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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by: Gabrielle Wessels, Oneida Township Clerk, 1621 265th Ave., Earlville, IA 52041
(563) 920-6731

AFFIDAVIT OF RECORDING

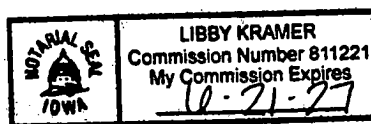
STATE OF IOWA, COUNTY OF DELAWARE, SS.

I, Gabrielle Wessels, being first duly sworn on oath depose and state that I am the Township Clerk of Oneida Township, Delaware County, Iowa; that I do hereby certify that the foregoing Order of Fence Viewers was recorded in the Township book under the date of May 28, 2025; and that the foregoing Order is a true and correct copy of said Order as recorded in said Township book.

Gabrielle Wessels
Oneida Township Clerk

Subscribed and sworn to before me, a Notary Public, in and for the State of Iowa, on this 12th day of JUNE, 2025.

Notary Public



Prepared By & Return to:
Gabrielle Wessels
1621 265th Ave
Earlville, Iowa 52041
563-920-6731
Oneida Township
Special Meeting Minutes

Date: Wednesday, May 28, 2025

Time: 6:00 PM

Location: Property of Patrick Freiburger Jr.

Sec/Twp/Rng: 16-89-4

Brief Legal Description: Parcel 2023-75 PT SE NE

Meeting Called By: Patrick Freiburger Jr.

Purpose: Fence dispute between Patrick Freiburger and Kenneth & Renee Davidshofer

Present:

- **Oneida Township Trustees:** Nathan Wessels, Brian Krogmann, Rick Mormann
- **Oneida Township Clerk:** Gabrielle Wessels
- **Landowners:**
 - Patrick Freiburger Jr.
 - Kenneth Davidshofer
 - Renee Davidshofer
- **Additional Attendees:**
 - Robby Ritze, son-in-law of Kenneth & Renee Davidshofer
 - Bob Scherbring, son-in-law of Kenneth & Renee Davidshofer

Meeting Summary

The meeting commenced at the entrance to the hayfield on Patrick's property.

Patrick explained that he had attempted multiple times to contact Kenneth regarding the installation of a new fence but had received no response. Due to a lack of communication, he requested trustee involvement.

Discussion then shifted to a section of land that Patrick had previously offered to purchase. Kenneth and Renee chose to give that land to him, and Patrick noted that he had provided them a gift card as a gesture of thanks. The location of this land was reviewed during the meeting.

Renee expressed that no fence should be installed without approval from her and Kenneth. She also stated that there was no formal law governing fence responsibility. Trustees Nathan Wessels and Rick Mormann clarified that, traditionally, the right-hand side of the fence, when facing one's property, is considered the responsibility of that landowner.

Further discussion ensued regarding a fallen tree. Kenneth and Patrick agreed that during their original conversation about the tree, Kenneth had been unaware that it was on his property.

Bob Scherbring presented a visual diagram showing the location of two fences near the property line. The group then proceeded to the disputed fence line for further inspection. During the walk-through, key discussions included:

- The possibility that part of the land had previously belonged to the railroad and may have been purchased by Kenneth in the 1990s.
- Examination of the current fence location and concerns about erosion.
- Patrick's presentation of property stakes and his intended placement for a new fence.
- Concerns expressed by Nathan regarding potential washout if the fence were placed directly on the property line near the creek bed.
- Nathan and Rick confirming that a fence in place for over 10 years is generally considered "grandfathered in" and permitted to remain in its location.
- Kenneth's confirmation that some fencing remained, though not entirely intact, with Patrick estimating that approximately 100 feet of fencing still existed.
- Kenneth suggesting an alternative path for fence installation.
- A discussion on the property survey, with Patrick clarifying that the survey had been finalized after he purchased the property.
- Kenneth granting Patrick verbal approval to be on his property if trustees formally decided the fence could be replaced along its existing line.

Patrick asked Robby Ritze to leave the property, and he complied, exiting the meeting.

After completing the fence line inspection, the group returned to the entrance of the hayfield, where Nathan Wessels announced the trustee decision.

Trustees' Decision

Following their observations and discussions, the trustees determined:

- The fence has been in its current location for over 10 years.
- Under township precedent, the fence may remain in its current location and be replaced.
- The trustees support Patrick Freiburger Jr.'s proposal to replace the fence along the existing fence line.

Kenneth and Renee Davidshofer were informed that they have 20 days from the date of the meeting to file an appeal with the District Court. Both parties were also advised that they would receive a certified letter outlining this decision, with signatures required to confirm receipt.

Adjournment

The meeting adjourned at 7:00 PM. No further action by the trustees is planned at this time.

Submitted by:

Gabrielle Wessels

Oneida Township Clerk

Date: May 28, 2025