



## PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave, Mason City, IA 50401  
Tom Meyer, Zoning Administrator  
Michelle Rush, Assistant Zoning Administrator

(641) 421-3075  
plz@cgcounty.org  
cgcounty.org/planning

March 20, 2024

SUBJECT: Next Meeting – **Thursday, April 4, 2024; 4:00 p.m.; Boardroom**

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **April 4, 2024 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering one petition to vacate a platted street.

**1. Christeven Schwarck, Anthony Schwarck, & Windy Oaks LC 12273 Spruce Avenue, Mason City, Iowa**

Before you is a petition to vacate the platted 66' wide Front Street in the City of Hanford located on the property at 12273 Spruce Avenue, Mason City, IA (See Exhibit 1 (Petition) & Exhibit 2 (Vacation Plat). A portion of the dwelling and accessory buildings to the south are located within the platted Front Street (See Exhibit 3). The intent of the request is to allow for the private use of the land for the petitioners.

According to District Court records filed in 1930, the East Half of Block 1, all of Block 2, Main Street, the East Half of First Street, and Second Street were previously vacated (See color coded Exhibits 4 & 5). This 35+ acre parcel was for sale in the fall of 2023 and was purchased by the petitioners. The petitioners plan to sell approximately 5-6 acres including the building site (See Figure 6). The rest of the property will remain in ag production and owned by the Petitioners. During this process, the surveyor discovered that Front Street was never formally vacated.

Area utilities have been afforded the opportunity to provide comment. The Rockwell Coop Telephone Assn stated they have a fiber drop going to the house but did not state that they hold an easement in the platted street (See exhibit 7). United LP stated they have no easements on the property that would interfere with the plan to vacate Front Street. Any further comments received will be shared with the Commission at the hearing.

The County Engineer's Office has no concerns with vacating the public access. There are no public drainage structures within the platted street.

The standard established under Iowa Code 354.23 to vacate platted public right-of-way is the governing body must establish that there is no public benefit of the right-of-way. Front Street has been used as a personal driveway into the property for many years and has no access from Spruce

Avenue. It does not impact any legal access to another part of the property. We recommend the petition be forwarded to the Board of Supervisors with a recommendation of approval.

received  
3-5-24

PETITION TO VACATE PLATTED PUBLIC STREET AND/OR ALLEY

TO THE PLANNING & ZONING COMMISSION AND BOARD OF SUPERVISORS OF CERRO GORDO COUNTY, IOWA:

The undersigned ask that a street and/or alley 606 feet wide, commencing at N 89° 41' 04" E and going E 82.80' going SE to point S 0° 32' 03" E in a trapezoid shape  
↳ going 109.85'

and running thence 402.10' SW side and 264.29' on NE

and terminating at \_\_\_\_\_

be vacated.

The following information is attached to this petition:

- A plat showing the location of the street and/or alley to be vacated.
- Filing fee in the amount of \$100. (Check made payable to Cerro Gordo County)

By filing this petition, the undersigned land owner(s) certify and/or agree to the following:

