

CITY OF HUXLEY

MONDAY ** MARCH 4, 2019 ** CITY HALL ** 6:30 P.M.

HUXLEY SAFE ROOM

A SESSION OF THE CITY OF HUXLEY'S PLANNING AND ZONING COMMISSION

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF HUXLEY, IOWA, WILL MEET IN THE HUXLEY SAFE ROOM, 515 NORTH MAIN AVE., HUXLEY, IOWA, AT 6:30 P.M. ON MONDAY THE 4TH DAY OF MARCH, 2019 TO CONSIDER THE MATTERS ENUMERATED IN THE AGENDA BELOW:

1.0) ROLL CALL

COMMISSION AGENDA ITEMS:

2.0) MOTION TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:

2.1) November 26, 2018 – Meeting

3.0) PUBLIC HEARING: NONE

4.0) DISCUSSION AND RECOMMENATION ITEMS:

4.1) DISCUSSION AND RECOMMENDATION ON SITE PLAN FOR BALLARD COMMUNITY SCHOOLS FOR THE MIDDLE SCHOOL PROJECT.

- PRESENTATION
- DISCUSSION
- RECOMMENDATION

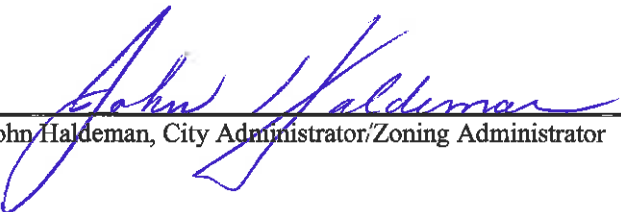
4.2) UPDATES; DEVELOPMENT, MARCH 18TH MEETING AND COMP PLAN

5.0) MISCELLANEOUS

6.0) COMMENTS

7.0) ADJOURNMENT

THIS NOTICE IS HEREBY GIVEN AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE MEETING SPECIFIED ABOVE. THIS WAS DONE BY ADVISING THE NEWS MEDIA WHO HAVE FILED A REQUEST FOR NOTICE AND BY POSTING THE NOTICE ON THE FRONT WINDOW IN THE LOBBY AREA IN CITY HALL THAT IS ACCESSIBLE TO THE PUBLIC. THIS WAS ALL PURSUANT TO CHAPTER 21 OF THE CODE OF IOWA.



John Haldeman, City Administrator/Zoning Administrator



HUXLEY
STANDING FOR THE FUTURE

Planning and Zoning Commission Minutes

Monday November 26, 2018

Huxley Council Chambers

5:30 P.M.

1.0) CALL TO ORDER AND ROLL CALL:

Chairman Roger Bierbaum called the P&Z Meeting to order at 5:30 PM. P&Z members present:

Roger Bierbaum	<input checked="" type="checkbox"/>	Larry Wilson	<input type="checkbox"/>
Cheryl Patterson	<input checked="" type="checkbox"/>	Joe Scott	<input checked="" type="checkbox"/>
Mike Schonhorst	<input checked="" type="checkbox"/>	Nate Easter	<input checked="" type="checkbox"/>
Gordon Mosher	<input type="checkbox"/>		

Staff present: John Haldeman-Zoning Administrator
Amy Kaplan-Zoning Clerk

Consultants present: Jim Nervig-City Attorney
Forrest Aldrich -City Engineer

Council Member present: Dave Jensen

Guests present: David John (Landscapes by Design), Steve Domino (Mr. Storage), Mark DeYoung (Mr. Storage), Bob Gibson (Civil Design Advantage)

COMMISSION AGENDA ITEMS:

2.0) MOTION TO APPROVE THE MINUTES FROM THE FOLLOWING MEETING:

2.1) **OCTOBER 8, 2018 REGULAR MEETING** - Motion by Patterson and seconded by Schonhorst to approve minutes. Roll was taken. 5 AYE. 0 NAY

3.0) **PUBLIC HEARING:** None

4.0) DISCUSSION AND RECOMMENDATION ITEMS:

4.1) **DISCUSSION AND RECOMMENDATION ON SITE PLAN FOR LANDSCAPE BY DESIGN:** David John from Landscapes by Design addressed the commission regarding the site plan. Each item on the letter from the City Engineer, Forrest Aldrich, was addressed with the below statements (refer to packet):

1. Sanitary sewer pipe will be changed on the plans from SDR 26 to SDR 23.5.
2. Water service line will be changed from PVC to copper.
3. Sewer service line will be changed to a 6-inch pipe instead of 4-inch pipe.
4. Assessment waiver regarding sidewalks will be granted with the intent of sidewalks installed later if the development develops any further. Sidewalk plans must be provided with mention of the waiver.
5. Curb box will be moved to the property line.

6. An elevation view of the building will be provided. John Haldeman will provide LBD with the appearance covenants. David John indicated the building will be 2-color steel siding and solid color steel roof.
7. The number of parking stalls required, and the number of parking stalls provided will be added to the plans as requested.
8. All parking areas will be paved. A waiver will be requested of the City Council regarding the gravel in the materials storage area.

Motion by Schonhorst and seconded by Scott to approve subject as stated above. 5 AYE.
0 NAY

4.2) DISCUSSION AND RECOMMENDATION ON SITE PLAN FOR MR. STORAGE/PACIFIC DRYWALL: Steve Domino with assistance from Mark DeYoung and Bob Gibson addressed the commission regarding Mr. Storage / Pacific Drywall. Each item on the letter from the City Engineer, Forrest Aldrich, was addressed with the below statements (refer to packet):

1. Assessment waiver regarding sidewalks will be granted with the intent of sidewalks installed later if the development develops any further. Sidewalk plans must be provided with mention of the waiver.
2. An acceptable lighting plan was provided to Forrest.
3. The curb box will be moved to 1-foot west of the sidewalk instead of next to the building.
4. An elevation view of the building will be provided. Steve indicated that he had a copy of the covenants and that the appearance met the covenants.
5. A waiver regarding the width of the driveway will be requested of council. There is a need for a 105-foot driveway which exceeds City Code.

