

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 16, 2018.

Meeting called to order at 9:00 a.m. by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Also present were Engineer John Riherd, Emergency Management Coordinator Chris Showalter, County Attorney Greg Lievens, Assessor Michele Shultz, Treasurer Vicki Schoneman, Patrick Vickers and Joy Anderson, Greene, Iowa, Bruce Toenjes, Shell Rock, Iowa and Bethany Carson, Mid-America Publishing.

Minutes of the previous meeting were read and approved as read.

Board held a public hearing on transfer by Quit Claim Deed of Butler County's interest in Parcel #0201308018 described as: that part of vacated street lying northeast and adjacent to Lots 1 through 4, Block 2 in Traer's Second Addition, City of Greene, Iowa. Present were Engineer John Riherd, Emergency Management Coordinator Chris Showalter, County Attorney Greg Lievens, Assessor Michele Shultz, Treasurer Vicki Schoneman, Patrick Vickers and Joy Anderson, Greene, Iowa, Bruce Toenjes, Shell Rock, Iowa and Bethany Carson, Mid-America Publishing. Attorney for Eleanor Reed, Patrick Vickers asserted that the Reed family has treated this parcel as their back yard for decades, demands Adverse Possession and requests that the Board sign off by Quit Claim Deed to avoid a Quiet Title action against the County. Attorney for Joy Anderson, Bruce Toenjes stated that Adverse Possession against a government body is not possible and that Reeds have not maintained the property nor have they paid taxes on said property. Joy Anderson argued the process of disposal of the property and would like to see said property come up for bid again. County Attorney Lievens advised the Board to sign off by Quit Claim to avoid the expense of a Quiet Title Action, as the County has no interest in the property. At the close of the Public Hearing, it was moved by Eddy, second by Heidenwirth to approve the following Resolution and execute a Quit Claim Deed on same.

**RESOLUTION #909
REAL ESTATE TRANSFER**

BE IT HEREBY RESOLVED:

Butler County has been demanded to transfer its interest in real estate in the following real estate to avoid participation and costs in a quiet title action pursuant to Iowa Code Section 659.5:

Parcel #0201308018, also described as:
that part of vacated street lying northeast and adjacent to Lots 1 through 4, Block 2 in Traer's Second Addition, City of Greene, Iowa.

A public hearing for this transfer was set for this date and published as required by Iowa Code Section 331.361.

The Board, after allowing an opportunity for public comments, determined the real estate serves no purpose for the County and the County has not used the property for any purpose, and the real estate has no direct access other than by water. The demanding party, Eleanor Reed, is the adjoining landowner who has claimed ownership including by adverse possession, provided the proposed Quit Claim deed and has submitted \$50, all as set forth under the procedure stated in Section 659.5.

The Chairman and Auditor are authorized to execute the proposed deed and all acts by them for the transfer by Quit Claim deed to complete the transfer are likewise authorized and approved.

The vote thereon was as follows:

AYES: Tom Heidenwirth Rusty Eddy Greg Barnett	Nays: None
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PASSED AND ADOPTED this 16th day of October, 2018.

ATTEST: *Lizbeth Williams*, County Auditor

Moved by Barnett, second by Eddy to accept the recommendation of Engineer Riherd and approve a Utility Permit for IRUA to extend water main near 24413 Westbrook Street. All ayes. Motion carried.

No public comment received.

Board approved claims as submitted.

Moved by Barnett, second by Heidenwirth to adjourn the meeting at 10:10 A.M. to Tuesday, October 23, 2018 at 9:00 A.M. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on October 16, 2018.