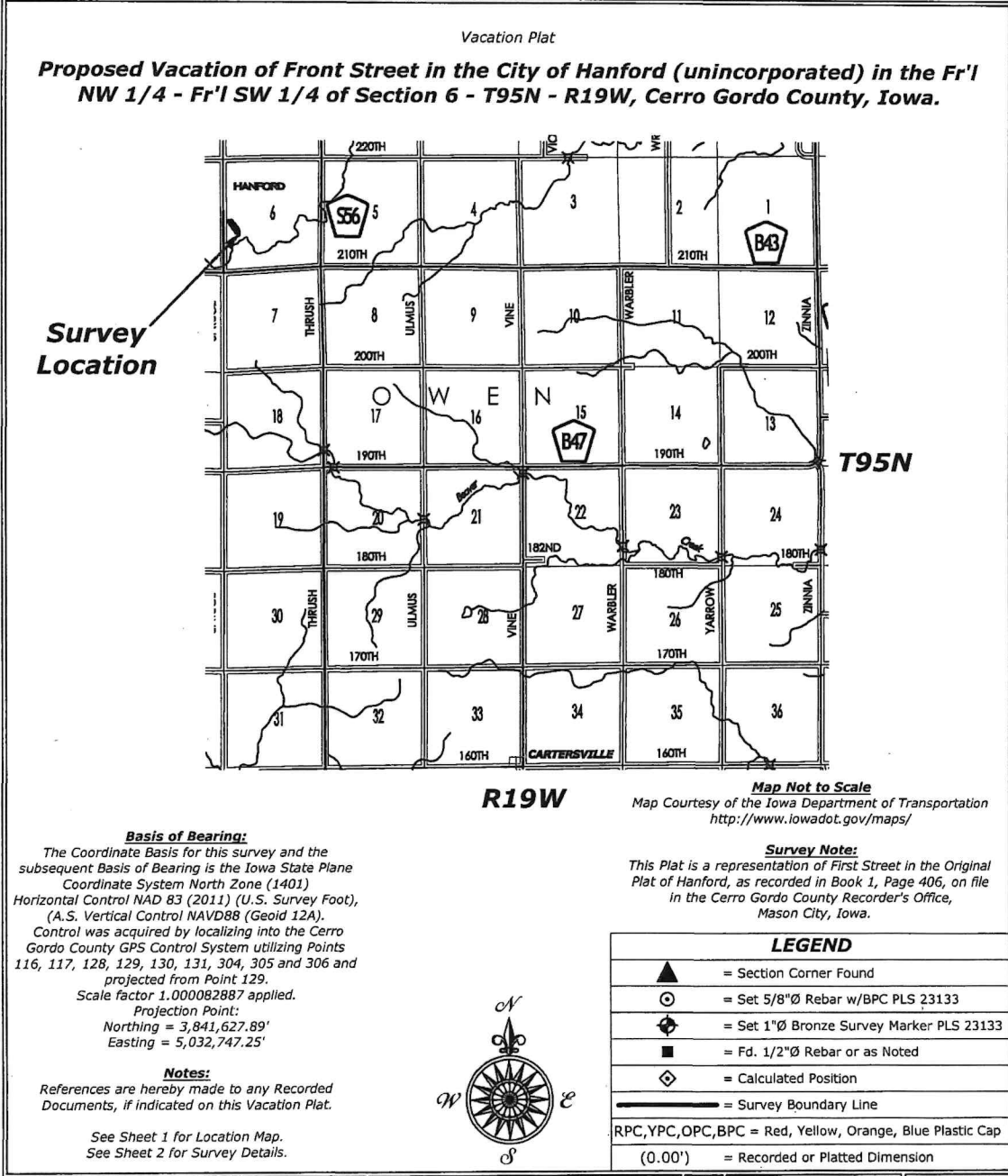
- There are no building encroachments on the street and/or alley to be vacated.
- There are building encroachments on the street and/or alley to be vacated, and a detailed survey showing the encroachments is attached.
- Public utility easements exist and if the street and/or alley is vacated, we will provide the utility company with a private easement.



Exhibit 2

Index Legend	
Prepared by & Returned to: Joseph A. Snethen, PLS 23133 805 Buddy Holly Place Clear Lake, Iowa 50428 Phone: 641-231-8092	
Proprietor(s): The City of Hanford	
Requested By: Chris Schwarck	
County: Cerro Gordo	City: Hanford (Unincorporated)
Section(s)-Township-Range: 6-T95N-R19W	
Allquot Part(s): Fr'1 NW 1/4 - Fr'1 SW 1/4	

Number: 2024-366  
 BK: 2024 PG: 366  
 Recorded: 1/24/2024 at 11:06:00.0 AM  
 County Recording Fee: \$12.00  
 Iowa E-Filing Fee: \$3.00  
 Combined Fee: \$15.00  
 Revenue Tax:  
 AnnMarie Legler RECORDER  
 Cerro Gordo County, Iowa



Fieldwork was completed on November 8, 2023.      FB: CG 13A, Page(s) 1-2      CEH      Project Number: 2023-363      Sheet: 1 of 2

**Herold-Reicks Surveying**

New Hampton      Waverly      Clear Lake  
 641-394-2725      319-483-5187      641-231-8092  
[www.hrsurveying.com](http://www.hrsurveying.com)

