

Brown

FILED  
JAN 17 1972

Hazel Gehring  
County Auditor

FINDINGS, DECISION AND DETERMINATION  
OF HEARING BEFORE THE FAYETTE COUNTY  
BOARD OF SUPERVISORS UNDER CHAPTER 465  
OF THE CODE OF IOWA

The Fayette County Board of Supervisors, upon the petition of Inez D. Brown and service of legal notice upon Gale H. Kennon and Ina L. Kennon, along with Joseph Roete and Alice Roete, met with all of the said parties on December 13, 1971, in the offices of the Supervisors in the Courthouse at West Union, Iowa.

All parties present agreed that the owners of the real estate involved are as follows:

Gale H. Kennon and Ina L. Kennon:

The West One-Half of the Southeast Quarter of Section 35, Township 92 North, Range 10, West of the 5th P.M., Fayette County, Iowa;

Inez D. Brown:

The East One-Half of the Southeast Quarter of Section 35, Township 92 North, Range 10 West of the 5th P.M., Fayette County, Iowa;

Joseph Roete and Alice Roete:

The Southwest Quarter of Section 36, Township 92 North, Range 10, West of the 5th P.M., Fayette County, Iowa.

The Fayette County Board of Supervisors further find that the existing and proposed drainage tile is and will be beneficial for agricultural purposes and there being no disagreement as to the location of said tile it is found that the diagram attached to the petition adequately describes the location of said tile, both existing and proposed, and said diagram is herewith made a part of our findings, decisions and determination.

It is further found that the existing tile which enters the Brown property from the Kennon property in two places and proceeds in an easterly direction to a center point on the Brown

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ONTO LAND REGISTRY  
James H. ...

real estate is in need of repair and the proposed drainage tile which needs to be constructed is the 150 feet of 6 inch tile, set out on the diagram stemming from the existing northernmost 6 inch tile and proceeding 150 feet in a southeasterly direction and also consisting of 6 inch tile. It shall thence connect to an 8 inch tile to be constructed for 170 feet in an easterly direction to the county road W-13 at which point it shall attach to an existing 8 inch metal tube which goes under the said county road W-13 and on the westerly side of said county road shall connect to the 1050 feet of 8 inch tile constructed in a easterly direction on the Roete real estate to a point where it shall connect to 10 inch tile constructed for 800 feet in a east-north-easterly direction to a terminal point in a creek located thereat, all as set forth on the attached diagram.

It is our further finding that 50% of the costs of the 150 feet of 6 inch tile and the 170 feet of 8 inch tile constructed on the Brown real estate (described above) shall be borne by Gale H. Kennon and Ina L. Kennon and the other half of said cost shall be borne by Inez D. Brown. Further, any future repair of the existing tile or tile constructed hereunder on the Brown property (as described above) shall be borne by the then owners of these two respective pieces of real estate on the basis of 40% by the Kennon property owners and 60% by the Brown property owners. Further, an easement shall run with the property and be a perpetual easement for the purposes of repair and maintenance of said tile.

It is further found that the cost of construction of 1050 feet of 8 inch tile, 800 feet of 10 inch tile and the gate on the end of same on the Roete real estate (as described above) should be borne as follows: The Kennons shall pay 20% and Inez Brown 30% of the difference between the cost of 6 inch tile

where the 1050 feet of 8 inch tile is constructed and the same difference between the cost of 8 inch tile where 10 inch tile is constructed. Further, future repairs on said tile on the Roete property shall be borne by the then owners of these three respective pieces of real estate described above on the basis of 50% by the Roete property owners, 30% by the Brown property owners and 20% by the Kennon property owners. Further, an easement for repair and maintenance shall be perpetual and run with the land of each of said parties.

FAYETTE COUNTY BOARD OF SUPERVISORS

By: Carl Oldenburg, Sr.  
Carl Oldenburg, Sr.

