

August 28, 2009

The Mahaska County Board of Supervisors met on the above date in special session at 11:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman – Greg Gordy; vice chairman – Lawrence Rouw and member – Henry W. VanWeelden. Also present were J.D. Fleener and Kay Swanson, Mahaska County Auditor.

Chairman Gordy called the meeting to order with a moment of silence.

It was moved by Rouw seconded by VanWeelden to approve the agenda with the addition of approval of Schedule of benefits for the health insurance. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the schedule of benefits for the health insurance effective July 1, 2009. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to accept the quit claim deed from Allied Gas and Chemical Company, Inc (J.D. Fleener and Charles Fleener) for the following property. All present voted aye. Motion carried.

That part of the former Chicago Northwestern Railroad right of way located in the Southwest Quarter of Section 28 and the Southeast Quarter of Section 29, Township 75 North, Range 15 West of the 5th Principal Meridian, Mahaska County, Iowa, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 28; thence on an assumed bearing of North 00°53'44" West 1,363.50 feet along the west line of said Southwest Quarter to the southerly line of the former Chicago Northwestern Railroad right of way and the point of beginning; thence South 60°06'25" East 155.80 feet along said southerly line; thence North 04°24'02" West 60.52 feet to the northerly line of said former railroad right of way; thence North 60°06'25" West along said northerly line 151.49 feet to the West line of the Southwest Quarter of said Section 28; thence North 60°06'25" West along said northerly line 20.37 feet to the southeast corner of Lot 3, Oskaloosa Industrial Park – Plat 2; thence South 00°53'44" East 29.10 feet to the centerline of the former Chicago Northwestern Railroad; thence South 60°06'25" East along said centerline 20.37 feet to the West line of the Southwest Quarter of said Section 28; thence South 00°53'44" East 29.10 feet along said west line to the southerly line of said former railroad right of way and the point of beginning said tract contains .19 acres.

Grantee acknowledges that the above described real estate was formerly a railroad right of way and does hereby agree, in partial consideration of this easement, that at any time the Grantor, its heirs, successors in interest, or assignees request the railroad tracks, which were removed prior to this date, be reinstalled, that the County or its successors shall reinstall said railroad tracts and the equipment required for any such railroad crossing of a public highway at the County's or its successors expense.

That Grantee, it heirs or assignee, shall be solely responsible for the maintaining of said public highway. Said easement shall run with the land. The consideration paid herewith and the agreements set out herein shall be in full payment for said property.

Grantor, its assigns, and successors in interest, reserves a perpetual easement over and across the above described real estate for purposes of ingress and egress to the real estate adjoining the above described real estate.

This deed is recorded in the Recorder's Office in book 2009-2948 and the survey is recorded in Survey Book 4 page 456.

It was moved by VanWeelden seconded by Rouw to adjourn. All present voted aye. Motion carried.

Greg Gordy, Chairman
Mahaska County Board of Supervisors

ATTEST: _____
Kay Swanson, Mahaska County Auditor