

January 28, 1963.

Judiciary 2., *Pass*

Sen. " " 2-11, Pass 2-14

Passed House, Date *2-11-63*

Vote: Ayes *97* Nays *0*

Approved *2-18-63*

House File 84

By OLSON.

Passed Senate, Date *2-14-63*

Vote: Ayes *43* Nays *0*

A BILL FOR

An Act to enable the executive council acting for the state Iowa, to exchange real estate conveyances with Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased, of Cerro Gordo County thereby placing on record correct descriptions of land occupied by the respective parties.

*Substituted for
Senate File 89
2-14-63*

WHEREAS, erroneous descriptions were used in the conveyances consummating an exchange of lands between the state of Iowa and Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased, in January and February of 1953, and

WHEREAS, the affected lands are in drainage district number forty (40), Cerro Gordo County, and the erroneous descriptions cause difficulty in levying equitable drainage assessments; and

WHEREAS, the state conservation commission has erected a fence along the boundary line accepted by the conservation commission and Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased but incorrectly described in conveyances; now therefore,

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. The executive council may, upon the recommendation
- 2 of the conservation commission, convey to Ellen M. Peterson,
- 3 widow and heir of Harry A. Peterson, deceased, of Cerro Gordo
- 4 county, Iowa, all of the state of Iowa's title in and to that
- 5 part of the west half (W $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$)
- 6 of section six (6), township ninety-six (96) north, range
- 7 twenty-one (21) west of the 5th P.M., Cerro Gordo County,
- 8 Iowa, particularly described as commencing at the center of
- 9 said section six (6), thence east three hundred eighty-five
- 10 (385.00) feet to the point of beginning, thence south zero
- 11 degrees eight minutes (0° 08') east one hundred eighty and
- 12 ninety-two hundredths (180.92) feet, thence south fifteen

13 degrees nineteen minutes ($15^{\circ} 19'$) east two hundred fifty-eight
14 and fourteen hundredths (258.14) feet, thence south forty-two
15 degrees eighteen minutes ($42^{\circ} 18'$) east two hundred fifty-two
16 and ninety-six hundredths (252.96) feet, thence south zero
17 degrees fifty-four minutes ($0^{\circ} 54'$) west four hundred and
18 seventeen hundredths (400.17) feet, thence south eighty-nine
19 degrees fifty-two minutes ($89^{\circ} 52'$) west two hundred forty-seven
20 and two hundredths feet (247.02), thence south sixty-four
21 degrees three minutes ($64^{\circ} 03'$) west one hundred ninety and
22 seventy-three hundredths (190.73) feet, thence south ten degrees
23 thirty-eight minutes ($10^{\circ} 38'$) west two hundred twenty-five
24 and fifty-two hundredths (225.52) feet to the south line of
25 the northwest quarter ($NW\frac{1}{4}$) of the southeast quarter ($SE\frac{1}{4}$)
26 of said section six (6), thence south ten degrees thirty-eight
27 minutes ($10^{\circ} 38'$) west two hundred ninety-seven and thirty-three
28 hundredths (297.33) feet, thence south seventeen degrees forty
29 minutes ($17^{\circ} 40'$) east one thousand eighty and ninety-four
30 hundredths (1080.94) feet to the south line of said section
31 six (6), thence south eighty-nine degrees fifty-seven minutes
32 ($89^{\circ} 57'$) east eight hundred seventy-six and fifty-three
33 hundredths (876.53) feet along said south line to the southeast
34 corner of the west half ($W\frac{1}{2}$) of the southeast quarter ($SE\frac{1}{4}$)
35 of said section six (6), thence north zero degrees seven
36 minutes ($0^{\circ} 07'$) east two thousand six hundred forty-four and
37 ninety-eight hundredths (2644.98) feet to the northeast corner
38 of the west half ($W\frac{1}{2}$) of the southeast quarter ($SE\frac{1}{4}$) of
39 said section six (6), thence west nine hundred thirty and thirty
40 hundredths (930.30) feet to the place of beginning.

