

November 23, 2020
Garner, Iowa

The Hancock County, Iowa, Board of Supervisors met in adjourned session on the above captioned date pursuant to adjournment with Supervisors Florence (Sis) Greiman, Gary Rayhons, and Jerry J. Tlach present. Absent: none.

The minutes of November 16, 2020 meeting were read and approved.

On motion by Supervisor Tlach, seconded by Supervisor Rayhons and carried unanimously, the Board gave approval to the following: Class C liquor license with outdoor service and Sunday sales for Czech Connection doing business as Duncan Community Hall.

On motion by Supervisor Rayhons, seconded by Supervisor Tlach and carried unanimously, the Board gave approval to the following resolution:

RESOLUTION #2020-056

Whereas, Hancock County Drainage District No. 9 Lateral 3 was reclassified on May 31, 1973; and

Whereas, it has been discovered that there was an error in the reclassifications resulting in an erroneous assessment of benefits; and

Whereas, the error consisted of a clerical error in identifying which parcels in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Nineteen (19), Township Ninety-five North (95N), Range Twenty-three West (23W) of the Fifth Principal Meridian (5th P.M.) Hancock County, Iowa, except railroad right-of-way and the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section Nineteen (19), Township Ninety-five North (95N), Range Twenty-three West (23W) of the Fifth Principal Meridian (5th P.M.) Hancock County, Iowa, except railroad right-of-way are included in Drainage District No. 9, Lateral 3 with the result that parcel number 0919101000 owned by Klondike Trust was erroneously identified as benefiting from Drainage District No. 9 Lateral 3 and was assessed and parcel number 0919401000 owned by Lyle E. Bishop Revocable Trust was erroneously not identified as benefiting from Drainage District No. 9 Lateral 3 and was not assessed but should have been and should be assessed in that lateral for the benefits that had been assessed to Klondike Trust in such amounts; and

Whereas, Iowa Code Section 468.65(1)(d)(1) provides for the correction of errors or inequitable assessments by the board and states:

If after a district has been reclassified, the board in its judgment concludes there were errors in the reclassification or there is an inequitable assessment of benefits, the board may on its own motion, after notice to the landowners involved as provided in sections 468.14 through 468.18 and by resolution, order the district or any portion of the district to again be reclassified as prescribed in this section and in section 468.67.

and;

Whereas, the board has on its own motion of October 5, 2020 noted the clerical error in the reclassification and stated its intention to correct the clerical error, to certify the assessment against the correct parcel and, after giving notice thereof to the landowners involved, as provided in sections 468.14, and having conducting a hearing on November 23, 2020.

Therefore, the Board of Supervisors, acting as Trustees of Hancock County Drainage District No. 9 Lateral 3, hereby finds and concludes that a clerical error in the description of benefitted lands occurred in the reclassification of this district and, in order to correct this error, hereby Determines, Resolves and Orders that the error be corrected and orders that the Auditor correct the records of District and correct the assessment rolls and all future assessments such that Lyle E. Bishop Revocable Trust, the owner of parcel number 0919401000 (legally described above), rather than Klondike Trust, owner of parcel 0919101000 (legally described above), be identified as benefitting from Drainage District No. 9 Lateral 3 and be assessed. The amount certified for the current assessment to parcel number 0919401000 is \$3,112.00. No late fees shall be assessed. All future assessments shall be made accordingly and all prior assessments remain unchanged. So Ordered.

No further business to come before the Board, motion made to adjourn at 11:25 a.m. by Supervisor Rayhons and carried. All Supervisors present voting, "Aye," session to adjourn and will meet again on November 30, 2020.

ATTEST: _____
Michelle K. Eisenman, Auditor

Florence (Sis) Greiman, Chair