JOSEPH A. SNETHEN  
 23133

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

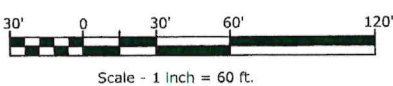
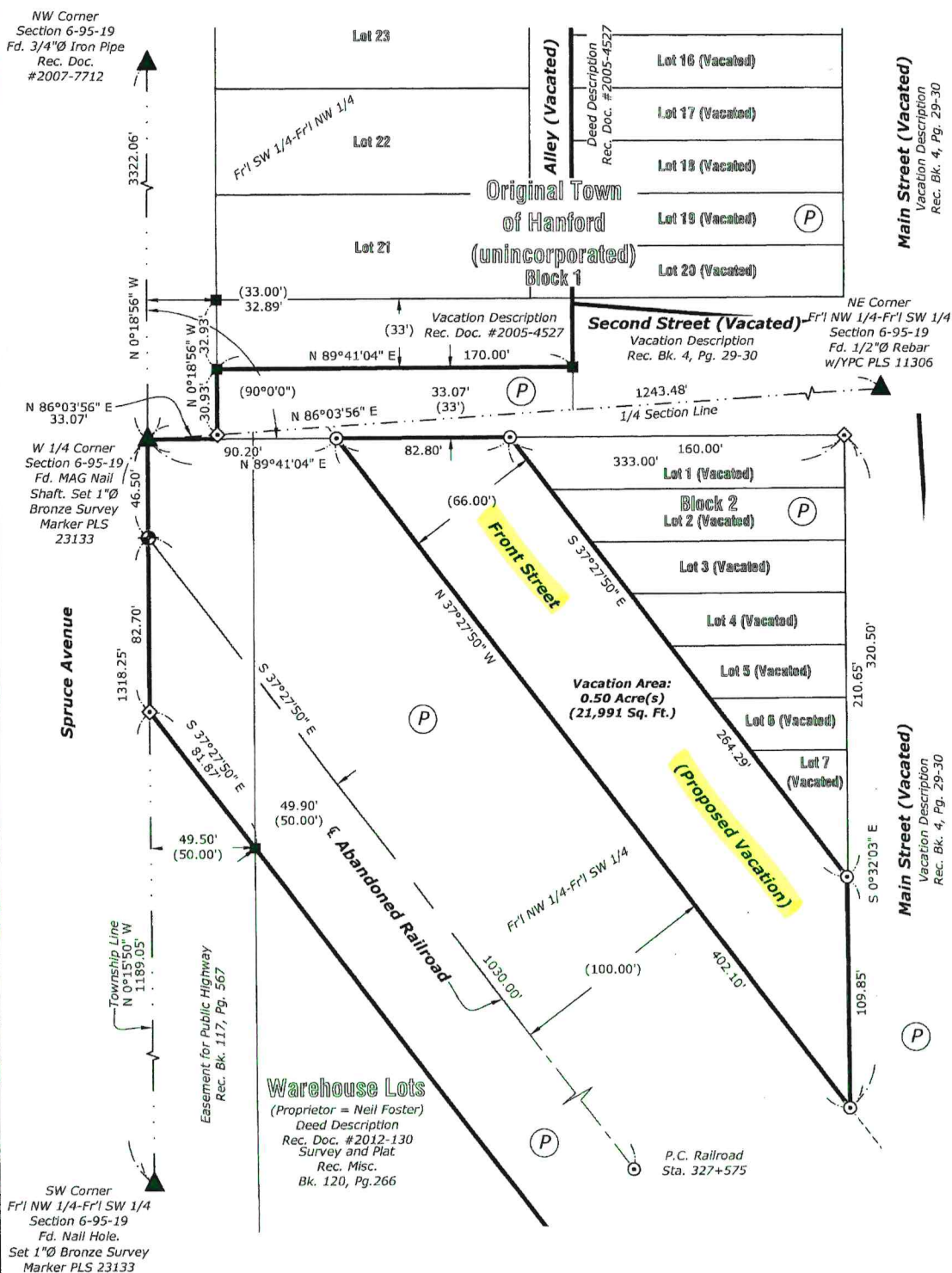
*Joseph A. Snethen*      1/24/24  
 Joseph A. Snethen      Date:  
 License number 23133  
 My license renewal date is December 31, 2024.  
 Sheets covered by this seal: 1-2

File: P:\\_Projects - CLO\County Control Systems\CERRO GORDO\CG-13\CG-13-2023.dwg, 1/24/2024 10:04:34 AM