Motion by Patterson and seconded by Easter to approve subject as stated above. 5 AYE.
0 NAY

4.3) DISCUSSION AND RECOMMENDATION ON AMENDED URBAN RENEWAL PLAN: The plan was reviewed by the Planning and Zoning Commission. Motion by Easter and Seconded by Patterson for a favorable recommendation to City Council. 5 AYE 0 NAY.

5.0) MISCELLANEOUS: None.

6.0) COMMENTS AND UPDATES:

- City is in need of individuals interested in serving on a board as there are a couple vacancies on the Zoning Board of Adjustment. Any suggestions would be greatly appreciated.
- Comp Plan—Iowa State students will present the draft Comp Plan to Council next week to obtain feedback.
- Kading is under construction. Foundations have been poured.
- A Planning and Zoning meeting is needed sometime in December regarding the plat on the east side of town (560th St). Stay tuned for a date and time.

- John indicated there has been some interest in the three remaining lots in the Huxley Development Park and the lot north of Fareway.
- Cheryl requested a set schedule for the Planning and Zoning Commission to meet instead of the need-based meetings. It was decided the Commission will meet the third Monday of each month at 7:00 PM.

7.0) **ADJOURNMENT** – Motion by Schonhorst to adjourn at 6:30 PM, seconded by Easter. 5 AYE.
0 NAY.

Amy Kaplan, Zoning Clerk

Roger Bierbaum, Chairman

Date of Approval



February 22, 2019

John Haldeman
City Administrator
City of Huxley
515 N. Main Avenue
Huxley, Iowa 50124

HUXLEY, IOWA
BALLARD COMMUNITY SCHOOL DISTRICT
MIDDLE SCHOOL RENOVATION SITE PLAN
SITE PLAN

We have reviewed the site plan for the Middle School Renovation Site Plan and find it acceptable.

The Middle School Renovation site improvements will slightly increase the impervious area of the school. The stormwater calculations provided as a part of the project show there will be an increase of approximately 1.44 cfs in stormwater flow. This represents less than a 3% increase over the current runoff from the site. The storm sewer installed on Main Avenue has a capacity of 58 cfs and is more than adequate to handle the increased flow. Because of the minor increase of stormwater flow, the adequacy of the Main Avenue storm sewer system, and the difficulty in installing any sort of stormwater detention on the site, we are recommending stormwater detention not be required for the additional stormwater flow.

If you have any questions or comments, please contact us at 515-225-8000.

VEENSTRA & KIMM, INC.

Forrest S. Aldrich

FSA:dml
45229-035

cc: Jeff Peterson, City of Huxley (e-mail)
Don Marner, Snyder & Associates (email)
Chad West, Haila Architecture (e-mail)
Ottie Maxey, Ballard Community School District (e-mail)

Type of Document: **AMENDED PERMANENT ROADWAY AND PUBLIC
UTILITY EASEMENT AND TEMPORARY
CONSTRUCTION EASEMENT**

RETURN TO: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, IA 50266
Telephone: 515-274-1450

PREPARED BY: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, IA 50266
Telephone: 515-274-1450

Grantor(s):
Ballard Community School District

Grantee(s):
City of Huxley

Legal Description: See attached Permanent Easement Description and Plat
Map

This easement has been amended by including the plat map (Pages 10-11) and complete legal description (Pages 8-9) and is being re-recorded to show the same.

Book and Page Reference Numbers: Instrument No. 2011-00005058

Ballard Community School District

Serving the Communities of Cambridge, Huxley, Kelley and Slater

District Office 602 N. Main (P.O. Box 307) Huxley, Iowa 50124 515-597-2811 Fax 515-597-2965

✓ ~~2~~
M Instrument: 2011- 00005058
D Date: Jun 02, 2011 12:22:05P
D Rec Fee: 30.00 E-Com Fee: 3.00
G Aud Fee: .00 Trans Tax: .00
R Rec Management Fee: 1.00
Non-Standard Page Fee: 10.00
Filed for record in Story County, Iowa
Susan L. Vande Kamp, County Recorder

PERMANENT ROADWAY AND PUBLIC UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

Recorder's Cover Sheet

Preparer Information:

Amy S. Beattie
6701 Westown Parkway, Suite 100
West Des Moines, IA 50266

Taxpayer Information:

N/A

Return Address

Jane B. McAllister
Ahlers & Cooney, P.C.
100 Court Avenue, #600
Des Moines, IA 50309

Grantors: Ballard Community School District

Grantees: City of Huxley

Legal Description: See Page 6

Document or instrument number of previously recorded documents:

00800633-1199540-000

Junior-Senior High
East Elementary
West Elementary

509 N. Main
505 West 4th Street
105 E. Main Street

Huxley, Iowa 50124
Cambridge, Iowa 50046
Slater, Iowa 50244

515-597-2971
515-220-4306
515-228-3890

Fax 515-597-2964
Fax 515-220-4310
Fax 515-228-3892

**PERMANENT ROADWAY AND PUBLIC UTILITY EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that the undersigned Grantor, Ballard Community School District, hereafter referred to as "Owner," in consideration of the City of Huxley, Iowa, an Iowa Municipal Corporation, as Grantee and hereafter referred to as "City," constructing a roadway and certain public utility improvements and for Ten dollars and 00 cents (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged by Owner, the Owner does hereby sell, grant, transfer and convey unto the City, its successors and assigns:

(1) **A Permanent Roadway and Public Utility Easement** together with the right to enter upon the easement right of way owned by Owner and to survey, patrol, construct, install, erect, inspect, repair, operate and maintain any and all roadway and public utility improvements and all appurtenances thereto, over, under, across, through and upon the easement right-of-way, together with the right to use and operate the improvements as it deems necessary, including the right to remove any such installations and appurtenances at any time the City deems it appropriate. This grant of easement rights includes all roadway, public utilities, including but not limited to water lines, sanitary and storm sewer lines, sub-drain and footing drain collectors, gas, electric and telephone lines, electronic communication lines and any other form of utility whatsoever, whether owned by the City or one or more public or private utility entities to which the City has granted or may in the future grant the right to share all or a portion of the easement right of way; and

(2) **A Temporary Construction Easement** under all of the same terms and conditions as set forth above with regard to the Permanent Roadway and Public Utility Easement, with the exception that the Temporary Construction Easement shall be valid for the period of time commencing with the date that the City advertises the project for bids and shall terminate on the date that the City accepts the completed construction project. This temporary easement grant includes, but is not limited to the right of the City, its successors and assigns, to use the easement right of way for the purpose of hauling, transporting and storing materials, supplies, machinery and equipment during the construction phase of the project.