By: John D. Fay  
John D. Fay

By: Raymond Goodell  
Raymond Goodell

STATE OF IOWA )  
Fayette County )

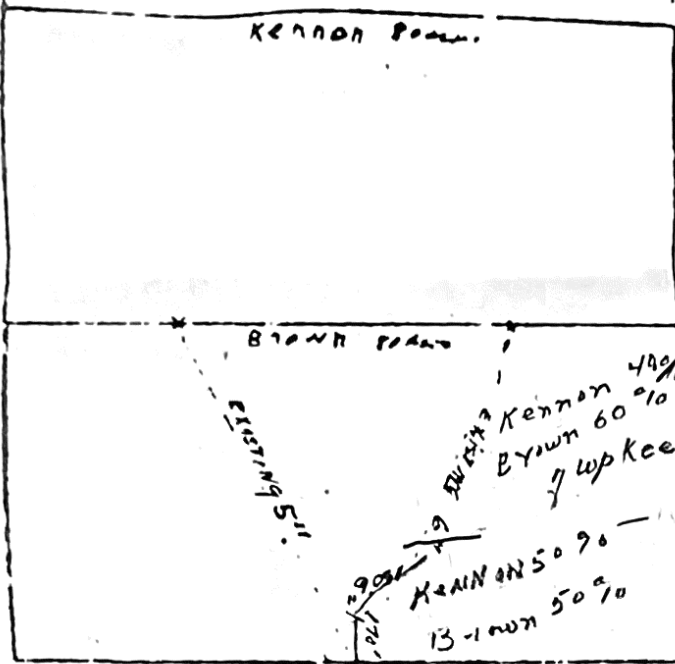
On this 17th day of January, 1972, before me Milton L. Thomas, a Notary Public in and for said County, personally appeared Carl Oldenburg Sr., John D. Fay and Raymond Goodell, to me personally known, and acknowledged that they executed the above instrument in their official capacity as members of the Board of Supervisors of Fayette County, Iowa.

Witness my hand and Notarial Seal on the date last above written.

Milton L. Thomas  
Milton L. Thomas  
Notary Public in and for Fayette County  
Iowa

Requires 10 cents  
Revenue 685 of 1  
ONTO LASS MCLAY  
James H. H. H. H.

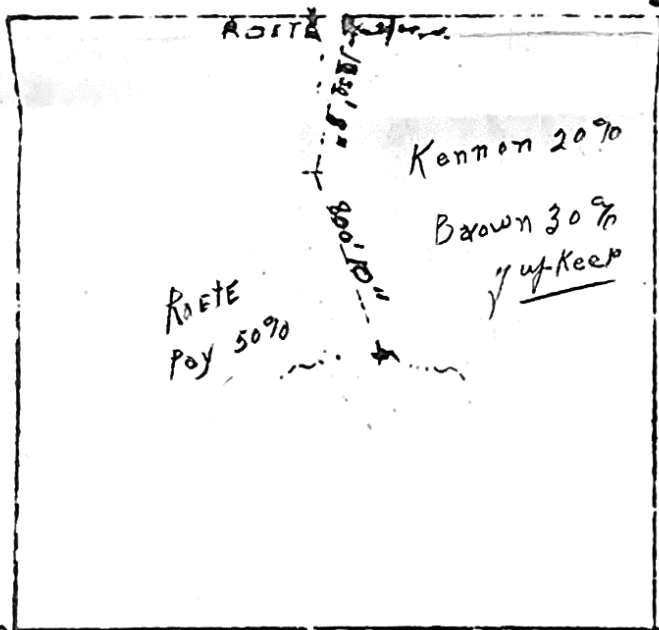
Dec 35, 1921  
K 10 W 5 21



400' 0"  
 60' 0"  
 7 up keep  
 Kennan 40%  
 Brown 60%  
 Kennan 50%  
 Brown 50%

COUNTY ROAD

Dec 36, 1921  
W 5 21



180' 0"  
 90' 0"  
 400' 0"  
 20%  
 30%  
 50%  
 Kennan 20%  
 Brown 30%  
 7 up keep  
 Route 50%

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Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square = 10 acres.  
 Each side small red squares = 5 1/2 chains, 10 rods, 165 feet; area of square .625 of 1 acre.  
 FRONT LAND MEASUREMENT 600-300 ROAD 5000 FT  
 Copyright, 1920, James Henderson Adams, Patent, Washington

SCALE FOR QUARTER SECTION, } Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square = 10 acres.  
 110 ft. = 1 inch } Each side small red squares = 5 1/2 chains, 10 rods, 165 feet; area of square .625 of 1 acre.  
 FRONT LAND MEASUREMENT 600-300 ROAD 5000 FT  
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