project Dumfries and 240th Grading and Paving
Project # L-2022-(Dumfries)(240th)--73-78
Tract #4

Dear Mr. Rasmussen:

Enclosed are original, executed copies of the Contract – Purchase Agreement and Easement for Public Roadway Contracts for Tract 4, Eric G. and Nicole L. Thomsen. The authorized representative of Pottawattamie County will need to sign both copies of the Contract. One signed original is to be kept by Pottawattamie County and placed in the completed file. The second original should be sent with payment to the property owner.

The Easement for Public Roadway needs to be recorded at the Pottawattamie County Register of Deeds' office. The original, recorded document should be kept in the completed file.

Please send an original executed Contract, a copy of the recorded Easement, and a check in amount of \$5,012.00 made payable to:

**Eric G. Thomsen and Nicole L. Thomsen
12262 Dumfries Avenue
Council Bluffs, Iowa 51503**

Please e-mail copies of the signed contracts, recorded easement, and a copy of the payment to kroegers@midwestrow.com to be included in the electronic file for audit purposes. If you have any questions, please contact us at 402-955-2900.

Sincerely,

A handwritten signature in blue ink that reads "Stacey Kroeger".

Stacey Kroeger
Acquisition Agent

Enclosures

CONTRACT – PURCHASE AGREEMENT

THIS AGREEMENT Made and entered into this 12th of December, A.D. 2022,

By and between: **ERIC G. THOMSEN and NICOLE L. THOMSEN, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common**

Address: **12262 Dumfries Avenue, Council Bluffs, Iowa 51503**
party of the first part, and the **Board of Supervisors, acting for Pottawattamie County, Iowa,**
party of the second part.

WITNESSETH:

In consideration of **FIVE THOUSAND, TWELVE and NO/100 DOLLARS (\$5,012.00)** receipt of which is hereby acknowledged, the party of the first part hereby agrees to furnish to the second party an easement for use as a public roadway, to the real estate situated in the County of Pottawattamie, State of Iowa, to-wit:

In Section 24, Township 74 North, Range 43 West

As shown on plans for Project No. L-2022-(Dumfries)(240th)--73-78 - Additional Rights of Way as follows:

See Attached Permanent Easement Exhibits

It is hereby agreed that possession of the premises is the essence of this contract and that party of the second part may take immediate possession of the premises upon the signing of this contract for the purposes above set forth, and first party agrees to convey to second party for the consideration hereinafter named, on or before the 12th day of December, 2022.


Party of the second part agrees to purchase the above-described real estate or take easement thereto for road purposes and to pay therefore upon delivery of warranty deed, or easement, showing merchantable title.

PERMANENT EASEMENT FOR ROADWAY PURPOSES:	
Approximately <u>15,763</u> SF at <u>\$0.3673094</u> per SF x 75% =	\$ 4,342.00 ®
MOVE TWO TREES	\$ 520.00
ABSTRACT ALLOWANCE:	\$ <u>150.00</u>
TOTAL	\$ 5,012.00

Should the area taken for roadway be more or less than shown above, same is to be paid for at the agreed unit price. Any and all verbal agreements are merged in this written contract. Should the roadway as finally located require none of the real estate described, this contract becomes null and void.

Party of the first part consents to the establishment of the proposed road and relinquishes all claims for damages.

Party of the First Part



ERIC G. THOMSEN



NICOLE L. THOMSEN

Party of the Second Part: POTTAWATTAMIE COUNTY

By: _____, Chairman

RECORDER'S INDEX			
PARCEL:	21015		
ALIQUOT PART:	SE1/4 SW 1/4, SW1/4 SE1/4		
SECTION:	24 / TOWNSHIP:	T74N / RANGE:	R43W
COUNTY:	POTTAWATTAMIE		
PROPRIETOR:	ERIC G.-NICOLE L. THOMSEN		
REQUESTED BY:	POTTAWATTAMIE COUNTY		
DATE OF FIELD SURVEY:	6-22-2022		

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

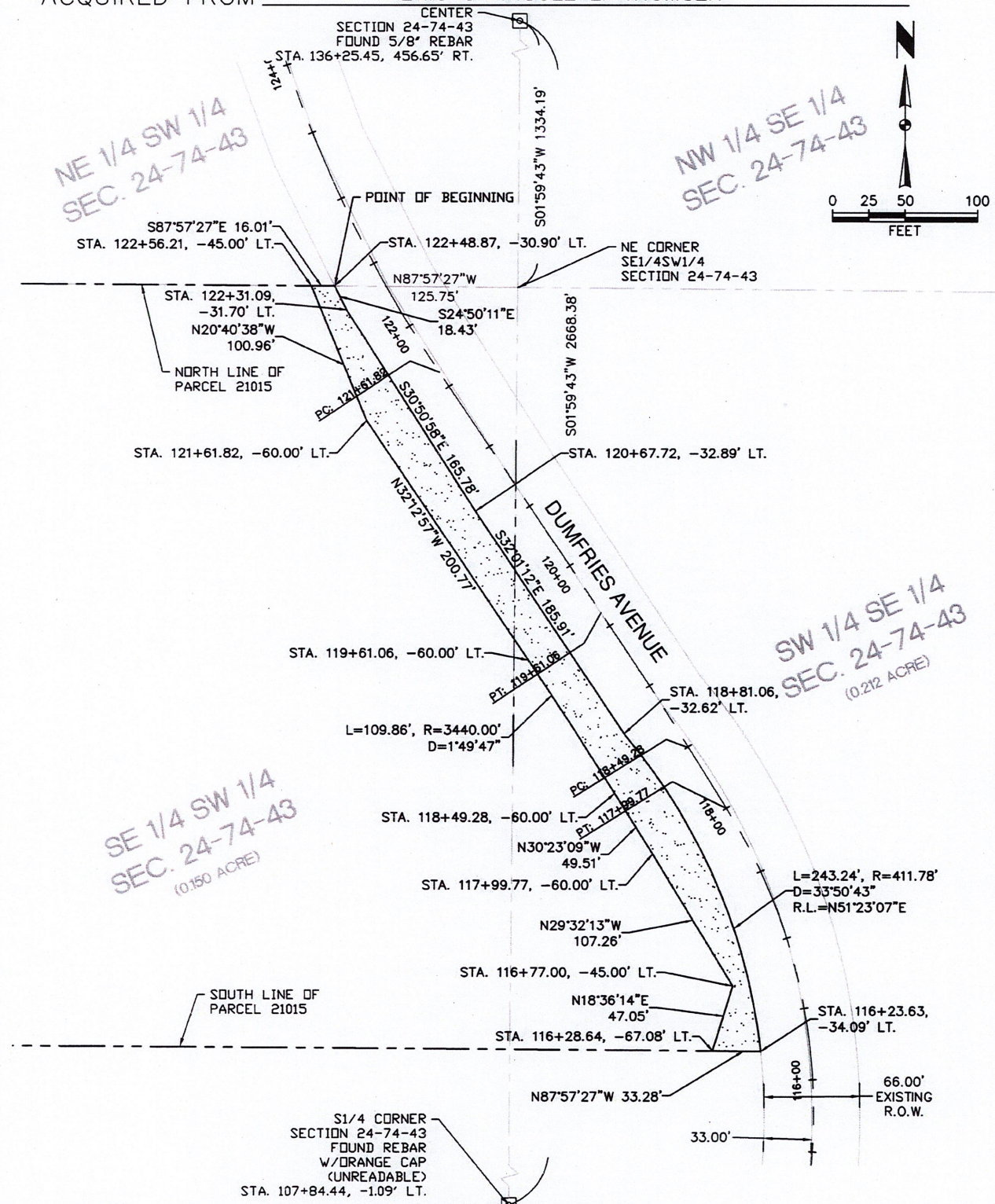
PROJECT NO.
L-2022-(DUMFRIES)--73-78
DUMFRIES AVENUE
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A" PERMANENT EASEMENT PLAT

PAGE 1 OF 2
PARCEL NO. 4

ACQUIRED FROM ERIC G.-NICOLE L. THOMSEN

CONTRACT DATED _____
ACQUIRED BY _____
CONSIDERATION \$ _____ s.f.
TEMPORARY EASEMENT 0 s.f.
PERMANENT EASEMENT 15,763 s.f.



FILENAME: S:\Blue_Team\Projects\111921 DUMFRIES AVE AND 240TH ST\Engineering\Draws\Survey\111921 PLATS.dwg
 DRAWN BY: Def, SAVE DATE: Aug 4, 2022 8:57 AM, DATE PLOTTED: 9/16/2022 8:25 AM, PLOT SCALE: 1:2

	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.
	DAVID E. FORSYTHE <i>(Signature)</i> DATE 09-16-2022
	LICENSE NUMBER 25604
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
	PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 AND SHEET 2 OF 2

POTTAWATTAMIE COUNTY

PROJECT NO.111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

PROJECT NO.
L-2022-(DUMFRIES)--73-78
DUMFRIES AVENUE
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT

PAGE 2 OF 2
PARCEL NO. 4

ACQUIRED FROM ERIC G.-NICOLE L. THOMSEN

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF PARCEL 21015, SAID PARCEL 21015 BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4) AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) ALL IN SECTION 24, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 24;

THENCE ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, SOUTH 01 DEGREE 59 MINUTES 43 SECONDS WEST, 1334.19 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4);

THENCE ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4), NORTH 87 DEGREES 57 MINUTES 27 SECONDS WEST, 125.75 FEET TO A POINT AT STATION 122+48.87, 30.90 FEET LEFT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF DUMFRIES AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 24 DEGREES 50 MINUTES 11 SECONDS EAST, 18.43 FEET TO A POINT AT STATION 122+31.09, 31.70 FEET LEFT;
- 2) SOUTH 30 DEGREES 50 MINUTES 58 SECONDS EAST, 165.78 FEET TO A POINT AT STATION 120+67.72, 32.89 FEET LEFT;
- 3) SOUTH 32 DEGREES 01 MINUTE 12 SECONDS EAST, 185.91 TO A POINT AT STATION 118+81.06, 32.62 FEET LEFT, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY TO WHICH POINT A RADIAL LINE BEARS NORTH 51 DEGREES 23 MINUTES 07 SECONDS EAST, 411.78 FEET;
- 4) SOUTHEASTERLY ON SAID CURVE THROUGH A CENTRAL ANGLE OF 33 DEGREES 50 MINUTES 43 SECONDS, 243.24 FEET TO A POINT AT STATION 116+23.63, 34.09 FEET LEFT, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID PARCEL 21015;

THENCE ON SAID SOUTH LINE, NORTH 87 DEGREES 57 MINUTES 27 SECONDS WEST, 33.28 FEET TO A POINT AT STATION 116+28.64, 67.08 FEET LEFT;

THENCE NORTH 18 DEGREES 36 MINUTES 14 SECONDS EAST, 47.05 FEET TO A POINT AT STATION 116+77.00, 45.00 FEET LEFT;

THENCE NORTH 29 DEGREES 32 MINUTES 13 SECONDS WEST, 107.26 FEET TO A POINT AT STATION 117+99.77, 60.00 FEET LEFT;

THENCE NORTH 30 DEGREES 23 MINUTES 09 SECONDS WEST, 49.51 FEET TO A POINT AT STATION 118+49.28, 60.00 FEET LEFT, SAID POINT ALSO BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 3440.00 FEET;

THENCE NORTHWESTERLY ON SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREE 49 MINUTES 47 SECONDS, 109.86 FEET TO A POINT AT STATION 119+61.06, 60.00 FEET LEFT;

THENCE NORTH 32 DEGREES 12 MINUTES 57 SECONDS WEST, 200.77 FEET TO A POINT AT STATION 121+61.82, 60.00 FEET LEFT;

THENCE NORTH 20 DEGREES 40 MINUTES 38 SECONDS WEST, 100.96 FEET TO A POINT AT STATION 122+56.21, 45.00 FEET LEFT, SAID POINT BEING ON THE NORTH LINE OF SAID PARCEL 21015;

THENCE ON SAID NORTH LINE, SOUTH 87 DEGREES 57 MINUTES 27 SECONDS EAST, 16.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 15,763 s.f. (0.362 ACRE), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING PROPERTY LINES AS DEFINED BY A PLAT OF SURVEY RECORDED IN INSTRUMENT 2020-18335 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

FILENAME: S:\DUMFRIES\111921\111921 DUMFRIES AVE AND 400TH ST VERIFICATION\111921 SURVEY\111921 PLANS.DWG
DRAWN BY: Dmf, SAME DATE: Aug 4, 2022 8:57 AM, DATE PLOTTED: 9/16/2022 8:25 AM, PLOT SCALE: 1:2

John Rasmussen / County Engineer

Discussion and/or decision to approve and sign Contract to purchase additional Right of Way from Jeffrey and Julieann Karloff in the amount of \$8,118.00.