The location of the above described Roadway and Public Utility Easement is specifically described in the attached document marked "Easement Exhibit," which document consists of 1 page and is incorporated by reference herein and included as an essential and integral part of this document.

The Owner and the City further agree to all of the following covenants, terms and conditions as a part of and included within these Easements:

(a) The Easements granted by the owner to the City may be assigned, conveyed or leased by the City, in whole or in part, to any other public or private entity for one or more of the purposes set forth in paragraph (1) above, without notice or additional compensation to the Owner.

(b) After construction or future maintenance, the City, its successors and assigns, agrees to restore the described land to substantially the same condition as prior to entry, which shall include the restoration of lawns by sodding or seeding; replacement or repair of the damaged portion of concrete or asphalt driveways removed for grading or access purposes; replacement of fences or other structures removed or damaged by the City, its successors and assigns, during the course of construction, with exception of the following: (List items or state "none"); NONE.

It is understood that the consideration set forth in this Easement shall constitute full and adequate compensation for damages to the above listed items.

(c) But for fencing, the Owner agrees that no buildings, structures or other permanent improvements shall be built or placed upon the above described permanent easement and upon the temporary easement during the period of its duration, and that if such improvements are constructed or placed in violation of this easement, the City, its successors and assigns, shall not be responsible for any damages resulting thereto from the construction, reconstruction, maintenance, operation or repair within the easement right of way. The City, its successors and assigns shall have the right to clear and remove any obstructions from the easement right-of-way. The Owner further agrees that it will not change the grade, elevation or contour of any part of the easement right-of-way without the prior written approval of the City.

(d) The parties agree that this document constitutes a perpetual, irrevocable covenant running with the land for the benefit of the City, its successors and assigns, and may not be revoked or rescinded by the Owner, its successors or assigns, for any reason.

(e) The parties further agree that for purposes of construing this document and the acknowledgment(s) below, the singular shall include the plural and the plural the singular; the masculine gender shall include the feminine and neuter genders and the feminine the masculine and neuter, and the neuter gender shall include both or either masculine or feminine gender wherever appropriate; and references to natural persons shall include corporate bodies, public and private, all wherever appropriate, in order to facilitate a reasonable and uniform interpretation and application of this document. The parties agree that this document constitutes the entire agreement and understanding of the parties and any and all verbal statements or representations made prior to or subsequent to the execution of this document are not binding on either party.

(f) The parties further agree that the undersigned Owner hereby releases the City from liability and relinquishes any claim for damages to the Owner's property hereinabove described, arising out of the City's use of the easements granted herein, *except* such damages as may be caused by the negligent acts or omissions of the City, its agents, contractors or employees. It is further understood and agreed that the City will indemnify and hold harmless the undersigned Owner, its heirs, successors and assigns from and against all liability, loss and expense occasioned by the negligence of the City or its agents, contractors, employees or assigns in the construction of the public improvements pursuant to this Easement.

(g) This Easement shall not be binding on the City until it has received final approval and acceptance by the Huxley City Council, by way of formal written resolution, which approval and acceptance shall be noted on this Easement by the City Clerk.

(h) This Easement shall not be binding on the Owner until it has received final approval by the Ballard Community School District Board of Directors following compliance with Iowa Code Section 297.22, which approval shall be shown by the signature of the President and Secretary of same Board.

(i) Donation Provision. It is understood between Owner and City that it is the Owner's voluntary desire to *donate* this Easement to the City and *not* receive any compensation whatsoever for the granting of same.

Signed at Huxley, Story County Iowa, this 26th day of May, 2011.

Ballard Community School District

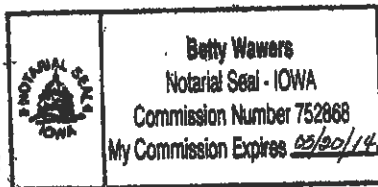
By: Jean E. Saveraid

Attest: Janice E Halverson

ACKNOWLEDGMENT

State of Iowa, County of Story, ss:

On the 26th day of May, 2011, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jean E Saveraid and Janice E Halverson, to me personally known to be the President and Secretary, respectively of the Board of Directors of the Ballard Community School District, described in and which executed the within and foregoing instrument to which this is attached; that Ballard Community School District has no seal, and that this instrument was executed and signed on behalf of Ballard Community School District by authority of its board of directors; and that the officers acknowledged the execution of this instrument to be the voluntary act and deed of Ballard Community School District by it and by them voluntarily executed.



Betty Wawers
Notary Public, State of Iowa

Pg 4

ACCEPTANCE AND APPROVAL BY CITY: The undersigned City Clerk of the City of Huxley, Iowa, hereby certifies that the above and foregoing Easement was Accepted and Approved by the City of Huxley pursuant to written Resolution Number 11-049 (2011-2012), passed and adopted by the City Council of Huxley during its regular session on the 24th day of May, 2011.



Justin Moore
Justin Moore, City Clerk

Pg. 5

EASEMENT EXHIBIT

Tract 1 --Public Utility Easement

A 10.00 foot wide Public Utility Easement over, under and across the West 10.00 feet of the East 25.00 feet of the North 1004.00 feet of the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa.

