

**WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**

Date: 01/20/2022 Weekly Agenda Date: 01/25/2022

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Mark J. Nahra, County Engineer

**WORDING FOR AGENDA ITEM:**

Consideration of Memorandum of Understanding giving Woodbury County Conservation first right of refusal to purchase quarry and farm property.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

Woodbury County Conservation has interest in acquiring a gravel pit and adjacent farmland after completion of mining by Woodbury County Secondary Roads.

**BACKGROUND:**

Woodbury County Secondary Roads purchased approximately 77 acres in Section 1 of Kedron Township adjacent to Highway 31. This property is on the north side of existing county owned property and the Little Sioux Park. The property was known as the Briese Farm and was purchased for gravel extraction. The conservation department would have first right of refusal to purchase upon completion of mining.

**FINANCIAL IMPACT:**

No financial impact to the county.

**IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?**

Yes  No

**RECOMMENDATION:**

Recommend approval of the Memorandum of Understanding with the Woodbury County Conservation Department.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the Memorandum of Understanding with the Woodbury County Conservation Department.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the Woodbury County Board of Supervisors, Woodbury County Conservation Department, and the Woodbury County Secondary Roads Department. This agreement is a statement of intent and agreement by the Board of Supervisors and the Woodbury County Conservation Board for the future use of the Briese farm, purchased by the Secondary Road Department for the production of gravel. The subject property is described as follows:

Lots Three (3), Four (4) and Five (5) of Briese Addition, a minor Subdivision to Woodbury County, Iowa, and Parcel C: A parcel of land located in Government Lot Ten (10) of Section 1, T88N, R43W of the 5th P.M., Woodbury County, Iowa, and being more particularly described as follows; Commencing at the SW Corner of said Government Lot 10; easterly along the southerly line of said government lot on an assumed bearing of S89°03'01"E (with all subsequent bearings referenced therefrom) for a distance of 365.00 feet to a point on the centerline of Iowa State Highway No. 31 and the Point of Beginning; thence N30°10'58"E along Highway No. 31 centerline for a distance of 1,100.95 feet; thence continuing along said centerline along a curve to the right, concave southeasterly, having a radius of 1,146.00 feet and a central angle of 23°05'33" on a chord bearing of N41°43'44"E for a chord distance of 458.76 feet to a point on the northerly line of Government Lot 10; thence S89°32'27"E along the northerly line of said government lot for a distance of 78.95 feet to the NE corner of Government Lot 10; thence S00°05'42"E along the easterly line of said government lot for a distance of 1,309.02 feet to the SE corner of Government Lot 10; thence N89°03'01"W along the southerly line of said government lot for a distance of 940.12 feet to a point on the centerline of Iowa State Highway No. 31 and the Point of Beginning.

The parties hereby state and agree:

**WHEREAS;** Woodbury County Secondary Road Department has purchased approximately seventy seven (77) acres in Section 1 of Kedron Township adjacent to Highway 31 and on the north side of existing county owned property and Little Sioux Park, known as the Briese Farm, and purchased for gravel extraction,

**WHEREAS;** This site was previously used as a gravel pit and the Secondary Road Department will extract available gravel from this site over an indeterminate period of years.,

**WHEREAS;** It has been determined that Woodbury County Conservation Department has an interest in this property at the completion of the gravel extraction process with plans to expand and enhance its park facilities at Little Sioux Park and along the Little Sioux River,

**THEREFORE;** the parties agree to the following:

Woodbury County Conservation will reimburse the Woodbury County Secondary Road Department 50% of the cost of the property surrounding and including the gravel pit at the Briese Farm, comprising 35 acres more or less that was purchased for \$7500 per acre. The total buy out of this property by Conservation totals \$131,250, upon submittal of a request for payment at the completion of mining on the property. The county road department will remove stockpiles, spread suitable onsite soil on top of production areas and shape the land around the lake at the completion of gravel operations and storage.

The county conservation department will prepare, seed, and if necessary, fence areas around the lake upon transfer of the site.

Woodbury County Conservation will have the option and right of first refusal for the Woodbury County Secondary Road Department to transfer the management of the quarry and farm property from the balance of the Briese Farm consisting of 41 acres more or less and operated in the interim as farm property at the cost of \$7500 per acre or \$307,500 which may be paid in installments over up to a 5-year period at no interest. By agreement, the option may be exercised up to 5 years after completion of mining operations on the Briese Farm property. Should Conservation decide they do not want to exercise this option to assume management of the property, the Board of Supervisors and Secondary Road Department may sell or otherwise purpose the farm ground and reimburse the Secondary Road Department the proceeds of the transaction.

Approved this 18th day of November, 2021 by County Conservation

Board: Recommended:

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Daniel Heissel, Woodbury County Conservation Director

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Chair, Woodbury County Conservation Board

Approved this 25th day of January, 2022 by Woodbury County Board of Supervisors:

Recommended:

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Mark J. Naha, P.E., Woodbury County Engineer

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Keith Radig, Board Chair