December 19, 2022

Pottawattamie County Engineer's Office
c/o John Rasmussen, Pottawattamie County Engineer
223 South 6th Street,
Council Bluffs, Iowa 51501

RE: Pottawattamie County
Project Dumfries and 240th Grading and Paving
Project # L-2022-(Dumfries)(240th)--73-78
Tract #3

Dear Mr. Rasmussen:

Enclosed are original, executed copies of the Contract – Purchase Agreement, Easement for Public Roadway, and Temporary Easement Contracts for Tract 3, Jeffrey and Julieanne Karloff. The authorized representative of Pottawattamie County will need to sign both copies of the Contract – Purchase Agreement. One signed original is to be kept by Pottawattamie County and placed in the completed file. The second original should be sent with payment to the property owner.

The Easement for Public Roadway needs to be recorded at the Pottawattamie County Register of Deeds' office. The original, recorded document should be kept in the completed file.

Please send an original executed Contract, a copy of the recorded Easement, and a check in amount of \$8,118.00 made payable to:

**Jeffrey Karloff and Julieanne Karloff
12082 Dumfries Avenue
Council Bluffs, Iowa 51503**

Please e-mail copies of the signed contracts, recorded easement, and a copy of the payment to kroegers@midwestrow.com to be included in the electronic file for audit purposes. If you have any questions, please contact us at 402-955-2900.

Sincerely,

A handwritten signature in blue ink that reads "Stacey Kroeger".

Stacey Kroeger
Acquisition Agent

Enclosures

CONTRACT – PURCHASE AGREEMENT

THIS AGREEMENT Made and entered into this 12th of December, A.D. 20 22,

By and between: **JEFFREY KARLOFF and JULIEANNE KARLOFF, a married couple, as joint tenants with full rights of survivorship and not as tenants in common**

Address: **12082 Dumfries Avenue, Council Bluffs, Iowa 51503**
party of the first part, and the **Board of Supervisors, acting for Pottawattamie County, Iowa**,
party of the second part.

WITNESSETH:

In consideration of **EIGHT THOUSAND, ONE HUNDRED EIGHTEEN and NO/100 DOLLARS (\$8,118.00)** receipt of which is hereby acknowledged, the party of the first part hereby agrees to furnish to the second party an easement for use as a public roadway, to the real estate situated in the County of Pottawattamie, State of Iowa, to-wit:

In Section 24 and 25, Township 74 North, Range 43 West

As shown on plans for Project No. L-2022-(Dumfries)(240th)--73-78 - Additional Rights of Way as follows:

See Attached Permanent Easement and Temporary Easement Exhibits

It is hereby agreed that possession of the premises is the essence of this contract and that party of the second part may take immediate possession of the premises upon the signing of this contract for the purposes above set forth, and first party agrees to convey to second party for the consideration hereinafter named, on or before the 12 day of December, 20 22.

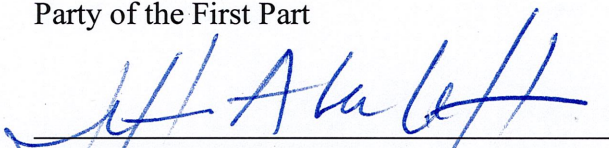
Party of the second part agrees to purchase the above-described real estate or take easement thereto for road purposes and to pay therefore upon delivery of warranty deed, or easement, showing merchantable title.


PERMANENT EASEMENT FOR ROADWAY PURPOSES:	
Approximately <u>23,306</u> SF at <u>\$0.3673094</u> per SF x 75% =	\$ 6,420.00 ®
TEMPORARY EASEMENT FOR CONSTRUCTION:	
Approximately <u>1,030</u> SF at <u>\$0.3673094</u> per SF x 10% =	\$ 38.00 ®
LANDSCAPING – move 4 trees and berms	\$ 1,510.00
ABSTRACT ALLOWANCE:	\$ <u>150.00</u>
TOTAL	\$ 8,118.00

Should the area taken for roadway be more or less than shown above, same is to be paid for at the agreed unit price. Any and all verbal agreements are merged in this written contract. Should the roadway as finally located require none of the real estate described, this contract becomes null and void.

Party of the first part consents to the establishment of the proposed road and relinquishes all claims for damages.

Party of the First Part


JEFFREY KARLOFF


JULIEANNE KARLOFF

Party of the Second Part: POTTAWATTAMIE COUNTY

By: _____, Chairman

RECORDER'S INDEX	
PARCEL:	21016
ALIQUOT PART:	
	SE1/4 SW1/4 & SW1/4 SE1/4 (24)
	NE1/4 NW1/4 (25)
SECTION:	24/25 / TOWNSHIP: T74N / RANGE: R43W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	JEFFREY-JULIEANNE KARLOFF
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	6-21-2022

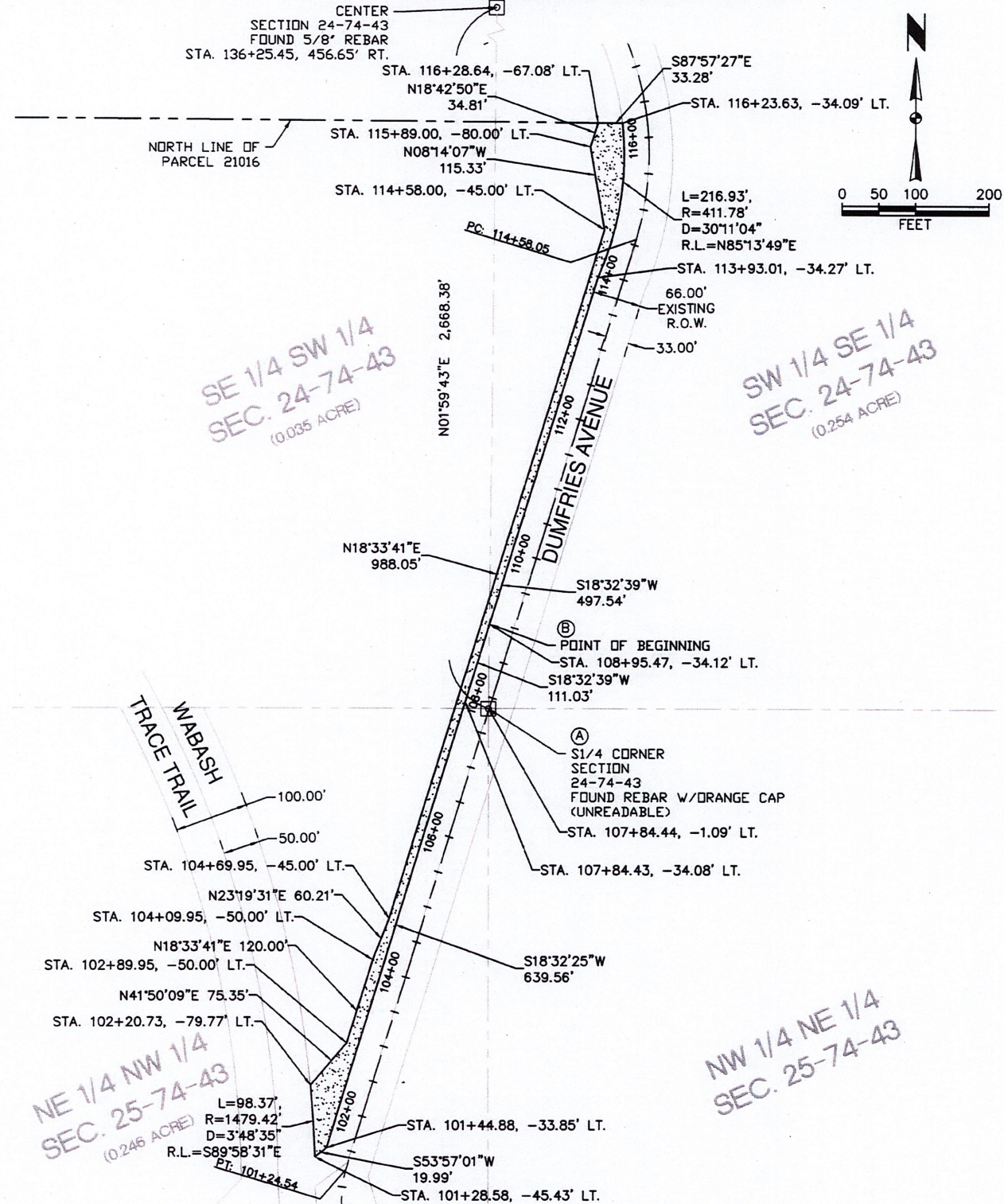
PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(DUMFRIES)--73-78
DUMFRIES AVENUE
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A" PERMANENT EASEMENT PLAT

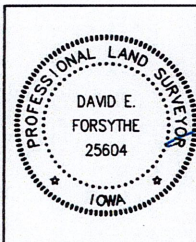
PAGE 1 OF 2
PARCEL NO. 3A

ACQUIRED FROM JEFFREY-JULIEANNE KARLOFF



CONTRACT DATED _____
ACQUIRED BY _____ s.f.
TEMPORARY EASEMENT _____ s.f.
CONSIDERATION \$ _____
RANGE 43 WEST
TOWNSHIP 74 NORTH
SECTION 24/25

FILENAME: S:\Blue_Team\Projects\111921 DUMFRIES AVE AND 240TH ST\Engineering\Drawings\Survey\111921 PLATS.dwg
DRAWN BY: Jns, SAVE DATE: Aug 4, 2022 8:57 AM, DATE PLOTTED: 9/16/2022 8:14 AM, PLOT SCALE: 1:2



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.