AND

Tract 1 -- Right-of-Way

PERMANENT RIGHT-OF-WAY

A 15.00 foot wide tract of land for Permanent Right-of-Way purposes, over and across the East 15.00 feet of the North 1004.00 feet of the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa.

TOGETHERWITH a 10.00 foot wide Public Utility Easement being 10.00 feet westerly of and adjoining the above-described Permanent Right-of-Way.

690424.1

Pg. 6

PERMANENT EASEMENT DESCRIPTION

A tract of land 60.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa lying 60.00 feet (measured at right angles) northerly of and adjoining the following described Line A.

Line A: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the point of beginning of Line A, said point being on the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence continuing North 89 degrees 46 minutes 53 seconds West, along the south line of said Northwest Quarter, a distance of 910.49 feet and said Line A there terminating.

TOGETHER WITH a tract of land 70.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of said Section 23 lying 35.00 feet (measured at right angles) on both sides of the following described Line B. The sidelines of said strip of land shall be shortened or extended to terminate on the South at the south line of the Northwest Quarter of said Section 23 and on the north at the north line of Parcel L as defined by the Plat of Survey dated April 22, 2004 and filed as Inst. No. 04-04921

Line B: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1135.49 feet to the point of beginning of Line B; thence North 00 degrees 00 minutes 00 seconds West, a distance of 190.08 feet; thence northeasterly, a distance of 272.53 feet along a tangent curve concave to the southeast having a radius of 350.00 feet and a central angle of 44 degrees 36 minutes 51 seconds; thence North 44 degrees 36 minutes 51 seconds East, tangent to said curve, a distance of 139.66 feet; thence northeasterly, a distance of 271.20 feet along a tangent curve concave to the northwest having a radius of 350.00 feet and a central angle of 43 degrees 23 minutes 43 seconds; thence North 00 degrees 13 minutes 07 seconds East, tangent to said curve, a distance of 88.18 feet; thence northerly, a distance of 22.92 feet along a tangent curve concave to the west having a radius of 200.00 feet and a central angle of 06 degrees 33 minutes 55 seconds to the north line of said Parcel L and said Line B there terminating.

TOGETHER WITH a tract of land in the South Half of the Northwest Quarter of said Section 23 described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence North 00 degrees 09 minutes 52 seconds West, along said southerly extension, a distance of 100.00 feet to the southwest corner of Lot 1 said SHAEFFER SUBDIVISION; thence South 89 degrees 46 minutes 53 seconds East, along the south line of said Lot 1, a distance of 190.00 feet to the east line of the Northwest Quarter of said Section 23; thence South 00 degrees 09 minutes 52 seconds East, along said east line, a distance of 100.00 feet to the point of beginning.

TOGETHER WITH a tract of land in the South Half of the Northwest Quarter of said Section 23, described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1100.49 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 60.00 feet to the point of beginning; thence continuing North 00 degrees 00 minutes 00 seconds West, a distance of 30.00 feet; thence South 73 degrees 51 minutes 02 seconds East, a distance of 109.31 feet to a point on a line lying parallel with and 60.00 feet north (measured at right angles) of the south line of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, parallel with the south line of said Northwest Quarter, a distance of 105.00 feet to the point of beginning.

TOGETHER WITH Permanent Utility Easements over, under and across those strips of land described as follows:

A 10.00 foot wide strip of land lying northerly of and adjoining the first above described strip excepting therefrom the westerly 105.00 feet thereof

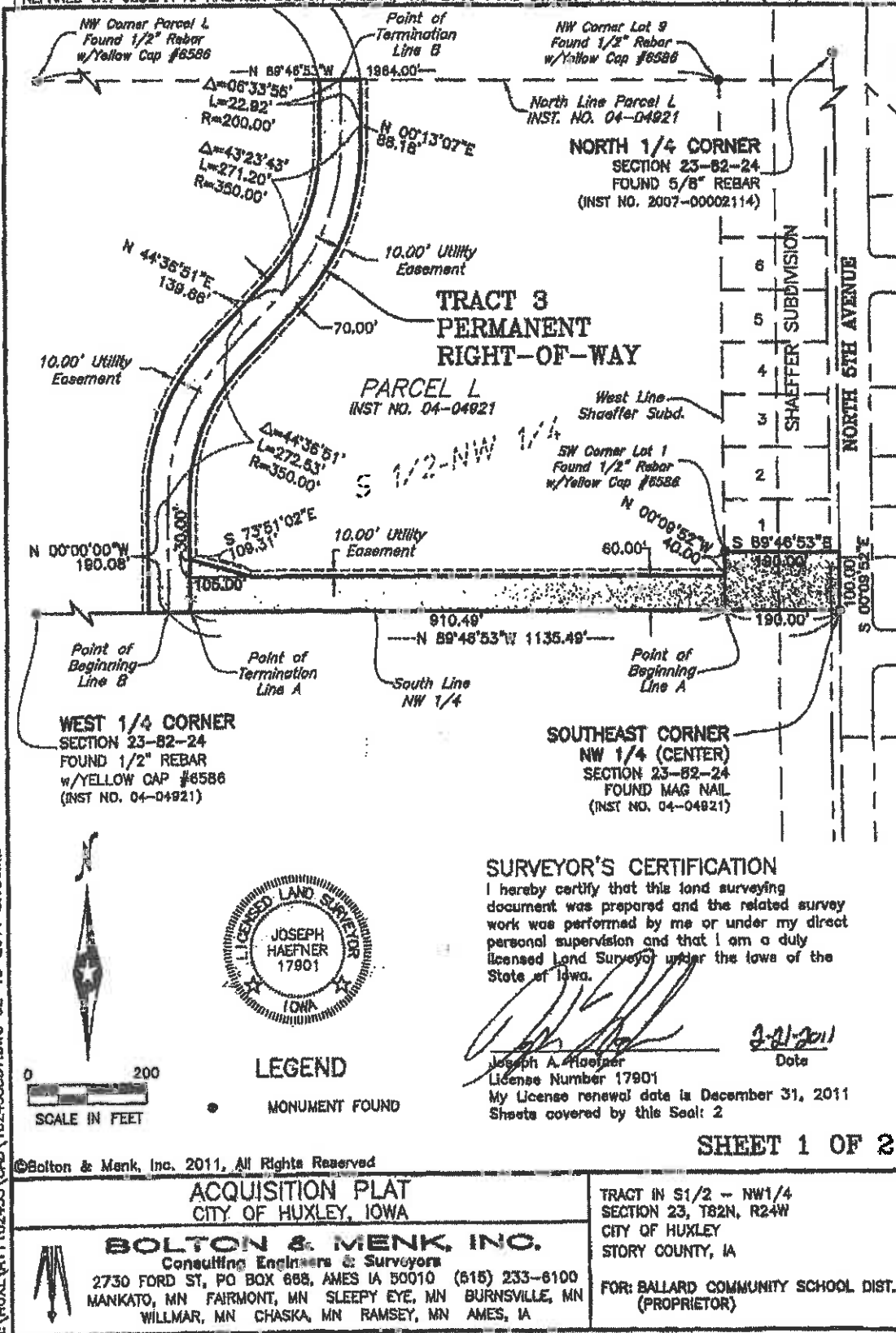
A 10.00 foot wide strip of land lying westerly of and adjoining the second above described strip

