

Drainage District 47
October 25, 2004

Motion by Chalstrom, seconded by Zinn to adopt Resolution 2004-44 as stated. Roll Call: Ayes: Chalstrom, Brockshus, Zinn, Schoer, and Sorenson. Nays: None. Motion carried.

RESOLUTION NO.2004-44

WHEREAS, the Clay County Board of Supervisors, acting as trustees of Clay County Drainage District No. 47, have received a request from the City of Spencer to make certain changes in connection with existing drain tiles and drainage ways currently operated by Clay County Drainage District No. 47 so as to accommodate development of certain commercial property; and

WHEREAS, the Supervisors, as trustees of said Drainage District, have determined that relocation of said drainage tiles is appropriate; and

WHEREAS, two proposed easement agreements from Red Crib Farms and one proposed easement agreement from Tom and Debra Johnson, have been presented to the Supervisors on this 25th day of October, 2004, and are on file with the Clay County Auditor; and

WHEREAS, all of said agreements provide for the City of Spencer or Menard, Inc to pay all costs associated with relocation of the drainage ways.

NOW THEREFORE BE IT REOLVED as follows:

1. That the Clay County Board of Supervisors, acting as trustees of Clay County Drainage District No. 47, do hereby agree that, upon the execution and delivery of all three agreements, the easement grants will be accepted by the Drainage District.
2. All construction and design of the drainage ways, tiles or other improvements within the easements shall be carried out in conformity with plans and specifications to be approved by the Clay County Engineer.
3. That the Clay County Board of Supervisors, acting as trustees of Clay County Drainage District No. 47, further resolve that, after execution and delivery of the easement agreements, and upon the certification of the Clay County Engineer that the construction of the drainage ways has been completed to conformity with plans and specifications approved by the Clay County Engineer, then any easements currently existing in favor of Clay County Drainage District No. 47 which extend across the East Half of the Northwest Quarter of Section 24, Township 96 North, Range 37 West of the 5th P.M., Clay County, Iowa, together with any drain tile or other improvements located within said easements shall be and are hereby declared to be abandoned without further action of this board.

DONE this 25th day of October, 2004

CLAY COUNTY BOARD OF SUPERVISORS,

BY: /s/Joel Sorenson, Chairperson

ATTEST: /s/Marjorie A. Pitts, Auditor