DAVID E. FORSYTHE
LICENSE NUMBER 25604
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 AND SHEET 2 OF 2

DATE 09-16-2022

LINE BEARING AND DISTANCE
A - B N 01°59'43" E 115.84'

PROJECT NO.
L-2022-(DUMFRIES)--73-78
DUMFRIES AVENUE
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT

PAGE 2 OF 2
PARCEL NO. 3A

ACQUIRED FROM JEFFREY-JULIEANNE KARLOFF

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF PARCEL 21016, SAID PARCEL 21016 BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4), A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE 1/4) IN SECTION 24 AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) IN SECTION 25 ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER (S1/4) CORNER OF SAID SECTION 24;

THENCE ON THE NORTH-SOUTH CENTERLINE LINE OF SAID SECTION 24, NORTH 01 DEGREE 59 MINUTES 43 SECONDS EAST, 115.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DUMFRIES AVENUE, SAID POINT BEING AT STATION 108+95.47, 34.12 FEET LEFT, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 18 DEGREES 32 MINUTES 39 SECONDS WEST, 111.03 FEET TO A POINT AT STATION 107+84.43, 34.08 FEET LEFT;
- 2) SOUTH 18 DEGREES 32 MINUTES 25 SECONDS WEST, 639.56 FEET TO A POINT AT STATION 101+44.88, 33.85 FEET LEFT;
- 3) SOUTH 53 DEGREES 57 MINUTES 01 SECOND WEST, 19.99 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE FORMER WABASH RAILROAD (NOW THE WABASH TRACE TRAIL), SAID POINT ALSO BEING AT STATION 101+28.58, 45.43 FEET LEFT, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE WESTERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 89 DEGREES 58 MINUTES 31 SECONDS EAST, 1,479.42 FEET;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE AND NORTHERLY ON SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 48 MINUTES 35 SECONDS, 98.37 FEET TO A POINT AT STATION 102+20.73, 79.77 FEET LEFT;

THENCE NORTH 41 DEGREES 50 MINUTES 09 SECONDS EAST, 75.35 FEET TO A POINT AT STATION 102+89.95, 50.00 FEET LEFT;

THENCE NORTH 18 DEGREES 33 MINUTES 41 SECONDS EAST, 120.00 FEET TO A POINT AT STATION 104+09.95, 50.00 FEET LEFT;

THENCE NORTH 23 DEGREES 19 MINUTES 31 SECONDS EAST, 60.21 FEET TO A POINT AT STATION 104+69.95, 45.00 FEET LEFT;

THENCE NORTH 18 DEGREES 33 MINUTES 41 SECONDS EAST, 988.05 FEET TO A POINT AT STATION 114+58.00, 45.00 FEET LEFT;

THENCE NORTH 08 DEGREES 14 MINUTES 07 SECONDS WEST, 115.33 FEET TO A POINT AT STATION 115+89.00, 80.00 FEET LEFT;

THENCE NORTH 18 DEGREES 42 MINUTES 50 SECONDS EAST, 34.81 FEET TO A POINT AT STATION 116+28.64, 67.08 FEET LEFT, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID PARCEL 21016;

THENCE ON SAID NORTH LINE, SOUTH 87 DEGREES 57 MINUTES 27 SECONDS EAST, 33.28 FEET TO A POINT AT STATION 116+23.63, 34.09 FEET LEFT, SAID POINT BEING ON SAID WESTERLY RIGHT-OF-WAY LINE, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE WESTERLY TO WHICH POINT A RADIAL LINE BEARS NORTH 85 DEGREES 13 MINUTES 49 SECONDS EAST, 411.78 FEET;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTHERLY ON SAID CURVE THROUGH A CENTRAL ANGLE OF 30 DEGREES 11 MINUTES 04 SECONDS, 216.93 FEET TO A POINT AT STATION 113+93.01, 34.27 FEET LEFT;
- 2) SOUTH 18 DEGREES 32 MINUTES 39 SECONDS WEST, 497.54 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 23,306 s.f. (0.535 ACRE), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING PROPERTY LINES AS DEFINED BY A PLAT OF SURVEY RECORDED IN INSTRUMENT 2020-18335 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

FILENAME: S:\PLOT\11921\PROJECTS\11921\DUMFRIES AVE AND SOUTH ST VEHICULARING LOWERS SURVEY\11921 PLATS.dwg
DRAWN BY: JNS. SAVE DATE: Aug 4, 2022 8:57 AM. DATE PLOTTED: 9/16/2022 8:14 AM. PLOT SCALE: 1:2

RECORDER'S INDEX	
PARCEL:	21016
ALIQUOT PART:	SW 1/4 SE 1/4
SECTION:	24 / TOWNSHIP: T74N / RANGE: R43W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	JEFFREY-JULIEANNE KARLOFF
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	6-22-2022

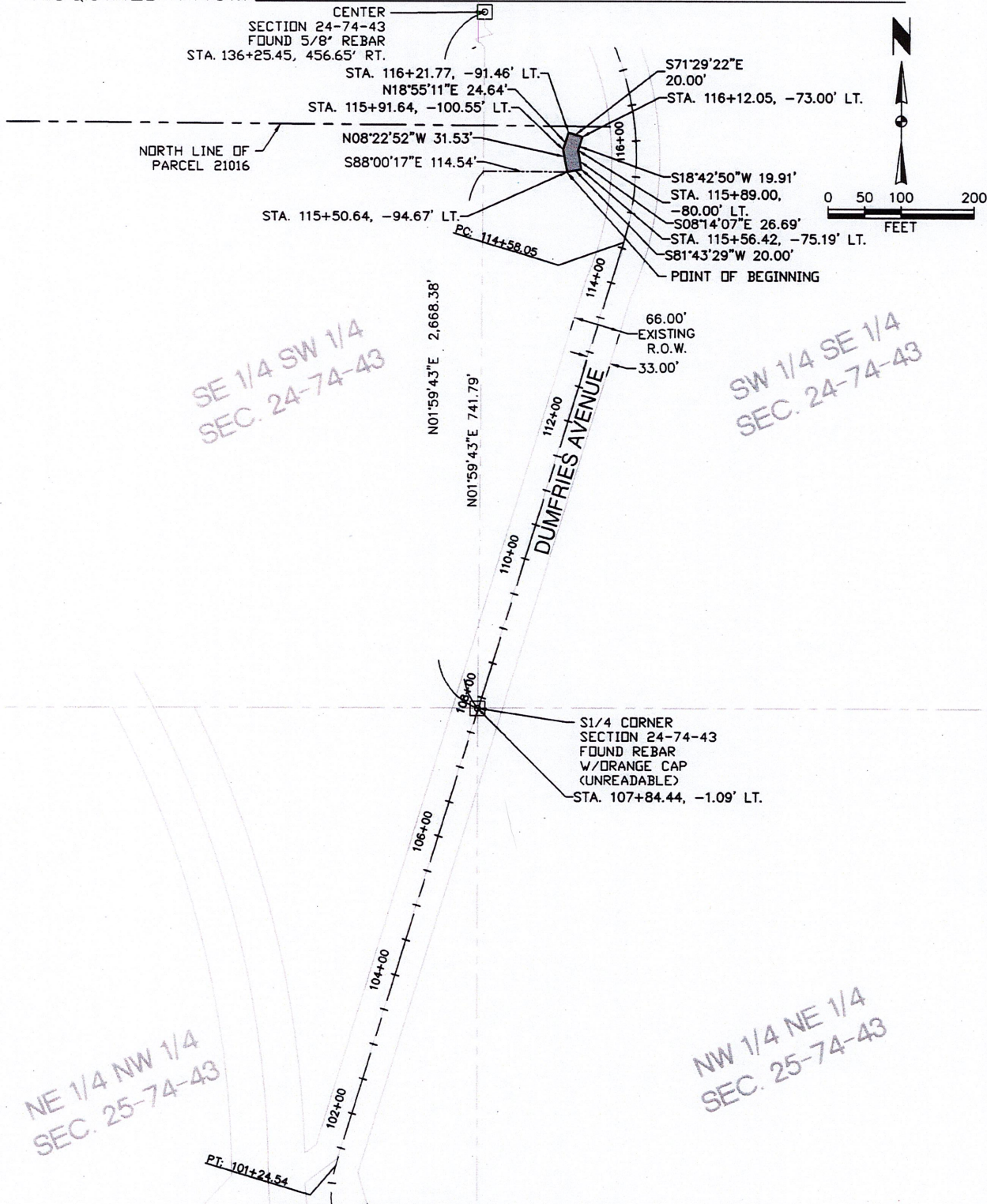
PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(DUMFRIES)--73-78
DUMFRIES AVENUE
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A" TEMPORARY EASEMENT

PAGE 1 OF 2
PARCEL NO. 3B

ACQUIRED FROM JEFFREY-JULIEANNE KARLOFF



CONTRACT DATED _____ ACQUIRED BY _____
 CONSIDERATION \$ _____ TEMPORARY EASEMENT 1,030 s.f. ACQUIRED BY _____
 RANGE 43 WEST PERMANENT EASEMENT 0 s.f. ACQUIRED BY _____
 SECTION 24 TOWNSHIP 74 NORTH PERMANENT EASEMENT _____ s.f. ACQUIRED BY _____

	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.	
	<i>David E. Forsythe</i>	09-16-2022
	DAVID E. FORSYTHE	DATE
	LICENSE NUMBER 25604	
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022	
PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 AND SHEET 2 OF 2		

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

FILENAME: S:\Blue_Team\Projects\111921 DUMFRIES AVE AND 240TH ST\Engineering\Dwgs\Survey\111921 PLATS.dwg
 DRAWN BY: Def, SAVE DATE: Aug 4, 2022 8:57 AM, DATE PLOTTED: 9/16/2022 8:22 AM, PLOT SCALE: 1:2

PROJECT NO.
L-2022-(DUMFRIES)--73-78
DUMFRIES AVENUE
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
TEMPORARY EASEMENT

PAGE 2 OF 2
PARCEL NO. 3B

ACQUIRED FROM JEFFREY-JULIEANNE KARLOFF

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF PARCEL 21016, SAID PARCEL 21016 BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) SECTION 24, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 24;

THENCE ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, NORTH 01 DEGREE 59 MINUTES 43 SECONDS EAST, 741.79 FEET;

THENCE SOUTH 88 DEGREES 00 MINUTES 17 SECONDS EAST, 114.54 FEET TO A POINT AT STATION 115+50.64, 94.67 FEET LEFT, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 08 DEGREES 22 MINUTES 52 SECONDS WEST, 31.53 FEET TO A POINT AT STATION 115+91.64, 100.55 FEET LEFT;

THENCE NORTH 18 DEGREES 55 MINUTES 11 SECONDS EAST, 24.64 FEET TO A POINT AT STATION 116+21.77, 91.46 FEET LEFT;

THENCE SOUTH 71 DEGREES 29 MINUTES 22 SECONDS EAST, 20.00 FEET TO A POINT AT STATION 116+12.05, 73.00 FEET LEFT;

THENCE SOUTH 18 DEGREES 42 MINUTES 50 SECONDS WEST, 19.91 FEET TO A POINT AT STATION 115+89.00, 80.00 FEET LEFT;

THENCE SOUTH 08 DEGREES 14 MINUTES 07 SECONDS EAST, 26.69 FEET TO A POINT AT STATION 115+56.42, 75.19 FEET LEFT;

THENCE SOUTH 81 DEGREES 43 MINUTES 29 SECONDS WEST, 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 1,030 s.f. (0.024 ACRE), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING PROPERTY LINES AS DEFINED BY A PLAT OF SURVEY RECORDED IN INSTRUMENT 2020-18335 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

John Rasmussen / County Engineer

**Discussion and/or decision to approve
and sign Contract to purchase
additional Right of Way from CMRS, LLC
in the amount of \$15,602.00.**

CONTRACT – PURCHASE AGREEMENT

THIS AGREEMENT Made and entered into this 15th of December, A.D. 20 22.

By and between: CMRS, LLC

Address: 5329 Hardings Landing Road, Council Bluffs, Iowa 51501
party of the first part, and the **Board of Supervisors, acting for Pottawattamie County, Iowa**,
party of the second part.

WITNESSETH:

In consideration of **FIFTEEN THOUSAND, SIX HUNDRED TWO and NO/100 DOLLARS (\$15,602.00)** receipt of which is hereby acknowledged, the party of the first part hereby agrees to furnish to the second party an easement for use as a public roadway, to the real estate situated in the County of Pottawattamie, State of Iowa, to-wit:

In Section 19, Township 74 North, Range 42 West

As shown on plans for Project No. L-2022-(Dumfries)(240th)--73-78 - Additional Rights of Way as follows:

See Attached Permanent Easement Exhibits

It is hereby agreed that possession of the premises is the essence of this contract and that party of the second part may take immediate possession of the premises upon the signing of this contract for the purposes above set forth, and first party agrees to convey to second party for the consideration hereinafter named, on or before the 15th day of December, 20 22

Party of the second part agrees to purchase the above-described real estate or take easement thereto for road purposes and to pay therefore upon delivery of warranty deed, or easement, showing merchantable title.