41 Providing, and in the event only, that Ellen M. Peterson,

42 single and widow of Harry A. Peterson, conveys to the state
 43 of Iowa, by quitclaim deed, all their right, title and interest
 44 to that part of the west half ($W\frac{1}{2}$) of the southeast quarter
 45 ($SE\frac{1}{4}$) of section six (6), township ninety-six (96) north,
 46 range twenty-one (21) west of the 5th P.M., Cerro Gordo county,
 47 particularly described as beginning at the center of said
 48 section six (6), thence east three hundred eighty-five (385.00)
 49 feet, thence south zero degrees eight minutes ($0^{\circ} 08'$) east one
 50 hundred eighty and ninety-two hundredths (180.92) feet, thence
 51 south fifteen degrees nineteen minutes ($15^{\circ} 19'$) east two
 52 hundred fifty-eight and fourteen hundredths (258.14) feet,
 53 thence south forty-two degrees eighteen minutes ($42^{\circ} 18'$) east
 54 two hundred fifty-two and ninety-six hundredths (252.96) feet,
 55 thence south zero degrees fifty-four minutes ($0^{\circ} 54'$) west
 56 four hundred and seventeen hundredths (400.17) feet, thence
 57 south eighty-nine degrees fifty-two minutes ($89^{\circ} 52'$) west two
 58 hundred forty-seven and two hundredths (247.02) feet, thence
 59 south sixty-four degrees three minutes ($64^{\circ} 03'$) west one
 60 hundred ninety and seventy-three hundredths (190.73) feet,
 61 thence south ten degrees thirty-eight minutes ($10^{\circ} 38'$) west
 62 two hundred twenty-five and fifty-two hundredths (225.52) feet
 63 to the south line of the northwest quarter ($NW\frac{1}{4}$) of the
 64 southeast quarter ($SE\frac{1}{4}$) of said section six (6), thence
 65 south ten degrees thirty-eight minutes ($10^{\circ} 38'$) west two
 66 hundred ninety-seven and thirty-three hundredths (297.33) feet,
 67 thence south seventeen degrees forty minutes ($17^{\circ} 40'$) east
 68 one thousand eighty and ninety-four hundredths (1080.94) feet
 69 to the south line of said section six (6), thence north
 70 eighty-nine degrees fifty-seven minutes ($89^{\circ} 57'$) west four

71 hundred thirty-seven and fifty-six hundredths feet to the
72 south quarter corner of said section six (6), thence north zero
73 degrees five and one-half minutes ($0^{\circ} 5\frac{1}{2}'$) east two thousand
74 six hundred forty-three and ninety-six hundredths feet (2643.96)
75 to the place of beginning.

76 The conveyance granted by the state of Iowa shall be signed
77 by the governor and the secretary of state with the great seal
78 of the state attached.

- 1 Sec. 2. This Act being deemed of immediate importance shall
- 2 be in full force and effect from and after its publication in
- 3 the Mason City Globe-Gazette, a newspaper published at Mason
- 4 City, Iowa, and The Clear Lake Mirror-Reporter, a newspaper
- 5 published at Clear Lake, Iowa.

EXPLANATION OF HOUSE FILE 84

Acting under the authority granted by Section 107.24, paragraph 3 of the 1950 Code of Iowa, the Conservation Commission entered into an agreement with Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased, whereby said Peterson was to convey to the State of Iowa certain lands in section six, township ninety-six north, range twenty-one west which adjoined state-owned lands used for a fish nursery pond, in exchange for state owned lands in the nursery pond tract not desirable for conservation purposes.

A land survey, made by a registered land surveyor in the employ of the Conservation Commission in 1960, has determined that ambiguous and erroneous descriptions were used in the conveyances consummating the exchange of lands and as a result the State of Iowa and Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased, are each occupants of adjacent lands, divided by a boundary fence, of which they are not the owners of record.

The affected lands also lie in a drainage district and the ambiguous and erroneous descriptions of the respective properties prevent the proper apportionment of drainage assessments.

The legislation herein proposed will provide authority to grant and receive the conveyances needed to correctly identify lands occupied by the State of Iowa and Ellen M. Peterson, widow and heir of Harry A. Peterson, deceased.