

**NOTICE OF HEARING ON
DRAINAGE REPAIRS OR IMPROVEMENTS
DRAINAGE DISTRICT NO. 35
CERRO GORDO COUNTY, IOWA**

TO: Debra Rethamel Rev Living Trust; Flatness, Patricia; Legler, Mark; Onder, Aaron & Brooke; Smith, Brian; Pippert, Harold & Sandra; Allison, Gail; Bates, Larry & Nancy; Brown, Carrie; J Fritz Farms Inc; SCRH Properties LLC; Brainerd, Barrett; Wyborny, Michael, Shelley & Roni; NIACC; City of Mason City; Kane, John & Barbara; Indianhead Farms Inc; Fox, Frank & Julie; Sturges, Rick; Pippert, Jason & Angie; Mestad, Merikay; Benish, Edward; Frascht, Nicole; IPE1031 REV510 LLC; Duckworth, Marcy; VBA II LLC; Angell, Deborah; Esser, Ronald; Clemens, Steven & Kathryn; Howell, Deborah; JDC Farms LLC; Davison, Cole & Samantha; Sutcliffe, Kevin; Sutcliffe, Lyndon; Darmar LTD; Paulson, Barbara; Krause, Ricky & Linda; Krause, Dennis & Susan; Lichtsinn, William; Eliason, Raymond & Linda; Smith, Eugene & Shirley; Tevis Mary; Brown, Timothy; Halverson, Richard; Stevens, Kenneth & Catherine; Schwarck, Anthony, Ann & Christeven; Windy Oaks; Lauritson, Robert; Interstate Power & Light Co; Gourley, Penny & Tracy; Cerro Gordo Co Sec Rds; Iowa DOT; all landowners, lienholders or encumbrancers, unknown heirs and claimants by will, to all whom it may concern, including the actual occupants of the land, or tract of land, described in, and including Drainage District No. 35, Cerro Gordo County, Iowa.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the Board of Supervisors of Cerro Gordo County, Iowa, acting as Trustees on behalf of Drainage District No. 35 have employed Tyler A. Conley, P.E., Bolton & Menk, Inc. as engineer to determine the feasibility or the necessity of having repairs, and/or improvements, all concerning the drainage facilities of Drainage District No. 35 in order to provide adequate drainage and relief for the lands included in said District.

YOU ARE FURTHER NOTIFIED that the Board of Supervisors, acting as Trustees, of Cerro Gordo County requested that said engineer make a preliminary survey and investigation of the possible repairs or improvements of Drainage District No. 35.

YOU ARE FURTHER NOTIFIED that drainage engineer, Tyler A. Conley, P.E. has filed his report with the office of the Auditor of Cerro Gordo County, in which he recommends certain repairs and improvements. That the engineer's estimate for the costs of the proposed repairs and improvements are as follows:

Drainage District No. 35

Estimated Repair Cost -

Option 1 - Right of Way Acquisition = \$71,745.00

Option 2 - Crossing Pipe Removal = \$67,600.00

Option 3 - Main Tile Reroute = \$70,600.00

YOU ARE FURTHER NOTIFIED that this report and recommendations in full are on file in the office of the Cerro Gordo County Auditor at the Courthouse in Mason City, Iowa, for your information. Electronic copies of the report may be obtained on the county's website at <https://cerrogordo.gov/auditor/drainage> and via email by contacting the auditor's office at hschmitz@cerrogordo.gov. You are encouraged to review the report prior to the date set for hearing in this notice. Said reports have been reviewed and considered by the Board of Supervisors, acting as Trustees, and they have been tentatively approved as the Board, acting as Trustees, have determined

that the repairs and/or improvements are necessary and feasible. The engineers' report also contains the following recommendations and proposals:

1. **Right of Way.** If the report recommends, or it is later determined, acquisition of additional right of way for this project may be considered at this hearing or a continuation thereof.
2. **Interest Rate and Waivers.** The Board, acting as Trustees will consider the appropriate interest to charge and determine the length of time that assessments may be paid of not less than ten (10) nor more than twenty (20) years and the interest rate for this project.

For further particulars, you are referred to the engineer's report for Drainage District No. 35 now on file in the office of the Cerro Gordo County Auditor.

YOU ARE FURTHER NOTIFIED that the Board of Supervisors, of Cerro Gordo County, acting as Trustees on behalf of Drainage District No. 35, has fixed a time and place of hearing on said report and proposed repairs or improvements for **Thursday, November 7th, 2024 at 10:15 a.m.**, at the Cerro Gordo County Supervisors Board Room, Cerro Gordo County Courthouse in Mason City, IA. At said hearing, the Board of Supervisors, acting as Trustees, shall hear objections to the feasibility of such repairs and/or improvements and of the Drainage District as may be presented by and for any landowner in the District. The report of the engineer as filed herein may be amended before final action is taken thereon by the Board of Supervisors, acting as Trustees. This hearing may be continued from time to time without further notice as determined by the Board of Supervisors, acting as Trustees.

YOU ARE FURTHER NOTIFIED THAT ALL OBJECTIONS TO THE ENGINEER'S REPORT OR TO ANY MATTER CONNECTED WITH THIS HEARING MUST BE IN WRITING AND FILED WITH THE CERRO GORDO COUNTY AUDITOR AT OR BEFORE THE TIME FIXED FOR HEARING. Any interested party may be heard in an argument by himself or by counsel. Anyone who fails to object in writing shall be held to have waived all objections and claims for damages. Any interested party may file a written supporting statement with the Auditor, at or before the date for hearing.

YOU ARE FURTHER NOTIFIED that if you fail to object, the Board of Supervisors, acting as Trustees, can make a final decision to make repairs, improvements, acquire additional right of way, annex additional lands and reclassify. **As a consequence of your failure to object you lose your right to appeal the final decision within twenty (20) days to the Iowa District Court.**

This notice is published and mailed as provided by law at the direction of the Board of Supervisors of Cerro Gordo County, Iowa, acting as Trustees on behalf of Drainage District No. 35.

Adam Wedmore
Cerro Gordo County Auditor