PERMANENT EASEMENT FOR ROADWAY PURPOSES: Approximately <u>44,473</u> SF at <u>\$0.3673094</u> per SF x 75% =	\$ 12,252.00 ®
3-STRAND, ELECTRIC FENCE	\$ 3,200.00
ABSTRACT ALLOWANCE:	\$ <u>150.00</u>
TOTAL	\$ 15,602.00

Should the area taken for roadway be more or less than shown above, same is to be paid for at the agreed unit price. Any and all verbal agreements are merged in this written contract. Should the roadway as finally located require none of the real estate described, this contract becomes null and void.

Party of the first part consents to the establishment of the proposed road and relinquishes all claims for damages.

Party of the First Part: CMRS, LLC

Marilyn Heitman
Marilyn Heitman

Party of the Second Part: POTTAWATTAMIE COUNTY

By: _____, Chairman

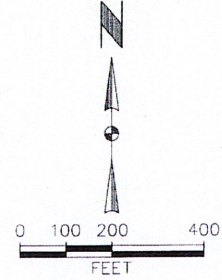
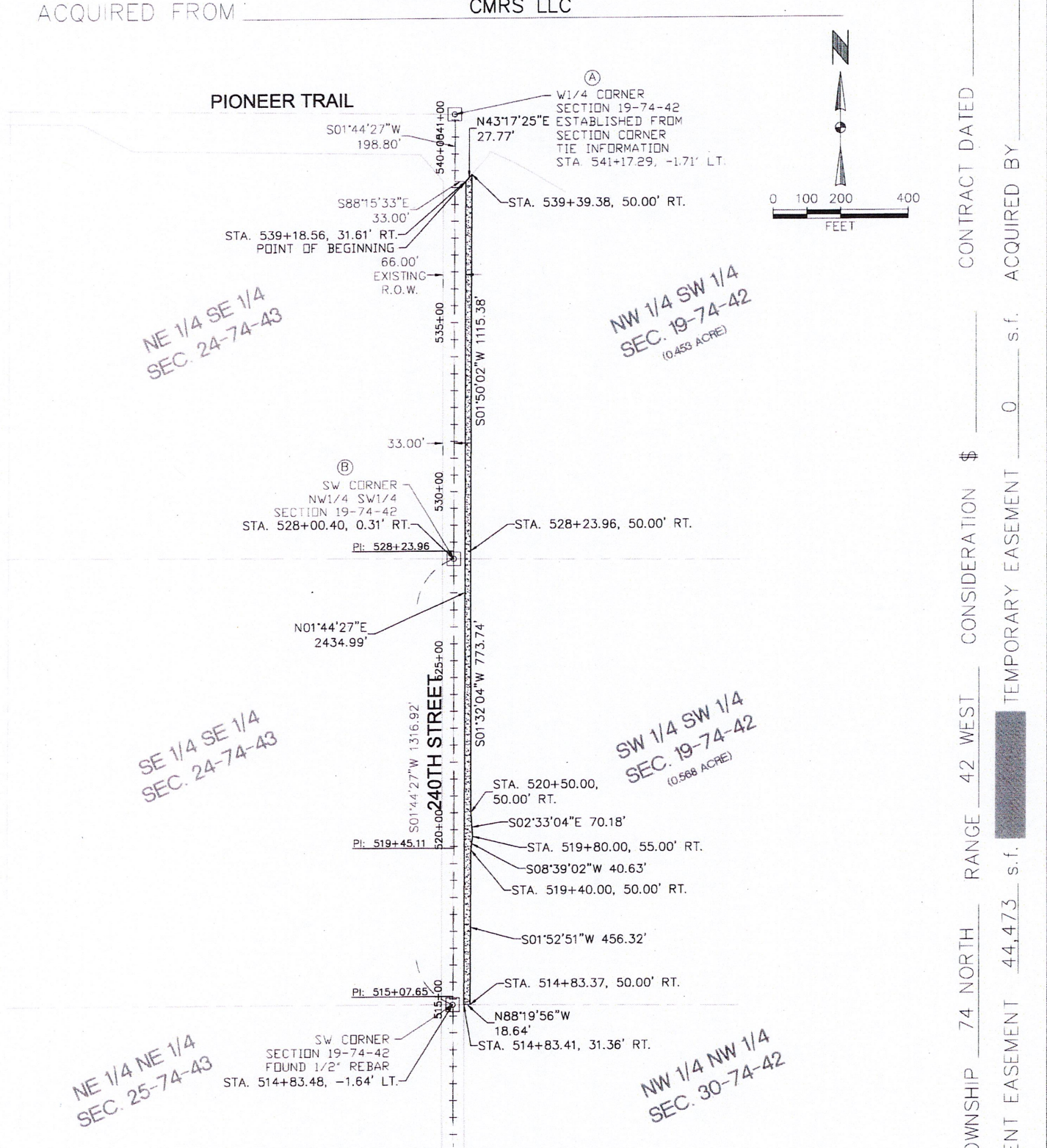
RECORDER'S INDEX	
ALIQUOT PART:	W1/2 SW 1/4
SECTION:	19 / TOWNSHIP: T74N / RANGE: R42W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	CMRS LLC
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	08-03-2022

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT
ACQUIRED FROM CMRS LLC

PAGE 1 OF 2
PARCEL NO. 6



CONTRACT DATED _____
ACQUIRED BY _____
CONSIDERATION \$ _____
RANGE 42 WEST
TOWNSHIP 74 NORTH
SECTION 19
PERMANENT EASEMENT 44,473 s.f.
TEMPORARY EASEMENT 0 s.f.

	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.
	DAVID E. FORSYTHE LICENSE NUMBER 25604 DATE 08-03-2022
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
	PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 AND SHEET 2 OF 2
	SECTION LINE (A) - (B) S 01'44'27" W 1316.91'

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

FILENAME: S:\Blue_Team\Projects\111921 DUMFRIES AVE AND 240TH ST\Engineering\Drawings\Survey\111921 PLATS 8-1-22.dwg
DRAWN BY: jns. SAVE DATE: Aug 1, 2022 10:59 AM. DATE PLOTTED: 8/2/2022 8:25 AM. PLOT SCALE: 1:1

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT

PAGE 2 OF 2
PARCEL NO. 6

ACQUIRED FROM _____ CMRS LLC

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2 SW1/4) OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 42 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 19;

THENCE ON THE WEST LINE OF SAID SECTION 19, SOUTH 01 DEGREE 44 MINUTES 27 SECONDS WEST, 198.80 FEET;

THENCE SOUTH 88 DEGREES 15 MINUTES 33 SECONDS EAST, 33.00 FEET TO A POINT AT STATION 539+18.56, 31.61 FEET RIGHT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF 240TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 43 DEGREES 17 MINUTES 25 SECONDS EAST, 27.77 FEET TO A POINT AT STATION 539+39.38, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 50 MINUTES 02 SECONDS WEST, 1115.38 FEET TO A POINT AT STATION 528+23.96, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 32 MINUTES 04 SECONDS WEST, 773.74 FEET TO A POINT AT STATION 520+50.00, 50.00 FEET RIGHT;

THENCE SOUTH 02 DEGREES 33 MINUTES 04 SECONDS EAST, 70.18 FEET TO A POINT AT STATION 519+80.00, 55.00 FEET RIGHT;

THENCE SOUTH 08 DEGREES 39 MINUTES 02 SECONDS WEST, 40.63 FEET TO A POINT AT STATION 519+40.00, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 52 MINUTES 51 SECONDS WEST, 456.32 FEET TO A POINT AT STATION 514+83.37, 50.00 FEET RIGHT, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID SECTION 19;

THENCE ON SAID SOUTH LINE, NORTH 88 DEGREES 19 MINUTES 56 SECONDS WEST, 18.64 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE, SAID POINT AT STATION 514+83.41, 31.36 FEET RIGHT;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 01 DEGREES 44 MINUTES 27 SECONDS EAST, 2434.99 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 44,473 s.f. (1.021 ACRES), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING SECTION LINE.

FILENAME: S:\Blue_Team\Projects\111921 DUMFRIES AVE AND 240TH ST\Engineering\Dwgs\Survey\111921 PLATS 8-1-22.dwg
DRAWN BY: jns. SAVE DATE: Aug 1, 2022 10:59 AM DATE PLOTTED: 8/2/2022 8:26 AM PLOT SCALE: 1:1

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

John Rasmussen / County Engineer

Discussion and/or decision to approve and sign Contract to purchase additional Right of Way from Brandt Land Company in the amount of \$11,936.00.



MIDWEST

R | O | W

midwestrow.com

December 19, 2022

Pottawattamie County Engineer's Office
c/o John Rasmussen, Pottawattamie County Engineer
223 South 6th Street,
Council Bluffs, Iowa 51501

RE: Pottawattamie County
Project Dumfries and 240th Grading and Paving
Project # L-2022-(Dumfries)(240th)--73-78
Tract #

Dear Mr. Rasmussen:

Enclosed are original, executed copies of the Contract – Purchase Agreement, Easement for Public Roadway, and Leasehold Interest Contracts for Tract 7, Brandt Land Company. The authorized representative of Pottawattamie County will need to sign both copies of the Contract and the Leasehold Interest Contracts. One signed original is to be kept by Pottawattamie County and placed in the completed file. The second original should be sent with payment to the property owner and to the tenant.

The Easement for Public Roadway needs to be recorded at the Pottawattamie County Register of Deeds' office. The original, recorded document should be kept in the completed file.

CHECK #1: Please send an original executed Contract, a copy of the recorded Deed, and a check in amount of \$11,936.00 made payable to:


**Brandt Land Company
c/o David and Beverly Brandt
11475 240th Street
Council Bluffs, Iowa 51503**

CHECK #2: Please send an original executed Leasehold Interest Contract and a check in amount of \$100.00 made payable to:

**Kelby Vorthman
29252 Beechnut Road
Treyner, Iowa 51575**

Please e-mail copies of the signed contracts, recorded deed, and a copy of the payment to kroegers@midwestrow.com to be included in the electronic file for audit purposes. If you have any questions, please contact us at 402-955-2900.

Sincerely,



Stacey Kroeger
Acquisition Agent

Enclosures

CONTRACT – PURCHASE AGREEMENT

THIS AGREEMENT Made and entered into this 12th of December, A.D. 2022.

By and between: **BRANDT LAND COMPANY, a Corporation**

Address: **11475 240th Street, Council Bluffs, Iowa 51503**
party of the first part, and the **Board of Supervisors, acting for Pottawattamie County, Iowa**,
party of the second part.

WITNESSETH:

In consideration of **ELEVEN THOUSAND, NINE HUNDRED THIRTY-SIX and NO/100 DOLLARS (\$11,936.00)** receipt of which is hereby acknowledged, the party of the first part hereby agrees to furnish to the second party an easement for use as a public roadway, to the real estate situated in the County of Pottawattamie, State of Iowa, to-wit:

In Section 30, Township 74 North, Range 42 West

As shown on plans for Project No. L-2022-(Dumfries)(240th)--73-78 - Additional Rights of Way as follows:

See Attached Permanent Easement Exhibits

It is hereby agreed that possession of the premises is the essence of this contract and that party of the second part may take immediate possession of the premises upon the signing of this contract for the purposes above set forth, and first party agrees to convey to second party for the consideration hereinafter named, on or before the 12th day of December, 2022.

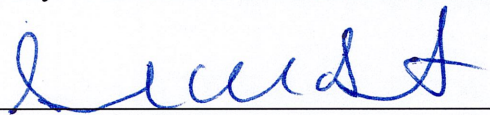
Party of the second part agrees to purchase the above-described real estate or take easement thereto for road purposes and to pay therefore upon delivery of warranty deed, or easement, showing merchantable title.

