

September 30, 1997

NOTICE OF HEARING ON PROPOSED ESTABLISHMENT
OF DRAINAGE DISTRICT #120, CLAY COUNTY, IOWA

TO: Dean R. Reese, Ester Reese, Thelmamae Joines, Lloyd Joines, Robert B. Albright, Berniece C. Albright, Thomas A. Tewes, Shelly R. Tewes, Harry Warren, Mary M. Warren, James A. Warren, Frances M. Alexander, Joyce A. Warren Residual Trust, Paul Zieman, Louise Zieman, Mary Jane Fishbeck and Clay County, Iowa, and to all lienholders or encumbrancers within said proposed Drainage District and also to all persons who it may concern and also to all actual occupants of the following land in Clay County, Iowa:

Peterson Township - T94N, R38W:

Section 3 - NW1/4 and NW1/4 SW1/4
Section 4 - N1/2 NE1/4 and SW1/4 NE1/4

Clay Township - T95N, R38W:

Section 33 - SE1/4
Section 34 - NW1/4, SW1/4, NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4; SE1/4

You and each of you are hereby notified that on the 23rd day of August, 1995, a Petition asking for the establishment of this Drainage District was filed with the Board of Supervisors of Clay County, Iowa, which Petition was signed by six landowners owning land within this proposed area for this district asking that the Board of Supervisors establish this district as a legal drainage district. The Petition requests that a drainage district be established commencing at a starting point at the northeast corner of Section 4, Township 94 North, Range 38 West of the 5th P.M., thence running northerly and northeasterly to include all or parts of the following lands: The Northwest Quarter of Section 3, T94N, R38W, the Southeast Quarter of Section 33, T95N, R38W, the Southwest Quarter of Section 34, T95N, R38W, Southeast Quarter of Section 34, T95N, R38W, Northeast Quarter of Section 34, T95N, R38W and Northwest Quarter of Section 34, T95N, R38W and terminating on the north side of the Northwest Quarter of Section 34, T95N, R38W. That it is proposed by these Petitioners that the private tile lines which are reflected on the Engineer's report be acquired by this Drainage District so that this District consists of improvements consisting of drainage tile which is currently in place.

Immediately after the filing of this Petition with the Board of Supervisors of Clay County, the Board of Supervisors appointed Donald D. Etler of Kuehl & Payer, Ltd., consulting engineers and land surveyors, to prepare the necessary engineer's report relative to this proposed drainage district.

Then on August 26, 1997, Donald D. Etler, as said engineer, filed his report in writing with the Board of Supervisors of Clay County, together with a plat, profile and specifications, recommending the location and establishment of this drainage district.

That the Board of Supervisors of Clay County, Iowa, have approved this report as a tentative report and has set the date for hearing on this proposed establishment of this drainage district for 1:30 P.M., on October 21, 1997, at the Board Meeting Room in the Clay County Administration Building at 300 West 4th Street in Spencer, Iowa.

You are further notified that the Board of Supervisors have directed the Auditor of Clay County to cause notice to be given to the owner of each tract of land or lot within the proposed levy or drainage district as shown by the transfer books of the Auditor's Office, including Railway Companies having right-of-way in the proposed district and to all lienholders or encumbrancers of any land within the proposed district and also to all other persons to whom it may concern and all actual occupants of the land proposed for inclusion of this district of the pendency and prayer of said Petition and the favorable report thereon by the Engineer and that such report may be amended before final action, the approval thereof by the Board as a tentative plan.

You are further notified that this engineer's report proposes that this drainage district be established and that this district acquire all the private tile lines which are specifically described in the engineer's report. Also that said tile lines shall become the property of this drainage district so long as this drainage district is in existence and shall be under the supervision of the Board of Supervisors of Clay County, Iowa, as provided by law.

You are further notified that such report may be amended before final action and that all claims for damages except for claims for land required for right-of-way, and all objections to the establishment of said district for any reason must be made in writing and filed in the office of the Clay County Auditor at Spencer, Iowa, at or before the time set for hearing as above stated.

For further information and particulars, you are directed to see the Petition and the Engineer's Report, Plans and Specifications, now on file in the office of the Clay County Auditor at the Administration Building in Spencer, Iowa.

Dated at Spencer, Iowa this 30th day of September, 1997.

Philip L. Hurst, County Auditor