

2026-01499

RECORDED: 03/24/2026 03:20:21 PM

RECORDING FEE: \$0.00

REVENUE TAX: \$

COMBINED FEE: \$0.00

JOE OTTO, COUNTY RECORDER

JASPER COUNTY, IOWA

## Resolution for Vacating a Portion of Jasper County Public Roadway

Recorder's Cover Sheet

### Preparer Information:

Mike Frietsch, Jasper County Engineers Office

Address: 910 N 11th Ave E, Newton, IA 50208 - Phone: 641.792.5862

### Return Document to:

Jasper County Auditor, 101 1st St N, Newton, IA 50208

### Title of Document:

Resolution No: 26-15

Vacating Jasper County Public Roadway Easement formerly used for S 126th Ave E and associated Bridge over the South Skunk River

The full legal description for the vacated and no longer shall be available for any public use for roadway or other public purposes other than utility purposes is on page 2

No Fee  
Auditor

**RESOLUTION VACATING JASPER COUNTY PUBLIC ROADWAY EASEMENT  
FORMERLY USED FOR S 126<sup>TH</sup> AVE E AND ASSOCIATED BRIDGE OVER THE  
SOUTH SKUNK RIVER**

BE IT RESOLVED that the Jasper County, Iowa roadway easements and other interests upon the real estate described below are no longer necessary for any public purpose and ought now be vacated in the manner allowed by law, reserving however all of such area for general public utility usage.

FURTHER RESOLVED that by Iowa Code 306.11 which states "If the proposed vacation is of part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners, a hearing is not required" a public hearing was not held since there was no evidence found to indicate that any of the described portions of roadway are currently used for roadway purposes.

NOW, THEREFORE, BE IT HEREBY RESOLVED that any and all interests of Jasper County, Iowa in and to the following described real estate are hereby vacated and no longer shall be available for any public use for roadway or other public purposes other than utility purposes:


**That portion of roadway easement formally used for South 126th Avenue East, also known as Road Number 396, located in Sections 31 and 32, Township 78 North, Range 18 West of the 5th P.M., Jasper County, Iowa, described in Road Book 1, Page 152 in the Jasper County Auditor's Office and Book 392, Page 194 and Book 401, Page 99 in the Jasper County Recorder's Office, lying north of the northerly line of Parcel 31-78-18-1 as recorded in Instrument Number 2013-06152 at the Jasper County Recorder's Office and lying north of the northerly line of Parcel 32-78-18-1 as recorded in Instrument Number 2014-01242 at the Jasper County Recorder's Office.**

BE IT HEREBY FURTHER RESOLVED that the aforesaid property and all interests of Jasper County, Iowa in and to said property be, and are hereby, conveyed to the owners of record (both legal and equitable titleholders as their respective interests may appear), an equal split of the adjacent strip to record owners of such respective adjoining parcels or as agreed upon by said owners, subject to reservation of utility use thereof. Upon subsequent formal or informal request by any such adjoining landowner or successors in interest and preparation of all documents by said landowners at their sole expense and to the satisfaction of the Jasper County Attorney as to both form and content, Jasper County, Iowa, by and through the chairperson of its Board of Supervisors and its Auditor shall execute and deliver appropriate conveyancing instruments reserving utility use interests only.


The Auditor of Jasper County, Iowa is hereby directed to promptly file in the office of the Jasper County Recorder a certified copy of this Resolution.

Passed and Approved this 24<sup>th</sup> day of March 2020

  
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Thad Nearmyer  
Chairman Board of Supervisors

  
\_\_\_\_\_  
Brandon Talsma  
Board of Supervisors

  
\_\_\_\_\_  
Doug Cupples  
Board of Supervisors

ATTEST:   
\_\_\_\_\_  
Jenna Jennings  
County Auditor



**EXHIBIT SHOWING FORMER S 126<sup>TH</sup> AVE E ROAD  
RIGHT-OF-WAY EASEMENT AND FORMER SOUTH  
SKUNK RIVER BRIDGE LOCATION**