PERMANENT EASEMENT FOR ROADWAY PURPOSES:	
Approximately <u>26,615</u> SF at <u>\$0.3099173</u> per SF x 75% =	\$ 6,186.00 ®
5-STRAND BARBED WIRE FENCING	\$ 5,600.00
ABSTRACT ALLOWANCE:	\$ <u>150.00</u>
TOTAL	\$ 11,936.00

Should the area taken for roadway be more or less than shown above, same is to be paid for at the agreed unit price. Any and all verbal agreements are merged in this written contract. Should the roadway as finally located require none of the real estate described, this contract becomes null and void.

Party of the first part consents to the establishment of the proposed road and relinquishes all claims for damages.

Party of the First Part: **BRANDT LAND COMPANY, a Corporation**



David M. Brandt

Party of the Second Part: **POTTAWATTAMIE COUNTY**

By: _____, Chairman

RECORDER'S INDEX	
ALIQUOT PART:	W 1/2 NW 1/4
SECTION:	30 / TOWNSHIP: T74N / RANGE: R42W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	BRANDT LAND CO
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	08-03-2022

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

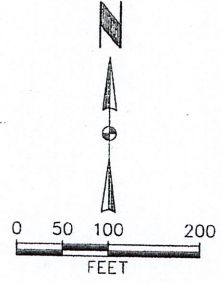
PAGE 1 OF 2
PARCEL NO. 7

EXHIBIT "A"
PERMANENT
EASEMENT PLAT
ACQUIRED FROM BRANDT LAND CO

ACQUIRED FROM

① NW CORNER
SECTION 30-74-42
ESTABLISHED FROM
SECTION CORNER
TIE INFORMATION
STA. 514+83.48, -1.64' LT.
POINT OF BEGINNING

S88°19'56"E 33.00'
STA. 514+83.41, 31.36' RT.
S88°19'56"E 18.64'
STA. 514+83.37, 50.00' RT.

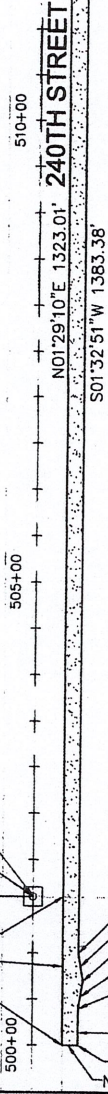


NE 1/4 NE 1/4
SEC. 25-74-43

NW 1/4 NW 1/4
SEC. 30-74-42
(0.545 ACRE)

66.00'
EXISTING
R.O.W.

33.00'



② SE CORNER
NW 1/4 NW 1/4
SECTION 30-74-42
FOUND 5/8" REBAR
STA. 501+60.37, -0.23' LT.

ASPEN ROAD

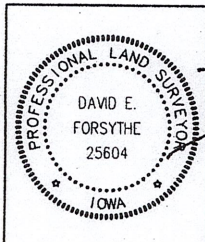
33.00'
EXISTING
R.O.W.

SE 1/4 NE 1/4
SEC. 25-74-43

STA. 501+00.00, 50.00' RT.
S07°53'49"E 30.41'
STA. 500+70.00, 55.00' RT.
S11°01'41"W 30.42'
STA. 500+40.00,
50.00' RT.
S01°33'22"W
40.00'
STA. 500+00.00, 50.00' RT.
N88°26'24"W 17.00'

SW 1/4 NW 1/4
SEC. 30-74-42
(0.066 ACRE)

CONTRACT DATED _____
ACQUIRED BY _____
CONSIDERATION \$ _____
RANGE 42 WEST
TOWNSHIP 74 NORTH
SECTION 30
PERMANENT EASEMENT 26,615 s.f.
TEMPORARY EASEMENT 0 s.f.



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.

DAVID E. FORSYTHE
LICENSE NUMBER 25604
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
DATE 08-03-2022
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 AND SHEET 2 OF 2

SECTION LINE
① - ② S 01°29'10" W 1323.11'

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

FILENAME: S:\Blue_Team\Projects\111921_Dumfries Ave and 240th St\Engineering\Drawings\Survey\111921 PLATS 8-1-22.dwg
DRAWN BY: Jns. SAVE DATE: Aug 1, 2022 10:59 AM DATE PLOTTED: 8/2/2022 8:25 AM, PLOT SCALE: 1:1

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT
BRANDT LAND CO

PAGE 2 OF 2
PARCEL NO. 7

ACQUIRED FROM _____

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER (W1/2 NW 1/4) OF SECTION 30, TOWNSHIP 74 NORTH, RANGE 42 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30;

THENCE ON THE NORTH LINE OF SAID SECTION 30, SOUTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 33.00 FEET TO A POINT AT STATION 514+83.41, 31.36 FEET RIGHT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF 240TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID NORTH LINE, SOUTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 18.64 FEET TO A POINT AT STATION 514+83.37, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 32 MINUTES 51 SECONDS WEST, 1383.38 FEET TO A POINT AT STATION 501+00.00, 50.00 FEET RIGHT;

THENCE SOUTH 07 DEGREES 53 MINUTES 49 SECONDS EAST, 30.41 FEET TO A POINT AT STATION 500+70.00, 55.00 FEET RIGHT;

THENCE SOUTH 11 DEGREES 01 MINUTE 41 SECONDS WEST, 30.42 FEET TO A POINT AT STATION 500+40.00, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 33 MINUTES 22 SECONDS WEST, 40.00 FEET TO A POINT AT STATION 500+00.00, 50.00 FEET RIGHT;

THENCE NORTH 88 DEGREES 26 MINUTES 24 SECONDS WEST, 17.00 FEET TO A POINT AT STATION 500+00.00, 33.00 FEET RIGHT, SAID POINT ALSO BEING ON SAID EASTERLY RIGHT-OF-WAY LINE;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 01 DEGREE 28 MINUTES 36 SECONDS EAST, 160.41 FEET TO A POINT AT STATION 501+60.41, 32.77 FEET RIGHT;
- 2) NORTH 01 DEGREE 29 MINUTES 10 SECONDS EAST, 1323.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 26,615 s.f. (0.611 ACRE), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING SECTION LINE.

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08--03--2022 DRAWN BY JNS

John Rasmussen / County Engineer

**Discussion and/or decision to approve
and sign Leasehold Interest Contract to
Kelby Vorthman in the amount of \$100.**

LEASEHOLD INTEREST

Copies to:
 1. BUYER
 2. LESSEE

Project Name: Dumfries and 240th Grading and Paving
 Project Number: L-2022-(Dumfries)(240th)-73-78
 Tract Number: 7

THIS CONTRACT, made and entered into this 12th day of December, 2022,
 by and between, KELBY VORTHMAN
 Address: 29252 Beechmont Road Treynor Iowa 51575
 hereinafter called the LESSEE, and POTTAWATTAMIE COUNTY, IOWA, hereinafter called the BUYER.

LEASEHOLD INTEREST

WITNESSETH: In consideration of the payment or payments as specified below, the LESSEE hereby relinquishes to the BUYER, all leasehold interest to certain lands and any improvements thereon owned by Brandt Land Company.

The property to which the LESSEE hereby permanently relinquishes interest is described in:

SEE ATTACHED PERMANENT EASEMENT EXHIBIT

It is understood that the easement area(s) may be used for the temporary relocation of utilities during the construction of the project.

It is hereby agreed that possession of the above-described premises is the essence of this contract and the BUYER may take immediate possession of the premises upon signing of this contract.

It is further agreed that relinquishment of LESSEE interest to areas conveyed temporarily shall be during the period of construction and shall cease upon acceptance of the project by the BUYER.

Relinquishment of leasehold interest to approximately	<u>26,615 SF</u> <u>(0.611 acres)</u>	of permanent easement	\$	100.00
Other Damages:			\$	
TOTAL			\$	100.00

It is agreed and understood that the BUYER is hereby granted an immediate right of entry upon the premises described above.

Any fence constructed, reconstructed or moved by Owner/Tenant pursuant to this acquisition must be placed outside of the limits of BUYER property. It is expressly agreed that any fence erected along the new property line by Owner/Tenant will be owned by the property owner and will not be a "division fence" as that phrase is used under Nebraska law.

The above payments shall cover all damages caused by the establishment and construction of the above project except for LESSEE'S share of CROP DAMAGE, if any, which will be paid for in an amount based on the yield from the balance of the field less expenses of marketing and harvesting. CROP DAMAGE shall mean damage to such crops as are required to be planted annually and which were planted at the time of the signing of this contract and which are actually damaged due to construction of this project, but in no case shall damages be paid for more than one year's crop. The LESSEE agrees to make a reasonable attempt to harvest any crop so as to mitigate the crop damage.

This contract shall be binding on both parties from its inception, but should none of the above real estate be required, this contract shall terminate.

This contract may be executed in more than one copy, each copy of which, however, shall serve as an original for all purposes, but all copies shall constitute but one and the same contract.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

REMARKS

THIS IS A LEGAL AND BINDING CONTRACT - READ IT.

The representative of the BUYER, in presenting this contract has given me a copy and explained all its provisions. A complete understanding and explanation have been given of the terminology, phrases, and statements contained in this contract. It is understood that no promises, verbal agreements or understanding, except as set forth in this contract, will be honored by the BUYER.

INDIVIDUAL ACKNOWLEDGMENT

LESSEE(S):

[Signature]
Kelby Vorthman

STATE OF Iowa)
COUNTY OF Pottawattamie) SS

Dated this 12th day of December, 2022, before me, a General Notary Public duly commissioned and qualified, personally came **Kelby Vorthman** to me known to be the identical person(s) whose name(s) affixed to the foregoing instrument as LESSEE(s) and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year above written.
(SEAL)



[Signature]
NOTARY PUBLIC

BUYER: POTTAWATTAMIE COUNTY, IOWA

BY: _____

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS

Dated this ____ day of _____, 20____, before me, a General Notary Public, duly commissioned and qualified, personally came _____ to me known to be the identical person(s) whose name(s) affixed to the foregoing instrument as buyer(s) and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.
(SEAL)

NOTARY PUBLIC

RECORDER'S INDEX	
ALIQUOT PART:	W 1/2 NW 1/4
SECTION:	30 / TOWNSHIP: T74N / RANGE: R42W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	BRANDT LAND CO
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	08-03-2022

