

**NOTICE OF HEARING OF ANNEXATION
HONEY CREEK DRAINAGE DISTRICT NO. 6
RIVER LEVEE
POTTAWATTAMIE COUNTY, IOWA**

TO: DILTS, CLIFFORD D TRUST; FROST, GARY TRUST; GENERAL SALES-INVESTMENT PTSP; HARTLEY, WAYNE M-DENISE M; H-H FARMS; LINDAF LLC; MACKLAND, THOMAS W-JANET M; NELSON, KATHY JO; PETERSON, WADE C; POTTAWATTAMIE COUNTY; RESPELIERS, JOE JR-CYNTHIA S; RIVER LAND BEEF-PORK; SUMMY, WELLS, BRIAN; WELLS, BRIAN MICHAEL owners owning lands described below which are the subject matter of this annexation procedure, lien holders of record, and actual occupants of said lands and to all other persons whom it may concern.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the Trustees, acting in behalf of Honey Creek Drainage District No. 6, Pottawattamie County, Iowa, have adopted a Resolution of Necessity for the annexation of additional lands to Honey Creek Drainage District No. 6 as provided by law.

YOU ARE FURTHER NOTIFIED that the Trustees have appointed Bolton & Menk, Inc., a qualified engineer, to examine such additional lands, to make a survey and plat thereof showing the relation, elevation, and condition of drainage with reference to Honey Creek Drainage District No. 6 and to make and file with the Pottawattamie County Auditor a report as provided by law. Said report to specify the character of benefits received. Said report provides as follows:

**ENGINEER'S REPORT
ANNEXATION
DRAINAGE DISTRICT NO. 6
POTTAWATTAMIE COUNTY, IOWA
2022**

The Drainage District No. 6 Trustees have appointed Bolton & Menk, Inc. as engineer to investigate and recommend the annexation of benefited lands not now included in Drainage District No. 6. The included map shows the area of land now assessed for benefits from the DD 6 facilities and the 762.70 acres now recommended for annexation.

During the course of the investigation the engineer reviewed each parcel under consideration for benefit. Extensive drainage district records on file in the County Auditor's office and publicly available aerial photographs, land surface elevations and soils information were reviewed and utilized to determine the elevation and condition of drainage with relation to the several facilities of Drainage District No. 6. It is this engineer's opinion that all of the land areas shown in yellow hatching on the included map, totaling approximately 762.70 acres, are protected by the existing DD 6 facilities and are materially benefited by the facilities of Drainage District No. 6. Material benefits for all parcels include protection from river overflow provided by the existing district facilities.

Based on the information available to the engineer it is recommended that the trustees pursue the annexation of the several benefiting parcels described herein. Listed for each legal parcel being recommended for annexation are the owner(s) of record, the legal description and the approximate number of benefited acres within the parcel. Actual benefited acres in each parcel will be established at the time the lands are classified. Benefiting county road rights-of-way which adjoin the annexed parcels, will also be made eligible for assessment by this action. A schedule of lands benefited by the

existing DD 6 facilities and recommended for annexation is included with this report.

Annexation of the lands recommended herein is considered feasible, practicable and for the public good. It is therefore recommended that the Trustees take appropriate steps to accomplish the following:

1. Tentatively approve this report.
2. Subject to qualified legal guidance, schedule and give formal notice of and conduct the required public hearing or hearings as needed.
3. Annex to Drainage District No. 6 the lands ultimately determined to be benefited.

Respectfully submitted,
Bolton & Menk, Inc.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa. My renewal date is December 31, 2024.

[SEAL]

By: /s/ Jonathan P. Rosengren
Jonathan P. Rosengren, P.E.
License No. 21661
Date: September 13, 2022

LANDS RECOMMENDED FOR ANNEXATION
PIGEON CREEK DRAINAGE DISTRICT NO. 2
SUB 3 & PAXTON LEVEE
POTTAWATTAMIE COUNTY, IOWA
2022

Deedholder(s)	Parcel Number	S-T-R	Legal Description	Benefited Area (ac)
DILTS, CLIFFORD D TRUST	754403400002	3-75-44	COMM AT SE COR TH W1320' N2386' SELY1132' WLY375' TO POB NE1/4 SE 1/4	3.7
DILTS, CLIFFORD D TRUST	754403300003	3-75-44	GOVT LT 2 NE SW	8.4
DILTS, CLIFFORD D TRUST	754403400005	3-75-44	GOVT LT 1 SW SE EXC S117.96'	13.6
DILTS, CLIFFORD D TRUST	754403400007	3-75-44	W1/2 SE SE EXC 1-29 & EXC S117.96'	13.6
DILTS, CLIFFORD D TRUST	754403400001	3-75-44	NW SE EXC 1-29	35.7
DILTS, CLIFFORD D TRUST	754403300001	3-75-44	ACCRE TO GOVT LT 2 & LT 3 W1/2 SW & SE SW	42.1
WELLS, BRIAN	764408300007	8-76-44	S219.74' GOVT LT 4 & ACCRE	9.9
FROST, GARY TRUST	764417100001	17-76-44	ACCRE TO G/L 1 & 2	121.9