A 10.00 foot wide strip of land lying easterly of and adjoining the second above described strip excepting therefrom the southerly 90.00 feet thereof

A 10.00 foot wide strip of land lying northeasterly of and adjoining the last above described tract of land

Instrument: 2011- 00003612
 Date: Apr 17, 2011 08:45:30A
 Rec Fees 10.00 E-Code Fee 1.00
 Ad Fees .00 Trans Tax .00
 Rec Management Fee 1.00
 Non-Standard Paper Fee .00
 Filed for record in Story County, Iowa
 Susan L. Vande Kamp, County Recorder

PREPARED BY: JOSEPH A. HAEFNER BOLTON & MENK, INC. 2730 FORD STREET PO BOX 688 AMES, IA (515) 233-8100



SURVEYOR'S CERTIFICATION

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 Land Surveyor under the laws of the State of Iowa.

Joseph A. Haefner
 Joseph A. Haefner
 License Number 17901
 My License renewal date is December 31, 2011
 Sheets covered by this Seal: 2

3-21-2011
 Date



LEGEND

● MONUMENT FOUND



E:\HUXLEY\1102455\CAD\102453807.DWG 02-18-2011 8:10a.m.

JOB NUMBER: A11.102453

©Bolton & Menk, Inc. 2011, All Rights Reserved

SHEET 1 OF 2

ACQUISITION PLAT
CITY OF HUXLEY, IOWA

BOLTON & MENK, INC.

Consulting Engineers & Surveyors
 2730 FORD ST, PO BOX 688, AMES IA 50010 (515) 233-8100
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

TRACT IN S1/2 - NW1/4
 SECTION 23, T82N, R24W
 CITY OF HUXLEY
 STORY COUNTY, IA

FOR: BALLARD COMMUNITY SCHOOL DIST.
 (PROPRIETOR)

DRAWN BY: DEA 110, 23-82-24 (23)

CONTINUED

PREPARED BY: JOSEPH A. HAEFNER BOLTON & MENK, INC. 2730 FORD STREET PO BOX 868 AMES, IA (515) 233-6100

**TRACT 3
PERMANENT RIGHT-OF-WAY**

A tract of land 80.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa lying 60.00 feet (measured at right angles) northerly of and adjoining the following described Line A.

Line A: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the point of beginning of Line A, said point being on the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence continuing North 89 degrees 46 minutes 53 seconds West, along the south line of said Northwest Quarter, a distance of 910.49 feet and said Line A there terminating.

TOGETHER WITH a tract of land 70.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of said Section 23 lying 35.00 feet (measured at right angles) on both sides of the following described Line B. The sidelines of said strip of land shall be shortened or extended to terminate on the South at the south line of the Northwest Quarter of said Section 23 and on the north at the north line of Parcel L as defined by the Plat of Survey dated April 22, 2004 and filed as Inst. No. 04-04921

Line B: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1135.49 feet to the point of beginning of Line B; thence North 00 degrees 00 minutes 00 seconds West, a distance of 190.08 feet; thence northeasterly, a distance of 272.53 feet along a tangent curve concave to the southeast having a radius of 350.00 feet and a central angle of 44 degrees 36 minutes 51 seconds; thence North 34 degrees 36 minutes 51 seconds East, tangent to said curve, a distance of 138.66 feet; thence northeasterly, a distance of 271.20 feet along a tangent curve concave to the northwest having a radius of 350.00 feet and a central angle of 43 degrees 23 minutes 43 seconds; thence North 00 degrees 13 minutes 07 seconds East, tangent to said curve, a distance of 88.18 feet; thence northerly, a distance of 22.92 feet along a tangent curve concave to the west having a radius of 200.00 feet and a central angle of 08 degrees 33 minutes 55 seconds to the north line of said Parcel L and said Line B there terminating.

TOGETHER WITH a tract of land in the South Half of the Northwest Quarter of said Section 23 described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence North 00 degrees 09 minutes 52 seconds West, along said southerly extension, a distance of 100.00 feet to the southwest corner of Lot 1 said SHAEFFER SUBDIVISION; thence South 89 degrees 46 minutes 53 seconds East, along the south line of said Lot 1, a distance of 190.00 feet to the east line of the Northwest Quarter of said Section 23; thence South 00 degrees 09 minutes 52 seconds East, along said east line, a distance of 100.00 feet to the point of beginning.

TOGETHER WITH a tract of land in the South Half of the Northwest Quarter of said Section 23, described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1100.49 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 60.00 feet to the point of beginning; thence continuing North 00 degrees 00 minutes 00 seconds West, a distance of 30.00 feet; thence South 73 degrees 51 minutes 02 seconds East, a distance of 109.31 feet to a point on a line lying parallel with and 80.00 feet north (measured at right angles) of the south line of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, parallel with the south line of said Northwest Quarter, a distance of 105.00 feet to the point of beginning.