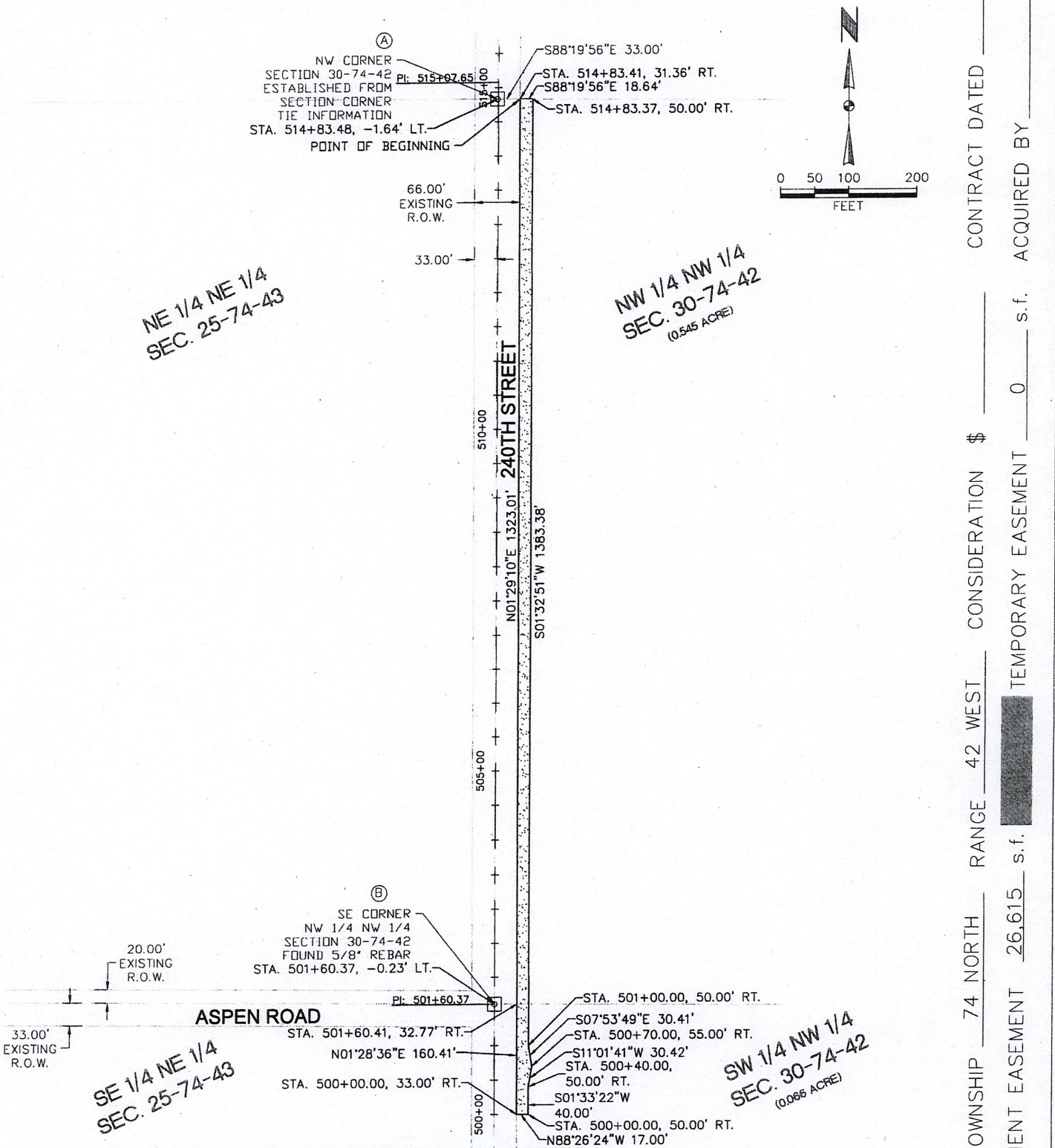
PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT
BRANDT LAND CO

PAGE 1 OF 2
PARCEL NO. 7

ACQUIRED FROM _____



CONTRACT DATED _____
ACQUIRED BY _____
CONSIDERATION \$ _____
TEMPORARY EASEMENT 0 s.f.
PERMANENT EASEMENT 26,615 s.f.

PROFESSIONAL LAND SURVEYOR

DAVID E. FORSYTHE

25604

IOWA

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.

David E. Forsythe

DAVID E. FORSYTHE
LICENSE NUMBER 25604
DATE 08-03-2022
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 AND SHEET 2 OF 2

SECTION LINE
A - B S 01°29'10" W 1323.11'

POTTAWATTAMIE COUNTY

PROJECT NO.111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

FILENAME: S:\Blue_Team\Projects\111921 DUMFRIES AVE AND 240TH ST\Engineering\Dwgs\Survey\11921 PLATS 8-1--22.dwg
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PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT
BRANDT LAND CO

PAGE 2 OF 2
PARCEL NO. 7

ACQUIRED FROM _____

LEGAL DESCRIPTION

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THENCE ON THE NORTH LINE OF SAID SECTION 30, SOUTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 33.00 FEET TO A POINT AT STATION 514+83.41, 31.36 FEET RIGHT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF 240TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID NORTH LINE, SOUTH 88 DEGREES 19 MINUTES 56 SECONDS EAST, 18.64 FEET TO A POINT AT STATION 514+83.37, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 32 MINUTES 51 SECONDS WEST, 1383.38 FEET TO A POINT AT STATION 501+00.00, 50.00 FEET RIGHT;

THENCE SOUTH 07 DEGREES 53 MINUTES 49 SECONDS EAST, 30.41 FEET TO A POINT AT STATION 500+70.00, 55.00 FEET RIGHT;

THENCE SOUTH 11 DEGREES 01 MINUTE 41 SECONDS WEST, 30.42 FEET TO A POINT AT STATION 500+40.00, 50.00 FEET RIGHT;

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- 2) NORTH 01 DEGREE 29 MINUTES 10 SECONDS EAST, 1323.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 26,615 s.f. (0.611 ACRE), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING SECTION LINE.

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

John Rasmussen / County Engineer

**Discussion and/or decision to approve
and sign Leasehold Interest Contract to
Tom Heitman as a donation.**

LEASEHOLD INTEREST

Copies to:
 1. BUYER
 2. LESSEE

Project Name: Dumfries and 240th Grading and Paving
 Project Number: L-2022-(Dumfries)(240th)-73-78
 Tract Number: 6

THIS CONTRACT, made and entered into this _____ day of _____, 20____,
 by and between, Tom Heitman
 Address: 24318 Pioneer Trail, Council Bluffs, Iowa 51503
 hereinafter called the LESSEE, and POTTAWATTAMIE COUNTY, IOWA, hereinafter called the BUYER.

LEASEHOLD INTEREST

WITNESSETH: In consideration of the payment or payments as specified below, the LESSEE hereby relinquishes to the BUYER, all leasehold interest to certain lands and any improvements thereon owned by CMRS, LLC

The property to which the LESSEE hereby **permanently** relinquishes interest is described in:

SEE ATTACHED PERMANENT EASEMENT EXHIBIT

It is understood that the easement area(s) may be used for the temporary relocation of utilities during the construction of the project.

It is hereby agreed that possession of the above-described premises is the essence of this contract and the BUYER may take immediate possession of the premises upon signing of this contract.

It is further agreed that relinquishment of LESSEE interest to areas conveyed temporarily shall be during the period of construction and shall cease upon acceptance of the project by the BUYER.

Relinquishment of leasehold interest to approximately	<u>44,473 SF</u> <u>(1.021 acres)</u>	of permanent easement	\$ 100.00
Other Damages:			\$
TOTAL			\$ 100.00

It is agreed and understood that the BUYER is hereby granted an immediate right of entry upon the premises described above. Donation

Any fence constructed, reconstructed or moved by Owner/Tenant pursuant to this acquisition must be placed outside of the limits of BUYER property. It is expressly agreed that any fence erected along the new property line by Owner/Tenant will be owned by the property owner and will not be a "division fence" as that phrase is used under Nebraska law.

The above payments shall cover all damages caused by the establishment and construction of the above project except for LESSEE'S share of CROP DAMAGE, if any, which will be paid for in an amount based on the yield from the balance of the field less expenses of marketing and harvesting. CROP DAMAGE shall mean damage to such crops as are required to be planted annually and which were planted at the time of the signing of this contract and which are actually damaged due to construction of this project, but in no case shall damages be paid for more than one year's crop. The LESSEE agrees to make a reasonable attempt to harvest any crop so as to mitigate the crop damage.

This contract shall be binding on both parties from its inception, but should none of the above real estate be required, this contract shall terminate.

This contract may be executed in more than one copy, each copy of which, however, shall serve as an original for all purposes, but all copies shall constitute but one and the same contract.

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THIS IS A LEGAL AND BINDING CONTRACT - READ IT.

The representative of the BUYER, in presenting this contract has given me a copy and explained all its provisions. A complete understanding and explanation have been given of the terminology, phrases, and statements contained in this contract. It is understood that no promises, verbal agreements or understanding, except as set forth in this contract, will be honored by the BUYER.

INDIVIDUAL ACKNOWLEDGMENT

LESSEE(S):



TOM HEITMAN

STATE OF _____)
COUNTY OF _____) SS

Dated this ____ day of _____, 20____, before me, a General Notary Public duly commissioned and qualified, personally came **TOM HEITMAN** to me known to be the identical person(s) whose name(s) affixed to the foregoing instrument as LESSEE(s) and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year above written.
(SEAL)

NOTARY PUBLIC

BUYER: POTTAWATTAMIE COUNTY, IOWA

BY: _____

STATE OF IOWA _____)
COUNTY OF POTTAWATTAMIE _____) SS

Dated this ____ day of _____, 20____, before me, a General Notary Public, duly commissioned and qualified, personally came _____ to me known to be the identical person(s) whose name(s) affixed to the foregoing instrument as buyer(s) and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.
(SEAL)

NOTARY PUBLIC

RECORDER'S INDEX	
ALIQUOT PART:	W1/2 SW 1/4
SECTION:	19 / TOWNSHIP: T74N / RANGE: R42W
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	CMRS LLC
REQUESTED BY:	POTTAWATTAMIE COUNTY
DATE OF FIELD SURVEY:	08-03-2022

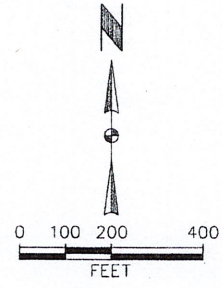
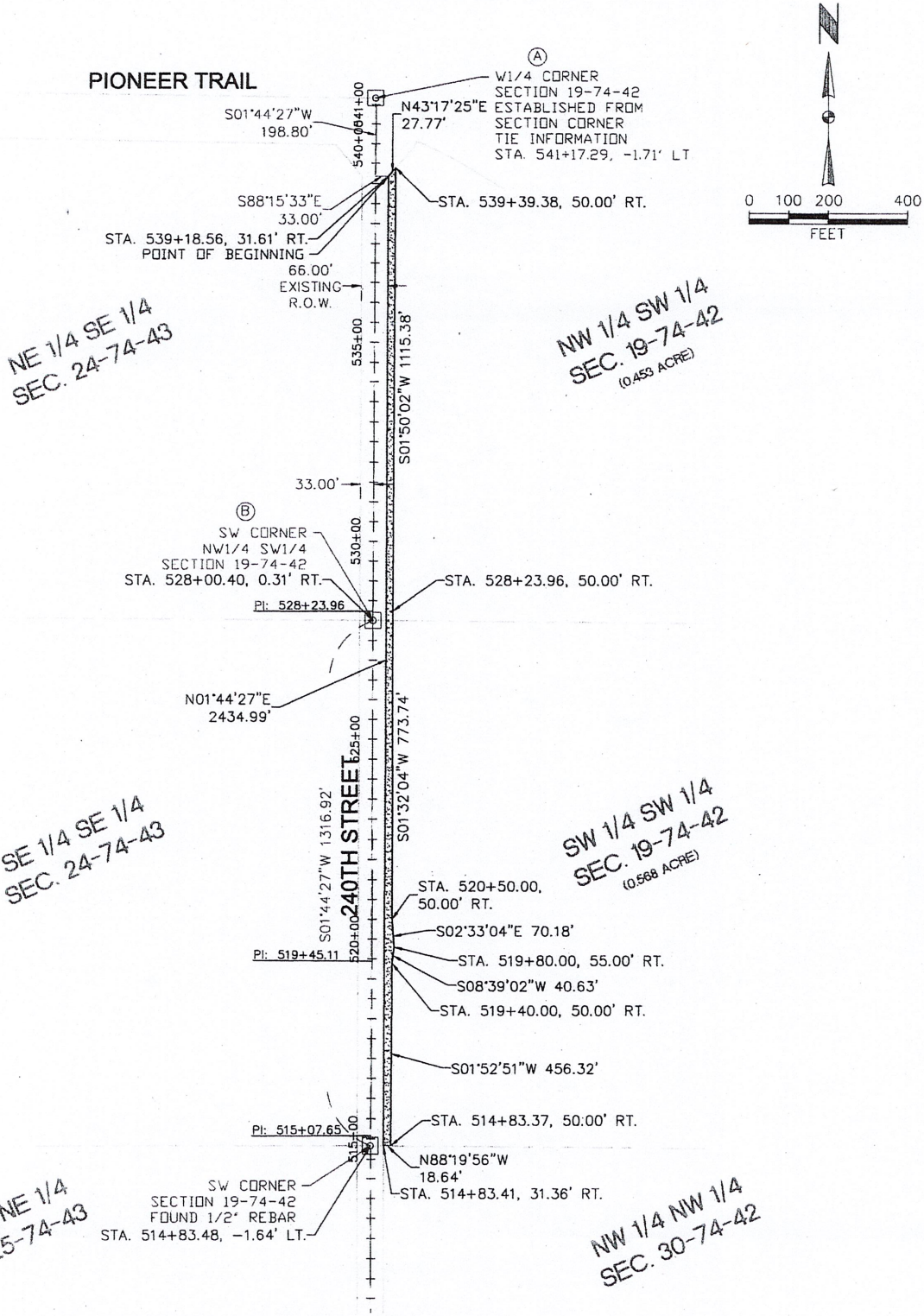
PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVE., COUNCIL BLUFFS, IOWA 51501 (712)323-0530

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT

PAGE 1 OF 2
PARCEL NO. 6

ACQUIRED FROM CMRS LLC



CONTRACT DATED _____
ACQUIRED BY _____
CONSIDERATION \$ _____
RANGE 42 WEST
TOWNSHIP 74 NORTH
SECTION 19
TEMPORARY EASEMENT 0 s.f.
PERMANENT EASEMENT 44,473 s.f.