Deedholder(s)	Parcel Number	S-T-R	Legal Description	Benefited Area (ac)
LINDAF LLC	764408100002	8-76-44	G/L 2 & ACCRE NW1/4	1.2
LINDAF LLC	764408300001	8-76-44	G/L 3 & ACCRE	8.8
GENERAL SALES-INVESTMENT PTSP	764421100003	21-76-44	ACCRE TO GOVT LT 2	73.4
GENERAL SALES-INVESTMENT PTSP	764421300001	21-76-44	ACCRE TO GOVT LT 3	254.6
POTTAWATTAMIE COUNTY	754410200002	3,10-75- 44	PT SE SE SEC 3 & PT G/L 1 NE1/4 SEC 10 COMM 256.1' W NE COR SEC 10 TH SE81.48' SW607.34' SLY230.26' NW391.54' NE545.16' N117.96' E322.4' SE147.41' TO POB (PARCEL B)	0.1
WELLS, BRIAN	764408300005	8-76-44	N219.74' S659.22' GOVT LT 4 & ACCRE	9.5
HARTLEY, WAYNE M-DENISE M	764408300002	8-76-44	N219.74' GOVT LT 4 & ACCRE	8.8
H-H FARMS	774415400007	15-77-44	S1/2 NE SE LYING W OF RR	10.6
H-H FARMS	774415400004	15-77-44	EXC W247' S1/2 NW SE	14.4
MACKLAND, THOMAS W-JANET M	764408200001	4,5,8-76- 44	LT 34 ACCRE TO 4, 5 & 8- 76-44 NW NE	6.1
NELSON, KATHY JO	774415400002	15-77-44	PT NW SE BEG 1739.19'N OF S1/4 COR TH E247' S183.39' W157.3' N46.4' W41.5'N17.5' W48.1' N122.3'TO POB	0.8
PETERSON, WADE C	764405200001	4,5,8-76- 44	ACCRE LT 14 NW NE	0.9
RESPELIERS, JOE JR-CYNTHIA S	754404400001	4-75-44	ACCRE TO G/L 2 W1/2 SE	28.2
RIVER LAND BEEF-PORK	754405400003	5-75-44	PT LT 8 SUB GOVT LTS 1 & 2 NE SE & ACCRE TO LT 8 E1/2 SE1/4 COMM NW COR TH E1315.22' S494.2' NWLY1350.26' N189.75' TO POB (PARCEL A)	8.95
RIVER LAND BEEF-PORK	754404300004	4-75-44	PT LT 6 SUB OF GOVT LT 4 NW SW & ACCRE GOVT LT 4 SW SW COMM NW COR TH S494.2' SELY1314.9' N691.68' W1303.1' TO POB (PARCEL A)	16.66

Deedholder(s)	Parcel Number	S-T-R	Legal Description	Benefited Area (ac)
RIVER LAND BEEF-PORK	754404300006	4-75-44	PT LT 5 SUB OF GOVT LT 3 NE SW & ACCRE GOVT LT 3 SE SW COMM NE COR TH S825.66' NWLY1336.76' N691.68' E1305.47' TO POB (PARCEL A)	21.49
SPARCK, JERRY V	754403400008	3-75-44	COMM 256.10' W OF SE COR SE SE TH W405' N663' SELY778' TO POB EXC SELY147.41' OF W322.40' W OF I-29	1.9
TAYLOR TRUST	774415300004	15-77-44	AUD SUB LT 2 NE SW	13.8
ULRICH, EMIL-MARTHA	754406200002	6-75-43	NE NE GOVT LT 1	5.7
HARTLEY, WAYNE M-DENISE M	764408300003	8-76-44	S219.74' N439.48' GOVT LT 4 & ACCRE	9.0
HARTLEY, WAYNE M-DENISE M	764408300004	8-76-44	S219.74' N659.22' GOVT LT 4 & ACCRE	9.2
WELLS, BRIAN MICHAEL	764408300006	8-76-44	N219.74' S439.48' GOVT LT 4 & ACCRE	9.7
			Total Acres	762.70

YOU ARE FURTHER NOTIFIED that said report has been filed with the County Auditor of Pottawattamie County, Iowa and the Trustees have set the time and place of hearing on said report for **February 10th, 2023 at 10:00 a.m., in the Pottawattamie County Board Room, Pottawattamie County Courthouse, 227 S. 6th Street, Council Bluffs, Iowa.** At said hearing the Trustees shall consider such report, plats, and profiles and if satisfied that any of such lands are materially benefited by the district and that such annexation is feasible, expedient, and for the public good, it shall proceed to annex said lands to Honey Creek Drainage District No. 6 as provided by law.

YOU ARE FURTHER NOTIFIED that all objections to the proposed annexation of said lands and any claim for damages must be in writing and filed with the County Auditor of Pottawattamie County at or before the time set for hearing.

YOU ARE FURTHER NOTIFIED that at such hearing, the Trustees may hear evidence both for and against the approval of the report or any portion thereof, but it shall not be competent to show that any of the land in the district assessed for benefits will not be benefited by such repairs or improvements to some degree. Any interested party may be heard in argument by himself or counsel.

YOU ARE FURTHER NOTIFIED that if you fail to object, the Trustees can make a final decision to make repairs and/or improvements of Honey Creek Drainage District No. 6, acquire additional right of way, annex additional lands and reclassify. **As a consequence of your failure to object you lose your right to appeal the final decision within twenty (20) days to the Iowa District Court.**

THIS NOTICE is published and mailed as provided by law at the direction of the Trustees of Honey Creek Drainage District No. 6. At the time fixed for hearing, the Trustees shall examine said report, and may hear evidence thereon, both for and against the annexation of said lands to said district. For further particulars you are referred to the Engineer's Report of Annexation which is on file at the County Auditor's Office of Pottawattamie County, Iowa.

Dated this 30th day of December, 2022, at Council Bluffs, Iowa.

By order of the Trustees of Honey Creek Drainage District No. 6, Pottawattamie, County, Iowa.

/s/ Melvyn Houser

Melvyn Houser, Pottawattamie County Auditor