



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS COUNTY ROAD VACATION

Ken Luettel, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, December 19, 2016 at 10:02 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Motion made by Commissioner Luettel, second by Commissioner Tisthammer to open said public hearing. Present for roll call were Commissioners Ken Luettel, Jerry L. Tisthammer and Hilary K. Maricle. Also, present for the hearing were Darrel Thorin, County Highway Superintendent, Stacey Robinson, Assistant County Highway Superintendent, Brandi Yosten, Jarecki Yosten PC LLO, and Jim Cox, adjoining landowner.

The purpose of the public hearing was to hear testimony in favor of, opposition to, and to answer questions in relation thereto the proposed vacation of a portion of county road right-of-way:

- All that portion of the right-of-way lying South of the South r.o.w. line of 360th Street and lying West of the West r.o.w. line of 200th Avenue, located in the NE1/4NE1/4 of Section 15, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, described as follows: Beginning at the SE corner of said NE1/4; thence West 33.00 feet; thence North, and on the West r.o.w. line of 200th Avenue, 2078.9 feet to the point of beginning; thence on a 539.96 foot radius curve to the left, 850.4 feet to a point on the South r.o.w. line of 360th Street; thence on the South r.o.w. line of said 360th Street, 274.86 feet; thence on a 605.96 foot radius curve to the right, 381.29 feet to a point of the West r.o.w. line of 200th Avenue; thence South and on the West r.o.w. line said 200th Avenue, 274.71 feet to the point of beginning and containing 0.82 of an acre more or less.

On February 16, 2016 the Board appointed Darrel Thorin, County Highway Superintendent, to complete a feasibility study regarding a strip of real estate property, being a strip of roadway lying over and across the NE1/4 of Section 15, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska in regards to being identified as county road right-of-way or real estate relinquished to the county off of a former State Highway. The State of Nebraska, Department of Roads relinquished their interest in a strip of roadway lying over and across the NE1/4 of Section 15, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska to Boone County, Nebraska in 1975. Thorin informed the Board that when he was measuring the portion of the property in question, some of the property may need to remain as county road right-of-way. Thorin suggested the property be surveyed for accurate measurements for all parties involved.

On November 28, 2016 the Board, Darrel Thorin, County Highway Superintendent and Jeff Jarecki, Jarecki Yosten PC LLO, discussed the feasibility study completed by Thorin and a survey completed by Chris Hays, County Surveyor, regarding the disposition of road right-of-way property located southeast of Cedar Rapids. Larry R. Cox and James L. Cox have farmed the strip of real estate property for many years and have been paying taxes on the said property. The Board authorized Darrel Thorin, County Highway Superintendent, to advertise and prepare documents for a public hearing regarding said strip of real estate property.

Cox gave a history of the road right-of-way along State Highway 52 where the state established radius curves during road construction. The State of Nebraska, Department of Roads relinquished said strips of roadway in January 1975 to Boone County, Nebraska with reservations and conditions. Cox informed the Board that there is several areas along the State Highway where the road right-of-ways should be cleared up as to ownership.



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Motion made by Luettel, second by Tisthammer to close said hearing at 11:02 A.M. Roll call vote: Yeas: Luettel, Tisthammer and Maricle. Nays: None. Motion carried.

Motion made by Tisthammer, second by Maricle to officially vacate all that portion of the right-of-way lying South of the South r.o.w. line of 360th Street and lying West of the West r.o.w. line of 200th Avenue, located in the NE1/4NE1/4 of Section 15, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, described as follows: Beginning at the SE corner of said NE1/4; thence West 33.00 feet; thence North, and on the West r.o.w. line of 200th Avenue, 2078.9 feet to the point of beginning; thence on a 539.96 foot radius curve to the left, 850.4 feet to a point on the South r.o.w. line of 360th Street; thence on the South r.o.w. line of said 360th Street, 274.86 feet; thence on a 605.96 foot radius curve to the right, 381.29 feet to a point of the West r.o.w. line of 200th Avenue; thence South and on the West r.o.w. line said 200th Avenue, 274.71 feet to the point of beginning and containing 0.82 of an acre more or less and authorize the Board Chairman to sign a Quitclaim Deed, conveying said real estate to said adjoining landowners, with the understanding that all utilities with assets that may be affected by this vacation continue to have full access to their property. Roll call vote: Yeas: Tisthammer, Maricle and Luettel. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk