

**Marshall County Board of Supervisors Special Session
June 1, 2018 at 9:00 a.m.**

MINUTES

The Board met in special session on Friday, June 1, 2018, at 9:00 a.m. in the Courthouse, meeting room #1 (previously labeled meeting room #2), NE Corner, 3rd floor with all 3 members present.

1. Approval or Amendment of Agenda—

Motion by Thompson, second by Salasek, to approve the agenda as printed.

Roll call vote:	Salasek-Aye	Patten-Aye	Thompson-Aye
	Member	Chairman	Vice Chairman

Tabled from May 29, 2018 B.O.S. Regular Session Proceedings

Motion by Thompson, second by Salasek to remove Resolution #2018-0033 from the table.

Roll call vote:	Salasek-Aye	Patten-Aye	Thompson-Aye
	Member	Chairman	Vice Chairman

2. Resolution #2018-0033

**RESOLUTION ESTABLISHING JUST COMPENSATION VALUES
PRIOR TO START OF NEGOTIATIONS FOR THE GREEN MOUNTAIN
WASTEWATER TREATMENT FACILITY PROJECT**

WHEREAS, the Marshall County Board of Supervisors (the “Board”) has caused an appraisal to be made of a parcel of land owned by Matt Smith Farms, LLC, consisting of 3.86 acres, legally described as follows:

**PARCEL "C" LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4
OF SECTION 9, TOWNSHIP 84 NORTH, RANGE 17 WEST OF THE 5th
P.M., MARSHALL COUNTY, IOWA as shown in Document
#201800002676 in the records of the Marshall County Recorder’s Office,
Marshall County, IA.**

**MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE
SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SAID SECTION 9; THENCE, N1°04'44"W 600.00'
ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE**

NORTHEAST 1/4 OF SAID SECTION 9; THENCE, S89°49'24"W 280.63'; THENCE, S1°04'44"E 600.00' TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE, N89°49'24"E 280.63' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 3.86 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

("necessary property interest owned by Matt Smith Farms, LLC");

and

WHEREAS, the Marshall County Board of Supervisors (the "Board") has caused an appraisal to be made of a parcel of land owned by the Linda Voss Revocable Trust and the Paulette Bermudez Trust, consisting of 12.66 acres, legally described as follows:

PARCEL "B" LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 84 NORTH, RANGE 17 WEST OF THE 5th P.M., MARSHALL COUNTY, IOWA as shown in Document #201800002676 in the records of the Marshall County Recorder's Office, Marshall County, IA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE, S89°49'24"W 399.05' ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9 TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND RECORDED IN INSTRUMENT NO. 374-1976-7 IN THE OFFICE OF THE RECORDER MARSHALL COUNTY, IOWA; THENCE, CONTINUING S89°49'24"W 919.52' ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE, N1°04'44"W 600.00' ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE, N89°49'24"E 919.52' TO A POINT ON THE WEST LINE OF SAID CERTAIN PARCEL OF LAND; THENCE, S1°04'44"E 600.00' ALONG THE WEST LINE OF SAID CERTAIN PARCEL OF LAND TO THE POINT OF BEGINNING, CONTAINING 12.66 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

("necessary property interest owned by the Linda Voss Revocable Trust and the Paulette Bermudez Trust"); and

WHEREAS, the above described necessary property interests may be subject to taking by means of proceedings in eminent domain in connection with a project known as the Green Mountain Wastewater Treatment Facility Project (the "Project"); and

WHEREAS, the Board has now received and reviewed the appraisals and is fully advised.

NOW THEREFORE BE IT RESOLVED by the BOARD OF SUPERVISORS OF MARSHALL COUNTY, IOWA:

Section 1. The Board hereby finds just compensation for the necessary property interest owned by Matt Smith Farms, LLC, (just compensation, Matt Smith Farms, LLC) to be in the amount of \$30,000; and

Section 2. The Board hereby finds just compensation for the necessary property interest owned by Linda Voss Revocable Trust and Paulette Bermudez Trust, to be in the amount of \$106,600 (just compensation, Linda Voss Revocable Trust and Paulette Bermudez Trust); and

Section 3 The designated acquisition agent with JCG Land Services, along with the County Director of Planning & Zoning, Public Environmental Health & Weed Commissioner, is directed to negotiate for acquisition of the necessary property interest. No offer shall be made in negotiation with each of the property owners which is less than the respective just compensation amounts for the interests specified in Sections 1 and 2 hereof.

Section 4. The Board finds that the above-described property and interest(s) therein are necessary in order to achieve the public purposes of the Project.

Motion by Thompson, second by Salasek, to adopt Resolution #2018-0033, Resolution Establishing Just Compensation Values Prior to Start of Negotiations for the Green Mountain Wastewater Treatment Facility Project.

Roll call vote:	Salasek-Aye	Patten-Aye	Thompson-Aye
	Member	Chairman	Vice Chairman

PASSED AND APPROVED this date: June 1, 2018.

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder

3. **Adjournment**--The next regular session is June 12, 2018, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, June 7, 2018, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:06 a.m.

Bill Patten
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County
Auditor and Recorder