TOGETHER WITH Permanent Utility Easements over, under and across those strips of land described as follows:

- A 10.00 foot wide strip of land lying northerly of and adjoining the first above described strip excepting therefrom the westerly 105.00 feet thereof
- A 10.00 foot wide strip of land lying westerly of and adjoining the second above described strip
- A 10.00 foot wide strip of land lying easterly of and adjoining the second above described strip excepting therefrom the southerly 90.00 feet thereof
- A 10.00 foot wide strip of land lying northeasterly of and adjoining the last above described tract of land

I:\HUXLEY\1102453\CAD\102453BD7.DWG 02-18-2011 8:10am

JOB NUMBER: A11-102453

©Bolton & Menk, Inc. 2011, All Rights Reserved

SHEET 2 OF 2

<p>ACQUISITION PLAT CITY OF HUXLEY, IOWA</p>	<p>TRACT IN S1/2 - NW1/4 SECTION 23, T82N, R24W CITY OF HUXLEY STORY COUNTY, IA</p>
<p>BOLTON & MENK, INC. Consulting Engineers & Surveyors 2730 FORD ST, PO BOX 868, AMES IA 50010 (515) 233-6100 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA</p>	<p>FOR: BALLARD COMMUNITY SCHOOL DIST. (PROPRIETOR)</p>

DRAWN BY: DEA 110, 23-82-24 (23)

END INSTRUMENT

Date: March 21, 2011

The Board of Directors of the Ballard Community School District, in the County of Story, State of Iowa, met in open session, in the City Council Chambers located at Building 3C, 515 N. Main Avenue, Huxley, Iowa, at 6:30 o'clock P.M., on the above date. There were present President Jean Saveraid, in the chair, and the following Board Directors:

David Jackson, Joyce Peterson,

Kirk Peterson

Absent:

Tim Erickson

* * * * *

The President announced that this was the time and place for the public hearing and meeting on the matter of the proposed conveyance interests in real estate, and that notice of the proposed action had been published pursuant to the provisions of Section 297.22(1) of the Code of Iowa.

Inquiry was made whether any written objections had been filed by any resident or property owner of the District regarding the sale of such real estate by the District. The Secretary stated that no written objections had been filed. Oral objections to the sale of real estate were then called for and received and ~~none~~ were made. Whereupon, the President declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections
received or made, if any)

Date: March 31, 2011

The proposed actions and the extent of objections thereto were then considered.

Director Joyce Peterson introduced the following Resolution and moved that it be adopted. Director Kirk Peterson seconded the motion to adopt. The roll was called and the vote was:

AYES: David Jackson, Joyce Peterson

Kirk Peterson, Jean Saveraid

NAYS: none

Whereupon, the President declared the resolution duly adopted as follows:

RESOLUTION FOR A CONVEYANCE OF EASEMENTS

WHEREAS, pursuant to notice published as required by law, the Board of Directors of the Ballard Community School District on the 21st day of March, 2011, held a hearing on the proposal to convey easements in real estate and the extent of objections received from residents or property owners as to said proposed transaction has been fully considered; and, accordingly the following action is now considered to be in the best interests of the District and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BALLARD COMMUNITY SCHOOL DISTRICT:

Section 1. That the easements in real estate described herein shall be conveyed by the District to the City of Huxley for \$1.00 each and other good and valuable consideration.

Section 2. The Board President and Secretary are authorized to sign the approved easements.

Section 3. The Board President, Secretary, Superintendent, and officers of the District are authorized to take all actions necessary to complete the above-described transaction.

Section 4. The real property is described as follows:

Tract 1 Easement

Proposal to convey a permanent right-of-way easement to the City of Huxley for \$1.00 for the property legally described as:

A 15.00 foot wide tract of land for Permanent Right-of-Way purposes, over and across the East 15.00 feet of the North 1004.00 feet of the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa.

TOGETHER WITH a 10.00 foot wide Public Utility Easement being 10.00 feet westerly of and adjoining the above-described Permanent Right-of-Way.

Tract 2 Easement

Proposal to convey a permanent right-of-way easement to the City of Huxley for \$1.00 for the property legally described as:

A tract of land in Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, City of Huxley, Story County, Iowa, being described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the north line of the Southwest Quarter of said Section 23, a distance of 15.00 feet to the point of beginning; thence South 00 degrees 09 minutes 52 seconds East, parallel with the east line of said Southwest Quarter a distance of 98.95 feet; thence North 89 degrees 46 minutes 53 seconds West, parallel with the north line of said Southwest Quarter, a distance of 85.00 feet; thence North 63 degrees 32 minutes 01 seconds West, a distance of 223.73 feet to the north line of said Southwest Quarter; thence South 89 degrees 46 minutes 53 seconds East, along said north line, a distance of 285.00 feet to the point of beginning.

Tract 3 Easement

Proposal to convey a permanent right-of-way easement to the City of Huxley for \$1.00 for the property legally described as:

A tract of land 60.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa lying 60.00 feet (measured at right angles) northerly of and adjoining the following described Line A.

Line A: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the point of beginning of Line A, said point being on the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence continuing North 89 degrees 46 minutes 53 seconds West, along the south line of said Northwest Quarter, a distance of 910.49 feet and said Line A there terminating.