FILENAME: S:\Blue_Team\Projects\111921_DUMFRIES AVE AND 240TH STREET Engineering\Drawings\Survey\111921 PLATS 8-1-22.dwg
DRAWN BY: jns, SAVE DATE: Aug 1, 2022 10:59 AM, DATE PLOTTED: 8/2/2022 8:25 AM, PLOT SCALE: 1:1

	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.
	DAVID E. FORSYTHE DATE 08-03-2022
	DAVID E. FORSYTHE LICENSE NUMBER 25604
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
	PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 AND SHEET 2 OF 2

SECTION LINE
① - ② S 01'44'27" W 1316.91'

POTTAWATTAMIE COUNTY

PROJECT NO. 111921-001

DATE DRAWN 08-03-2022 DRAWN BY JNS

PROJECT NO.
L-2022-(240TH)--73-78
240TH STREET
POTTAWATTAMIE COUNTY, IA

EXHIBIT "A"
PERMANENT
EASEMENT PLAT

PAGE 2 OF 2
PARCEL NO. 6

ACQUIRED FROM _____
CMRS LLC

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2 SW1/4) OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 42 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 19;

THENCE ON THE WEST LINE OF SAID SECTION 19, SOUTH 01 DEGREE 44 MINUTES 27 SECONDS WEST, 198.80 FEET;

THENCE SOUTH 88 DEGREES 15 MINUTES 33 SECONDS EAST, 33.00 FEET TO A POINT AT STATION 539+18.56, 31.61 FEET RIGHT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF 240TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 43 DEGREES 17 MINUTES 25 SECONDS EAST, 27.77 FEET TO A POINT AT STATION 539+39.38, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 50 MINUTES 02 SECONDS WEST, 1115.38 FEET TO A POINT AT STATION 528+23.96, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 32 MINUTES 04 SECONDS WEST, 773.74 FEET TO A POINT AT STATION 520+50.00, 50.00 FEET RIGHT;

THENCE SOUTH 02 DEGREES 33 MINUTES 04 SECONDS EAST, 70.18 FEET TO A POINT AT STATION 519+80.00, 55.00 FEET RIGHT;

THENCE SOUTH 08 DEGREES 39 MINUTES 02 SECONDS WEST, 40.63 FEET TO A POINT AT STATION 519+40.00, 50.00 FEET RIGHT;

THENCE SOUTH 01 DEGREE 52 MINUTES 51 SECONDS WEST, 456.32 FEET TO A POINT AT STATION 514+83.37, 50.00 FEET RIGHT, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID SECTION 19;

THENCE ON SAID SOUTH LINE, NORTH 88 DEGREES 19 MINUTES 56 SECONDS WEST, 18.64 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE, SAID POINT AT STATION 514+83.41, 31.36 FEET RIGHT;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 01 DEGREES 44 MINUTES 27 SECONDS EAST, 2434.99 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 44,473 s.f. (1.021 ACRES), MORE OR LESS.

STATION AND OFFSETS ARE BASED ON THE PROPOSED ROADWAY CENTERLINE NOT THE EXISTING SECTION LINE.

FILENAME: S:\Blue_Team\Projects\11921 DUMFRIES AVE AND 240TH ST\Engineering\Drawings\Survey\11921 PLATS B-1-22.dwg
DRAWN BY: Jns. SAVE DATE: Aug 1, 2022 10:59 AM DATE PLOTTED: 8/2/2022 8:26 AM PLOT SCALE: 1:1

Other Business

Adopt Robert's Rules of Order

Establish Policy on Board Sessions.

**Discussion and/or decision to approve
and authorize Board to sign Resolution
No. 01-2023 entitled: Resolution
pertaining to the payment of County
bills.**

RESOLUTION NO. 01-2023

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

FIRST:

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee are terminated upon certification of the officer under which such compensation has been earned.

SECOND:

For transportation of persons transferred at the County’s expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

THIRD:

For Clerk of Court’s certified bills for payment of Grand Jury.

FOURTH:

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

**Discussion and/or decision to approve
and authorize Board to sign Resolution
No. 02-2023 entitled: Resolution
authorizing the Auditor to destroy
county vouchers on or before January
1, 2013.**

RESOLUTION NO. 02-2023

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2013; and

WHEREAS, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2013.

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

**Discussion and/or decision to approve
and authorize Board to sign Resolution
No. 03-2023 entitled: Resolution
approval of Deputy Appointments.**

RESOLUTION NO. 03-2023

RESOLUTION APPOINTING DEPUTIES

WHEREAS, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

WHEREAS, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

WHEREAS, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

Attorney	Jon Jacobmeier, Chief Deputy
Auditor	Kristin M. Everett, First Deputy Linda Swolley, First Deputy, Real Estate Kristy Hassay, Second Deputy, Real Estate
Recorder	Lynn Herrington, First Deputy
Sheriff	Jeff Theulen, Chief Deputy
Treasurer	Jamie Smothers, First Deputy Heather Ausdemore, First Deputy

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

Discussion and/or decision to approve and authorize Board to sign Resolution No. 04-2023 entitled: Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, and express companies in Pottawattamie County.

RESOLUTION NO. 04-2023

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2023-2024.

RECAPITULATION

RAILROADS	\$ 80,214,174.97
PIPELINE	\$ 84,796,613.30
TOTAL FOR COUNTY	\$ 165,010,788.27

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

Discussion and/or decision to approve and authorize Board to sign Resolution No. 05-2023 entitled: Construction Evaluation Resolution relating to the construction of a confinement feeding operation.

RESOLUTION NO. 05-2023

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a “Construction Evaluation Resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2023, and January 31, 2024, and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

Dated this 3rd day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

**Approval of Official Newspapers for
Pottawattamie County for 2023.**

THE HERALD

P.O. Box 556
Oakland, Iowa 51560-0556

Donald L. Nielson
Owner & Publisher
Since 1974

164 S. Elm Street
P.O. Box 308
Avoca, IA 51521

December 16, 2022

Pottawattamie County
Board of Supervisors
227 South 6th Street
Council Bluffs, IA 51501-0649

Board of Supervisors:

I hereby formally request that the Herald be designated as an official county legal newspaper in Pottawattamie County for the 2023 calendar year and that we be eligible to print publications and such other legal notices of county importance.

The Herald has been designated as a county legal newspaper for many years, as our records show, and we hope that this designation will be granted again.

Please advise as to the date you'll need our subscription list, in the event that a contest exists.

Your consideration in granting the Herald county newspapers status will be greatly appreciated.

Sincerely,



Donald L. Nielson
Publisher

THE JOURNAL-HERALD

AVOCA, IOWA 51521
A Weekly Newspaper Devoted to Covering the Local News

DONALD L. NIELSON
OWNER & PUBLISHER
SINCE 1974

OFFICE: 712-343-2154
FAX: 712-343-2262
CELLULAR: 402-250-5002

164 S. ELM STREET
BOX 308
AVOCA, IOWA 51521

December 16, 2022

Pottawattamie County
Board of Supervisors
227 South 6th Street
Council Bluffs, IA 51501-0649

Board of Supervisors:


I hereby formally request that the Avoca Journal Herald be designated as an official county legal newspaper in Pottawattamie County for the 2023 calendar year and that we be eligible to print publications and such other legal notices of county importance.

The Avoca Journal-Herald has been designated as a county legal newspaper for many years, as our records show, and we hope that this designation will be granted again.

Please advise as to the date you'll need our subscription list, in the event that a contest exists.

Your consideration in granting the Avoca Journal-Herald county newspapers status will be greatly appreciated.

Sincerely,



Donald L. Nielson
Publisher

**Discussion and/or decision on Legal
Holidays for 2023.**

2023 Legal Holidays

	Date	Observed
New Year's Day	January 1, 2023	January 2, 2023
Martin Luther King Day	January 16, 2023	January 16, 2023
Presidents Day	February 20, 2023	February 20, 2023
Memorial Day	May 29, 2023	May 29, 2023
Independence Day	July 4, 2023	July 4, 2023
Labor Day	September 4, 2023	September 4, 2023
Veteran's Day	November 11, 2023	November 10, 2023
Thanksgiving Day	November 23, 2023	November 23, 2023
Day After Thanksgiving (Lieu of Lincoln's Birthday)	November 24, 2023	November 24, 2023
Christmas Day	December 25, 2023	December 25, 2023
New Year's Day 2024	January 1, 2024	January 1, 2024

**Approval of Federal Standard Mileage
Rate for 2023.**

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[IRS - The Basics](#)

[IRS Guidance](#)

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Issue Number: IR-2022-234

Inside This Issue

IRS issues standard mileage rates for 2023; business use increases 3 cents per mile

WASHINGTON — The Internal Revenue Service today issued the 2023 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2023, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 5 cents per mile driven for business use, up 3 cents from the midyear increase setting the rate for the second half of 2022.
- 22 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces, consistent with the increased midyear rate set for the second half of 2022.
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2022.

These rates apply to electric and hybrid-electric automobiles, as well as gasoline and diesel-powered vehicles.

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see [Moving Expenses for Members of the Armed Forces](#).

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate but generally must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses. Leased vehicles must use the standard mileage rate method for the entire lease period (including renewals) if the standard mileage rate is chosen.

[Notice 2023-03](#) contains the optional 2023 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2023 for which

**Discussion and/or decision of
appointment to Southwest Iowa Region
Mental Health & Disability Services
Board for 2023.**

**Discussion and/or decision of
appointment to the Fourth Judicial
District Department of Correctional
Services Board of Directors for 2023.**

**Discussion and/or decision of
appointment of representatives to the
IGHCP Board for 2023.**

**Discussion and/or decision of
appointment of MAPA representative
for 2023.**

Discussion and/or decision on monthly stipend amount for Elected Official's mobile cellular usage for 2023.

**Jana Lemrick/Director, Human
Resources**

**Discussion and/or decision to approve
appointment of Jana Lemrick as Title VI
Coordinator.**

Melvyn Houser/Auditor

**Discussion and/or decision on Precinct
Election Official compensation.**

REPRESENTATIVE APPOINTMENTS

**Discussion and review of Board
Members' assignment to 2023
Representative Appointments.**

2023 Representative Appointments

Agency	Meeting Dates / Location	Contact Info	2023 Primary	2023 Alternate
Advance SW Iowa Corporation	Day / Time: 4th Friday @ 9:30AM (No meetings Jul & Nov)	Paula Hazlewood – 712-256-5636 phazlewood@selectgreateromaha.com		
	Location: CB Library (unless noted)			
Council Bluffs Airport Authority	Day / Time: 3 rd Wednesday @ 4:00PM	Andy Biller andybiller@cbairport.com		
	Location: 16801 McCandless Ln, Ste 2, Council Bluffs			
Conservation Board	Day / Time: 2 nd Tuesday @ 6:00PM	Kim Wickersham – 712-328-5638 Kimberly.wickersham@pottcounty-ia.gov		
	Location: TBD			
E911 Board	Day / Time: Quarterly (TBD)	Bob Andersen -712-3285739 Robert.andersn@pottcounty-ia.gov		
	Location: 7:00PM, BOS Hearing Room			
East Pott Soil & Water Conservation	Day / Time: 3 rd Tuesday @ 8:00AM	Becky Lockwood – 712-482-6408 becky.lockwood@ia.nacdnet.net		
	Location: 321 Oakland Ave, Oakland			
EMA Board	Day / Time: TBD (Will Contact)	Doug Reed – 712-328-5777 dreed@pcema-ia.org		
	Location: TBD (Will Contact)			
Fourth Judicial District	Day / Time: 4 th Wednesday of January, April, June September	Jen Foltz – 712-396-2203 Jen.foltz@iowa.gov		
	Location: 801 S 10 th Street, Council Bluffs			
Golden Hills RC&D	Day / Time: 1/24 noon, 3/28 noon, 6/27 5:30 PM, 9/26 noon	Michelle Wodtke Franks - michelle@goldenhillsrccd.org		
	Location: Oakland office or zoom			
Hungry Canyons	Day / Time: Quarterly (TBD) March 18, First Friday June, September, December 10 A.M.	John Thomas john@goldenhillsrccd.org		
	Location: TBD			
Loess Hills Alliance Board	Day / Time: First Wednesday 10 A.M.	Jeannette Riesberg mccbsec@mononacounty.org		
	Location:			
MAPA	Board of Directors: Last Thursday @ 1:30PM			
	Finance Committee: 3 rd Wednesday @ 8:30AM			
	Location: 2222 Cuming St, Omaha			
MH&DS – DHS- GA	Day / Time: 2/7, 2/28, 3/28, 6/27, 7/25, 8/29, 9/26 & 11/28 @ 1:00PM			
	Location: Oakland Community Center			
*PACE	Day / Time: 4 th Wednesday @ 3:30	Danna Kehm – 712-890-5602 danna@paceartsiowa.org		
	Location: 1001 S 6 th St, CB			
712 Initiative	Day / Time: 4 th Thursday @ 7:30AM (5 th March & 3 rd for November & December)	Sheryl Garst – 712-396-2464 sgarst@the712initiative.org		
	Location: 1228 S Main St, CB			
Pott County Trails Board	Day / Time: 4 th Tuesday @ 5:30 PM	Charter@councilbluffs-ia.gov Cole.epley@gmail.com		
	Location: CB Library			

Promise Partners	Planning Committee: 4 th Wednesday every other month @ 1PM	Scott Root – 712-256-9920 operations@promisepartners.org		
	Locations: Charles E. Lakin Campus – Red Cross Bldg, CB			
	Governance Board: 4 th Wednesday @ 1:00PM			
	Locations: Charles E. Lakin Campus – Red Cross Bldg, CB			
SW Iowa Juvenile Services	Day / Time: 3 rd Wednesday @ 12:00PM	Don Uhlig – 4893 don.uhlig@pottcounty-ia.gov		
	Location: Quaker Steak & Lube, CB			
SWIPCO / SWITA	Day / Time: 4 th Thursday @ 1:30 PM (September chosen by board) November & December is picked in October	Tammy DeBord – 712-243-4196 tamy.debord@swipco.org		
	Location: 1501 SW 7 th St, Atlantic			
Veteran Affairs	Day / Time: 2 nd Monday @ 3:00 PM	– 712-328-3046 @pottcounty-ia.gov		
	Location: 623 6 th Ave, CB			
Board of Health	Day / Time: Second Friday @ 7:30AM	Camber Reed – 1133 Camber.reed@pottcounty-ia.gov		
	Location: BOS Hearing Room			
West Central Community Action	Day / Time: 3 rd Tuesday @ 7:15PM			
	Location: 1408 Hwy 44, Harlan			
*West Pott Soil & Water Conservation	Day / Time: 2 nd Tuesday @ 5:00PM	Brooke Bauer – 712-328-2489 brooke.bauer@ia.nacdnet.net		
	Location: 305 McKenzie Ave			
WIDA	Day / Time:	Erica Carley – 712-482-3029 ericaforwida@gmail.com		
	Location: 1911 N LaVista Heights Rd, Avoca			
Workforce Investment Board	Day / Time:			
	Location: IWCC Looft Hall			
Pott County Quarterly Dept Head	Day / Time: 2 nd Week (Jan, April, July, Oct)			
	Location: BOS Hearing Room			
Pott County Ops/Policy Committee	Day / Time: 1 st Tuesday @ 1:30PM			
	Location: BOS Hearing Room			
Pott County Wellness Committee	Day / Time: Quarterly; 1 st Thursday @ 1:30PM			
	Location: BOS Hearing Room			
IGHCP	Day / Time:			
	Location:			
Pott County Tourism	Every other month	Mark Eckman – 712-256-2577 meckman@unleashcb.com		
	3 rd Tuesday			

Capital Plan Committee	Day / Time: 3 rd Wednesday of the Month			
	Location:			
ROI Committee	Day / Time:			
	Location: BOS Hearing Room			
"What Should Be" Committee	Day / Time: Monthly 9:00AM			
	Location: Wild Rose Conference Room			

2022 Representative Appointments

Agency	Meeting Dates / Location	Contact Info	2022 Primary	2022 Alternate
Advance SW Iowa Corporation	Day / Time: 4th Friday @ 9:30AM (No meetings Jul & Nov)	Paula Hazlewood – 712-256-5636 phazlewood@selectgreateromaha.com	Wichman	Shea
	Location: CB Library (unless noted)			
Council Bluffs Airport Authority	Day / Time: 3 rd Wednesday @ 4:00PM	Andy Biller andybiller@cbairport.com	Belt	Schultz
	Location: 16801 McCandless Ln, Ste 2, Council Bluffs			
Conservation Board	Day / Time: 2 nd Tuesday @ 6:00PM	Kim Wickersham – 712-328-5638 Kimberly.wickersham@pottcounty-ia.gov	Wichman	Shea
	Location: TBD			
E911 Board	Day / Time: Quarterly (TBD)	Bob Andersen -712-3285739 Robert.andersn@pottcounty-ia.gov	Belt	Shea
	Location: 7:00PM, BOS Hearing Room			
East Pott Soil & Water Conservation	Day / Time: 3 rd Wednesday @ 8:00AM	Becky Lockwood – 712-482-6408 becky.lockwood@ia.nacdnet.net	Grobe	Belt
	Location: 321 Oakland Ave, Oakland			
EMA Board	Day / Time: TBD (Will Contact)	Doug Reed – 712-328-5777 dreed@pcema-ia.org	Shea	Schultz
	Location: TBD (Will Contact)			
Fourth Judicial District	Day / Time: 4 th Wednesday of January, April, June September	Jen Foltz – 712-396-2203 Jen.foltz@iowa.gov	Belt	Shultz
	Location: 801 S 10 th Street, Council Bluffs			
Golden Hills RC&D	Day / Time: 1/24 noon, 3/28 noon, 6/27 5:30 PM, 9/26 noon	Michelle Wodtke Franks - michelle@goldenhillsrccd.org	Grobe	Belt
	Location: Oakland office or zoom			
Hungry Canyons	Day / Time: Quarterly (TBD) March 18, First Friday June, September, December 10 A.M.	John Thomas john@goldenhillsrccd.org	Grobe	Shea
	Location: TBD			
Loess Hills Alliance Board	Day / Time: First Wednesday 10 A.M.	Jeannette Riesberg mccbsec@mononacounty.org	Shea	Grobe
	Location:			
MAPA	Board of Directors: Last Thursday @ 1:30PM		Belt	Wichman
	Finance Committee: 3 rd Wednesday @ 8:30AM			
	Location: 2222 Cuming St, Omaha			
MH&DS – DHS- GA	Day / Time: 2/7, 2/28, 3/28, 6/27, 7/25, 8/29, 9/26 & 11/28 @ 1:00PM		Grobe	Wichman
	Location: Oakland Community Center			
*PACE	Day / Time: 4 th Wednesday @ 3:30	Danna Kehm – 712-890-5602 danna@paceartsiowa.org	Grobe	Schultz
	Location: 1001 S 6 th St, CB			
712 Initiative	Day / Time: 4 th Thursday @ 7:30AM (5 th March & 3 rd for November & December)	Sheryl Garst – 712-396-2464 sgarst@the712initiative.org	Schultz	Belt
	Location: 1228 S Main St, CB			
Pott County Trails Board	Day / Time: 4 th Tuesday @ 5:30 PM	Charter@councilbluffs-ia.gov Cole.epley@gmail.com	Shea	Schultz
	Location: CB Library			

Promise Partners	Planning Committee: 4 th Wednesday every other month @ 1PM	Scott Root – 712-256-9920 operations@promisepartners.org	Belt	Schultz
	Locations: Charles E. Lakin Campus – Red Cross Bldg, CB			
	Governance Board: 4 th Wednesday @ 1:00PM			
	Locations: Charles E. Lakin Campus – Red Cross Bldg, CB			
SW Iowa Juvenile Services	Day / Time: 3 rd Wednesday @ 12:00PM	Don Uhlig – 4893 don.uhlig@pottcounty-ia.gov	Grobe	Belt
	Location: Quaker Steak & Lube, CB			
SWIPCO / SWITA	Day / Time: 4 th Thursday @ 1:30 PM (September chosen by board) November & December is picked in October	Tammy DeBord – 712-243-4196 tamy.debord@swipco.org	Grobe	
	Location: 1501 SW 7 th St, Atlantic			
Veteran Affairs	Day / Time: 2 nd Tuesday @ 1:00 PM	Nick Jedlicka – 712-328-5797 nick.jedlicka@pottcounty-ia.gov	Schultz	Grobe
	Location: 623 6 th Ave, CB			
Public Health	Day / Time: Second Friday @ 7:30AM	Camber Reed – 1133 Camber.reed@pottcounty-ia.gov	Shea	Belt
	Location: BOS Hearing Room			
West Central Community Action	Day / Time: 3 rd Tuesday @ 7:15PM		Grobe	Shea
	Location: 1408 Hwy 44, Harlan			
*West Pott Soil & Water Conservation	Day / Time: 2 nd Tuesday @ 5:00PM	Brooke Bauer – 712-328-2489 brooke.bauer@ia.nacdnet.net	Wichman	Schultz
	Location: 305 McKenzie Ave			
WIDA	Day / Time:	Erica Carley – 712-482-3029 ericaforwida@gmail.com	Grobe	Shea
	Location: 1911 N LaVista Heights Rd, Avoca			
Workforce Investment Board	Day / Time:		Belt	Schultz
	Location: IWCC Looft Hall			
Pott County Quarterly Dept Head	Day / Time: 2 nd Week (Jan, April, July, Oct)		Belt	Wichman
	Location: BOS Hearing Room			
Pott County Ops/Policy Committee	Day / Time: 1 st Tuesday @ 1:30PM		Belt/Wichman	
	Location: BOS Hearing Room			
Pott County Wellness Committee	Day / Time: Quarterly 1 st Thursday @ 1:30PM		Schultz	Wichman
	Location: BOS Hearing Room			
IGHCP	Day / Time:		Belt	Lemrick
	Location:			
Pott County Tourism		Mark Eckman – 712-256-2577 meckman@unleashcb.com	Belt	Schultz

Capital Plan Committee	Day / Time: 3 rd Wednesday of the Month		Schultz	Belt
	Location:			
ROI Committee	Day / Time:		Wichman	Schultz
	Location: BOS Hearing Room			
"What Should Be" Committee	Day / Time: Monthly 9:00AM		Shea	Wichman
	Location: Wild Rose Conference Room			

Received/Filed

Public Comments

Closed Session