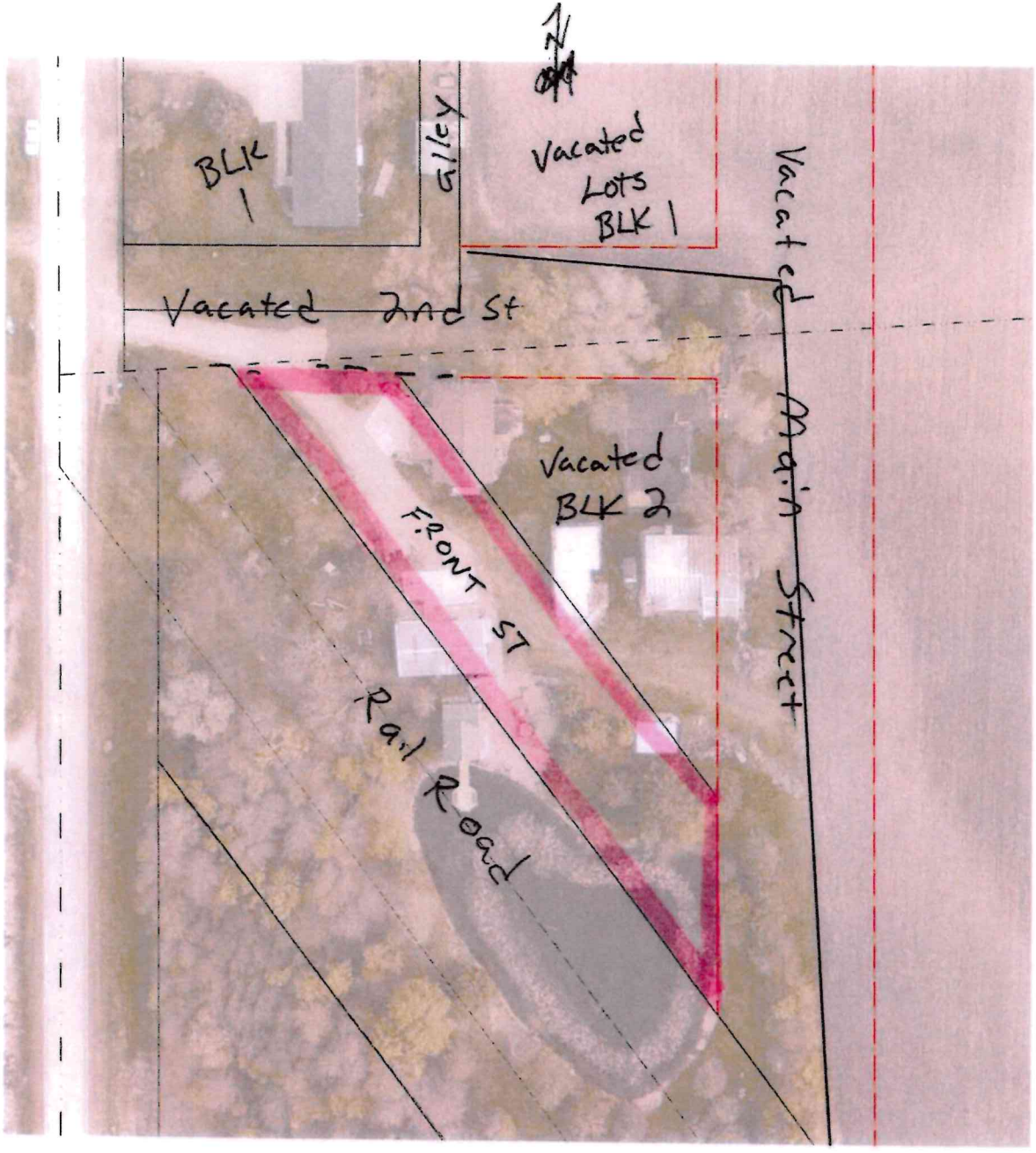
Vacation Plat

**Proposed Vacation of Front Street in the City of Hanford (unincorporated) in the Fr'1 NW 1/4 - Fr'1 SW 1/4 of Section 6 - T95N - R19W, Cerro Gordo County, Iowa.**



(P) = Proprietors: Windy Oaks, L.C., Anthony W. Schwarck, and Christeven N. Schwarck  
Land conveyed in Deed Descriptions  
Rec. Doc. #2023-5684, #2023-5685, #2023-5686

Exhibit 3





1384 COPY ) FILED FEB. 27 A.D. 1930 AT 11:45 O'CLOCK A.M.  
 VACATION OF PART OF HANFORD ) NELLE HUNTLEY RECORDER  
 C. H. KELLEY JUDGE DISTRICT COURT ) TRANS. BY C.M.L.  
 TO ) COMP. BY *X.M.B.*  
 THE PUBLIC ) FEE: \$ .90 ✓

