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**Schlesser Farms LLC**

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**Members:**

Kathy Davies  
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Michael Schlesser

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**Woodbury County Board of Supervisors**

July 27, 2021

Woodbury County Courthouse  
620 Douglas Street  
Sioux City, IA 51101

*RE: Road Vacation Hearing for Garner Avenue in Banner Township, Section 24,  
T89N R45W*

Dear Woodbury County Board of Supervisors,

This letter is in response to the county's proposal to vacate one-half mile of Garner Avenue, south of 130th Street.

After much consideration, it is the collective decision of the Schlesser Farms LLC owners to oppose this action.

INTRODUCTION

My parents and family have been good stewards of the family farmland for nearly 70 years. We want to continue to have the same access to and from our family farmland (off Garner Avenue) that we have had for the past 35+ years, without any issues.

This road vacation comes across as an **extreme** action which negatively affects only one land owner—the Schlesser Farms LLC. This comes without knowing the

reason for such an extreme action and without proposing any lesser degree of solutions.

However, this action is restricting our access to the farm, hence, our business of operations. This affects the efficiency and long term profitability of our farming operation.

### POINTS OF OPPOSITION:

**1. The permanent closure (vacation—death of a road) of the north half of Garner Avenue will only negatively affect the Schlessler LLC farming business operation. Where all other adjoining property owners' farming operations will not be affected. Upon doing this permanent closure, it cuts our access in half by removing the ability to go to and from the farm from the north.**

**2. Historic use of Garner Ave**

The proposed action to vacate would greatly reduce access to the Schlessler Farms LLC property. Historically, the farmer has accessed the property from the north due to safety and maneuverability during fall harvest. To this date the semi-trailer truck has only been able to use the gravel road north of the Schlessler LLC property, 130th Street and turning south onto Garner Avenue. At that juncture the farmer pulls into the field at a 45 degree angle, at which point they are completely off the road.

After the semi is loaded, he backs out and proceeds south to 140th Street. This approach has been the most efficient and safest method when using semi trucks during fall harvest.

Norman Thoreson, the renter who farms the Schlessler Farms LLC property, has done an exceptional job farming the land for 35+ years and has intimate knowledge of the lay of the land and the limitations of the road.

**3. Creating a possible "turnaround" in our field would decrease farm productivity due to soil compaction from driving continually over the farmed part of the land.**

Note, that the majority of farmers will load their semis directly on the road. Whereas, the historic approach that has been taken is not only limiting the detriment of soil compaction. But it is also safer with the semi off the road.

4. The **issue of gating at both ends** is an option that has come up and is an unreasonable workaround. This is not an *efficient* or *convenient* solution that appears to be the philosophy of the Iowa County Engineers Association that we wish to follow as well (ie.

<https://www.iowacountyroads.org/about-secondary-roads>).

- Unreasonable to ask the farmer or sub contractors associated with the Schlessers LLC to lock and unlock a gate upon entry and exit everytime—due to liability.
  - Farmer
  - Additional farm help
  - Fertilizer company
  - Weed control company
  - Truck drivers (semi)
  
- Not efficient use of time especially for any farm operation
  - Time is money
  - Managing possession of keys and/or ensuring access for those that need to enter
  
- This automatically restricts land access
  
- Reduced value of land for future rental or sale of farmland

This also appears to put more liability on the Schlessers Farms LLC and land owners around us and affects the efficiency and long term profitability of our farming operation.

5. **Liability of adjoining landowners of Garner Avenue.**

If the road is "gated" the liability is then placed, at minimum, upon the Schlessers LLC if not by all adjoining landowners. This is not acceptable.

Possible examples/scenarios:

- i.e. If the gate(s) is left open and unattended, and something happens to a person(s) that enters without permission
- If the gate is damaged or destroyed, all adjoining landowners are responsible for maintaining of the gate (Attachment C to I.M. 2.220; "Area Service "C" Road Maintenance Ordinance; Section 4)  
[https://www.iowadot.gov/local\\_systems/publications/im/2220c.pdf](https://www.iowadot.gov/local_systems/publications/im/2220c.pdf)

**6. No formal complaints** have been submitted to Schlessler LLC to validate a reason for 'Road Vacation', 'Gating' or 'Area C service roads' of Garner road. We are trying to understand the reason after 35 years of no issues.

#### **7. Maintenance**

We want the road to continue to be maintained at a minimum of what is currently being done to the dirt road—Garner Avenue in question.

In closing, the family owned business, Schlessler Farms LLC, stands in opposition to the proposed closure. We respectfully ask the board to consider our position and leave this road as it has been for the past 35+ years.

The proposal of closure and the suggestion of gating only creates further complications to efficiently or effectively run a productive farming operation (business). This also takes on greater risks to the Schlessler Farms LLC due to the immense liability if gates were to be employed.

We, as the Schlessler Farms LLC, foresee NO benefits in changing the road status. If the road were to be vacated, three of the adjoining landowners, on the north half of Garner Avenue, would see an increase in their acres if they take ownership to the middle of the road.

We want to run the family business in the most resourceful and just manner for all involved with the same access we currently have. We believe this "vacation" of the road is a prejudicial action against the Schlessler Farms LLC.

If roles were reversed, how would the neighboring land owners feel about having the financial burden (time management, less efficient, reduction of property value due to access limitations, and liability) of a road closure or adding gates.

Thank you for your consideration on this important business matter.

Sincerely,

*Kathleen A. Davies*

Kathleen A. Davies (Schlesser)

**Schlesser Farms LLC**

CC:

Thomas and Clarie Schlesser

Michael Schlesser

D18

130th ST

Joseph  
Petersen  
et ux

167 acres

Dorothy  
Barto  
Trust

77 acres

Proposed  
Vacation

Jeffrey  
Barto  
79 acres

Dennis  
Ragan  
et ux

196 acres

Schlessner  
Farms  
LLC  
79 acres

Joseph  
Petersen  
et ux  
76 acres

GARNER AVE

GARNER AVE

Mid Creek

Mid Creek

140th ST

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