TOGETHER WITH a tract of land 70.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of said Section 23 lying 35.00 feet (measured at right angles) on both sides of the following described Line B. The sidelines of said strip of land shall be shortened or extended to terminate on the South at the south line of the Northwest Quarter of said Section 23 and on the north at the north line of Parcel L as defined by the Plat of Survey dated April 22, 2004 and filed as Inst. No. 04-04921

Line B: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1135.49 feet to the point of beginning of Line B; thence North 00 degrees 00 minutes 00 seconds West, a distance of 190.08 feet; thence northeasterly, a distance of 272.53 feet along a tangent curve concave to the southeast having a radius of 350.00 feet and a central angle of 44 degrees 36 minutes 51 seconds; thence North 44 degrees 36 minutes 51 seconds East, tangent to said curve, a distance of 139.66 feet; thence northeasterly, a distance of 271.20 feet along a tangent curve concave to the northwest having a radius of 350.00 feet and a central angle of 43 degrees 23 minutes 43 seconds; thence North 00 degrees 13 minutes 07 seconds East, tangent to said curve, a distance of 88.18 feet; thence northerly, a distance of 22.92 feet along a tangent curve concave to the west having a radius of 200.00 feet and a central angle of 06 degrees 33 minutes 55 seconds to the north line of said Parcel L and said Line B there terminating.

TOGETHER WITH a tract of land in the South Half of the Northwest Quarter of said Section 23 described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence North 00 degrees 09 minutes 52 seconds West, along said southerly extension, a distance of 100.00 feet to the southwest corner of Lot 1 said SHAEFFER SUBDIVISION; thence South 89 degrees 46 minutes 53 seconds East, along the south line of said Lot 1, a distance of 190.00 feet to the east line of the Northwest Quarter of said Section 23; thence South 00 degrees 09 minutes 52 seconds East, along said east line, a distance of 100.00 feet to the point of beginning.

TOGETHER WITH a tract of land in the South Half of the Northwest Quarter of said Section 23, described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1100.49 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 60.00 feet to the point of beginning; thence continuing North 00 degrees 00 minutes 00 seconds West, a distance of 30.00 feet; thence South 73 degrees 51 minutes 02 seconds East, a distance of 109.31 feet to a point on a line lying parallel with and 60.00 feet north (measured at right angles) of the south line of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, parallel with the south line of said Northwest Quarter, a distance of 105.00 feet to the point of beginning.

TOGETHER WITH Permanent Utility Easements over, under and across those strips of land described as follows:

A 10.00 foot wide strip of land lying northerly of and adjoining the first above described strip excepting therefrom the westerly 105.00 feet thereof

A 10.00 foot wide strip of land lying westerly of and adjoining the second above described strip

A 10.00 foot wide strip of land lying easterly of and adjoining the second above described strip excepting therefrom the southerly 90.00 feet thereof

A 10.00 foot wide strip of land lying northeasterly of and adjoining the last above described tract of land

Public Utility Easement

Proposal to convey a public utility right-of-way to the City of Huxley for \$1.00 for the property legally described as:

A 10.00 foot wide Public Utility Easement over, under and across the West 10.00 feet of the East 25.00 feet of the North 1004.00 feet of the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa.

PASSED AND APPROVED, this 21st day of March, 2011.

BALLARD COMMUNITY SCHOOL DISTRICT

By: Jane E. Laveraid
President

ATTEST:

Janice E. Halverson
Secretary

684611.1 \22154011

STATE OF IOWA)
) ss
COUNTY OF STORY)

I certify that I am the Secretary of the Board of Directors of the Ballard Community School District and that as Secretary of the Board of Directors and by full authority from the Board of Directors, I caused a

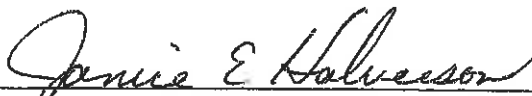
NOTICE OF PUBLIC HEARING ON THE PROPOSED
CONVEYANCE OF REAL ESTATE INTERESTS

of which the clipping annexed to the publisher=s affidavit attached is a complete copy published one time in the Ames Tribune (name of newspaper), Ames, Iowa, a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and which is published in or has a general circulation within the school corporation, and that this Notice was published in this newspaper in all of the issues published and circulated on the following date:

March 9, 2011

which date was at least ten (10) days before the hearing.

WITNESS my official signature this 21st day of March, 2011.


Secretary, Board of Directors of the Ballard
Community School District

(Attach Affidavit of Publication, including newspaper clipping)

Legal Notice

#56036

**NOTICE OF PUBLIC HEARING ON
A CONVEYANCE OF REAL
ESTATE INTERESTS**

Notice is hereby given that the Board of Directors of the Ballard Community School District will hold a public hearing on the 21st day of March, 2011, at 6:30 o'clock P.M. central time, in the City Council Chambers located at 30. Building, 515 N. Main Avenue, Huxley, Iowa, on the conveyance of land as described herein pursuant to Iowa Code Sections 279.8 and 297.22.

At the time and place set for the public hearing, interested individuals will be given the opportunity to express their views, both orally and in writing, on the following proposal:
Tract 1 Easement

Proposal to convey a permanent right-of-way easement to the City of Huxley for \$1.00 for the property legally described as:

A 15.00 foot wide tract of land for Permanent Right-of-Way purposes, over and across the East 15.00 feet of the North 1004.00 feet of the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West in the City of Huxley, Story County, Iowa.

TOGETHER WITH a 10.00 foot wide Public Utility Easement being 10.00 feet westerly of and adjoining the above described Permanent Right-of-Way.

Tract 2 Easement
Proposal to convey a permanent right-of-way easement to the City of Huxley for \$1.00 for the property legally described as:

to the east line of the Northwest Quarter of said Section 23; thence South 00 degrees 02 minutes 52 seconds East, along said east line, a distance of 100.00 feet to the point of beginning.

TOGETHER WITH a tract of land in the South half of the Northwest Quarter of said Section 23, described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1100.33 feet; thence North 60 degrees 00 minutes 00 seconds West, a distance of 60.00 feet to the point of beginning; thence continuing North 60 degrees 00 minutes 00 seconds West, a distance of 30.00 feet; thence South 73 degrees 51 minutes 02 seconds East, a distance of 109.34 feet to a point on a line lying parallel with and 60.00 feet north (measured at right angles) of the south line of the Northwest Quarter of said Section 23; thence North 89 degrees 46 minutes 53 seconds West, parallel with the south line of said Northwest Quarter, a distance of 105.00 feet to the point of beginning.