STATE OF IOWA, )  
 County of Cerro Gordo ) ss. DISTRICT COURT

I, S. H. Mac Peak, Clerk of the District Court of Cerro Gordo County, State of Iowa, (the same being a court of record) having by law the care and custody of the books and records of said Court and being the lawful keeper thereof, do hereby certify that I have carefully compared the copy hereunto annexed with the original Decree, in the Matter of the Application of George S. Renshaw and Otto L. Stoltenberg for vacation of part of the plat of the town of Hanford - Equity #20173 now on file and of record in my office, and that said copy is a true and correct copy of said original Decree and of the record thereof, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said District Court of Cerro Gordo County, at Mason City, this 18th day of September A.D. 1928

S. H. Mac Peak  
 Clerk.

(COURT SEAL)

By Margaret Riley  
 Deputy

IN THE DISTRICT COURT OF IOWA, IN AND FOR CERRO GORDO COUNTY.  
 SEPTEMBER TERM 1928.

In the Matter of the Application of George S. Renshaw and  
 Otto L. Stoltenberg for vacation of part of the plat of the  
 town of Hanford. Equity No. 20173 } DECREE.

Now to-wit upon this 15th day of September, 1928, it being the 11th day of the regular 1928 term of the District Court of Cerro Gordo County, Iowa, the matter of the application of George S. Renshaw and Otto L. Stoltenberg to vacate a part of the town plat of Hanford comes on for hearing pursuant to an order of this Court entered in this cause September 6, 1928:

The petitioners George S. Renshaw and Otto L. Stoltenberg appearing by their attorney, Ralph S. Stanbery, no persons appearing to make objection to the granting of said petition and no objections thereto have been made.

And the Court now finds that the petition of George S. Renshaw and Otto L. Stoltenberg to vacate a part of the plat of the town of Hanford in Cerro Gordo County, Iowa was filed with the Clerk of this Court July 21, 1928 and that upon July 21, 1928, good and sufficient notice of the filing of said application was posted at the front door of the Court House in Mason City, Iowa and in three public places in the town of Hanford as shown by proof of such posting now on file in this cause. That upon the 6th day of September, an order was entered by this Court fixing Saturday, September 15, 1928 at 10 o'clock A.M., at the Court House in Mason City, Iowa as the time and place for hearing said application and that notice thereof be served as provided by Section 6285 of the 1927 Code of Iowa; that good and sufficient notice of the time and place of this hearing was published September 7, 1928 in the Mason City Globe Gazette as provided by law and as shown by proof now on file in this cause.

And the Court now hears the evidence and proofs offered by the petitioner and being fully advised in the premises, finds that upon the 15th day of September, 1928, the

*Original Plat of Hanford in Cerro Gordo County Iowa recorded in Book 1 page 106*



30  
 petitioner, George S. Renshaw was the holder of the record title to the East Half (E $\frac{1}{2}$ ) of Block One (1) in the town of Hanford, consisting of Lots No. 1 to 20 inclusive, as laid out and platted in Section Six (6) Township Ninety-five (95) Range Nineteen (19) in Cerro Gordo County, Iowa; and that the petitioner, Otto L. Stoltenberg, was the owner of all of Block Two (2) of said town of Hanford; that the above petitioners are the sole owners of that part of the plat of the town of Hanford; that the above petitioners are the sole owners of that part of the plat of the town of Hanford wherein petitioned to be vacated.

That the town of Hanford is an unincorporated village without indebtedness.

That the street known as Main Street, from the North line of First Street to the right of way of the Chicago, & Northwestern Railway is not needed for public use and that the street known as First Street, from the West line of Lot One (1) in said Block One (1) to the East line of Main Street is not needed for public use; That the street known as Second, from the West line of Lot Twenty (20) in said Block One (1) to the East line of Main Street is not needed for public use; that there are no lands lying within that part of said plat of the town of Hanford described by petitioners which has been dedicated or deeded to the public for parks or other public purposes;

It is therefore ordered, adjudged and decreed that the East Half of Block One (1), all of Block Two (2), Main Street from the North line of First Street to the right of way of the Chicago & Northwestern Railway, First Street from the West line of Lot One (1) in Block One (1) to the East line of Main Street, and Second Street from the West line of Lot Twenty (20) in Block One (1) to the East line of Main Street in the town of Hanford as laid out and platted in Section Six (6) Township Ninety-five (95) Range Nineteen (19) in Cerro Gordo County, Iowa, be, and the same are hereby vacated, and the streets hereby vacated shall be and become the property of the adjoining land owners as provided by Section 5262 of the 1927 Code of Iowa. Decree to be entered on payment of costs.

C. H. KELLEY,

Judge of the District Court

12th Judicial District of Iowa.













Exhibit 7