TOGETHER WITH Permanent Utility Easements over, under and across those strips of land described as follows:

A 10.00 foot wide strip of land lying northerly of and adjoining the first above described strip excepting therefrom the westerly 105.00 feet thereof.

A 10.00 foot wide strip of land lying westerly of and adjoining the second above described strip.

A 10.00 foot wide strip of land lying northerly of and adjoining the second above described strip excepting therefrom the westerly 90.00 feet of the Southwest Quarter of said Section 23.

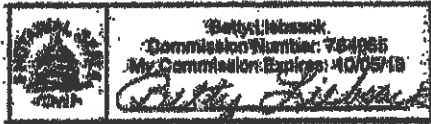
**Proof Of Publication in
THE TRIBUNE**

STATE OF IOWA, STORY COUNTY, ss.

I, Alexandra Hayne, on oath depose and say that I am editor of THE AMES TRIBUNE, a daily newspaper, printed at Ames, Story County, Iowa; that the annexed printed

**BALLARD SCHOOLS
NOTICE OF PUBLIC HEARING
MARCH 21, 2011**

was published in said newspaper one time on March 9, 2011; the last day of publication was the 9th day of March, 2011.



Alexandra Hayne

Notary Public
sworn to before me and subscribed in my presence by Alexandra Hayne
this 9th day of March, 2011.

FEE: \$144.05
AD#: TR56036
ACCT: BDCS14

... Commencing at the Northeast corner of the Southwest Quarter of said Section 23; thence North 89 degrees 48 minutes 53 seconds West, along the north line of the Southwest Quarter of said Section 23, a distance of 18.00 feet to the point of beginning; thence South 00 degrees 02 minutes 52 seconds East, parallel with the east line of said Southwest Quarter, a distance of 98.95 feet; thence North 89 degrees 48 minutes 53 seconds West, parallel with the north line of said Southwest Quarter, a distance of 88.00 feet; thence North 88 degrees 32 minutes 04 seconds West, a distance of 223.76 feet to the north line of said Southwest Quarter; thence South 89 degrees 48 minutes 53 seconds East, along said north line, a distance of 265.00 feet to the point of beginning.

Tract 3 Easement
Proposal to convey a permanent right-of-way easement to the City of Huxley for \$4.00 for the property legally described as:

A tract of land 30.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa lying 30.00 feet (measured at right angles) northerly of and adjoining the following described Line A:

Line A: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 48 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 190.00 feet to the point of beginning of Line A, said point being on the southerly extension of the west line of SHAEFFER SUBDIVISION in the City of Huxley according to the recorded plat thereof; thence continuing North 89 degrees 48 minutes 53 seconds West, along the south line of said Northwest Quarter, a distance of 810.49 feet and said Line A, there terminating.

TOGETHER WITH a tract of land 70.00 feet in width over, and across a strip of land in the South Half of the Northwest Quarter of said Section 23 lying 35.00 feet (measured at right angles) on both sides of the following described Line B. The width of said strip of land shall be shortened or extended to terminate on the South at the south line of the Northwest Quarter of said Section 23 and on the north at the north line of Parcel L as defined by the Plat of Survey dated April 22, 2004 and filed as Inst. No. 04-04921.

Line B: Commencing at the Southeast corner of the Northwest Quarter of said Section 23; thence North 89 degrees 48 minutes 53 seconds West, along the south line of the Northwest Quarter of said Section 23, a distance of 1135.40 feet to the point of beginning of Line B; thence North 00 degrees 00 minutes 00 seconds West, a distance of 100.00 feet; thence northeasterly, a distance of 272.68 feet along a tangent curve concave to the southeast having a radius of 860.00 feet and a central angle of 44 degrees 36 minutes 51 seconds; thence North 44 degrees 36 minutes

northeasterly, of and adjoining the last above-described tract of land Public Utility Easement Proposal to convey a public utility right-of-way to the City of Huxley for \$4.00 for the property legally described as:

A 10.00 foot wide Public Utility Easement over, under and across the West 100 feet of the East 25.00 feet of the North 1004.00 feet of the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa.

Land Transfer
Proposal to convey by deed without warranty the following described land to Arin Sheldahl and Charles Sheldahl (Sheldahls) in exchange to land owned by the Sheldahls.

A tract of land in the Northeast Quarter of the Southwest Quarter of Section 23, Township 82 North, Range 24 West, in the City of Huxley, Story County, Iowa described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 23; thence North 89 degrees 48 minutes 53 seconds West, along the north line of the Southwest Quarter of said Section 23, a distance of 15.00 feet; thence South 00 degrees 02 minutes 52 seconds East, parallel with the east line of said Southwest Quarter, a distance of 98.95 feet to the point of beginning; thence continuing South 09 degrees 02 minutes 52 seconds East, parallel with the east line of said Southwest Quarter, a distance of 306.05 feet; thence North 89 degrees 48 minutes 53 seconds West, parallel with the north line of said Southwest Quarter, a distance of 85.00 feet; thence North 00 degrees 00 minutes 52 seconds West, parallel with the east line of said Southwest Quarter, a distance of 905.05 feet; thence South 89 degrees 48 minutes 53 seconds East, parallel with the north line of said Southwest Quarter, a distance of 85.00 feet to the point of beginning.

Said tract contains 1.768 acres of land.

The proposals may be subject to conditions as may be stated either in the proposals, the Resolutions of the Board of Directors of the Ballard Community School District, or contract documents entered into between the parties.

A copy of the proposals to be considered by the Board at the public hearing may be reviewed at the office of Secretary of the Board of the Ballard Community School District, 802 N. Main Avenue, Huxley, Iowa.

After the public hearing, the Board may make a final determination to accept or reject the proposal as submitted, or upon condition that certain terms be changed, or the Board may defer action on any or all of the proposals until a subsequent meeting.

**BOARD OF DIRECTORS,
BALLARD COMMUNITY SCHOOL DISTRICT**

By Janelle E. Halverson,
Secretary of the Board of Directors

Published in the Ames Tribune on March 9, 2014.

Continued on page 54.