

Filed for record, indexed, and delivered to the county, Iowa  
A. D. 19 92, day of April, at 11:16 o'clock A. M. and  
recorded in Book 92, page 24605  
Rec. Fee \$ 20, Aud. Fee \$ 5 per page

11619

STATE OF IOWA  
John Scirtone  
By George J. J. J.  
Recorder

RESOLUTION NO. 92-52

COMPARISON

A RESOLUTION TO VACATE AND CONVEY A PORTION OF FIFTEENTH AVENUE ADJOINING PART OF BLOCK 57 AND PART OF BLOCK 74 IN RIDDLES ADDITION.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows:

All of the 66 feet wide right-of-way of Fifteenth Avenue adjoining part of Block 57 and part of Block 74 in Riddles Addition to Council Bluffs, Pottawattamie County, Iowa, described as follows:

Beginning at the west right-of-way line of Main Street at the NE corner of said Block 74; thence S 89 28' 20" W along the north line of said Block 74 and the north right-of-way line of 15th Avenue, 93.75 feet to the northeasterly line of that parcel of land described in the deed from William M. Gibbons, Trustee of the property of the Chicago, Rock Island and Pacific Railroad Company to the City of Council Bluffs, Iowa, recorded in Book 84, Page 22167 in the Office of the Pottawattamie County Recorder; thence along said line N 44 36' 30" W, 91.88 feet to the north right-of-way line of 15th Avenue and the south line of said Block 57; thence along said line N 89 28' 20" E, 157.75 feet to the southeast corner of said Block 57 and the west right-of-way line of Main Street; thence along said line S 0 27' 0" E, 66.00 feet to the Point of Beginning. Said right-of-way contains 8,299.95 square feet more or less. Bearings and distances are made to coincide with the plat of survey by Rogers' Surveying recorded in Book 84, Page 22172 and the plat of survey by Kenny's Surveying recorded in Book 88, Page 10582 in the Office of the Pottawattamie County Recorder.

is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 409A.23, the City Council declares its intent to dispose of this city right-of-way by conveying and quitclaiming all its right, title, and interest in it to the abutting property owner(s), as set out in attached Exhibit "A"; and

WHEREAS, this conveyance shall be subject to the reservation of permanent and perpetual easement of way in favor of the City of Council Bluffs, limited to U.S. West Communications, Iowa Power and Light Company, American Heritage Cablevision, and Peoples Natural Gas for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacment and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacment, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

COUNTY AUDITOR OF THE

CITY OF COUNCIL BLUFFS, IOWA:

Entered for Taxation APR 9 1992

*Marilyn J. Drake*

That the above-described city right-of-way is hereby vacated and is conveyed and quitclaimed to the abutting owner(s), as set out in Exhibit "A", in consideration of one (1) dollar; and

4-E

COPIED

BE IT FURTHER RESOLVED

That the Mayor and City Clerk be and are authorized, empowered and directed to execute a city deed conveying the city's interest in said city property described above to the abutting property owner, subject to the reservation of the necessary easements; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attachments to the County Recorder to be recorded according to Iowa Code Section 409A.23.

ADOPTED  
AND  
APPROVED

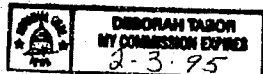
March 9, 1992

Thomas P. Hanafan  
Thomas P. Hanafan Mayor

ATTEST: Olga Arellano-Anderson  
Olga Arellano-Anderson City Clerk

STATE OF IOWA)  
COUNTY OF ) SS.  
POTTAWATTAMIE)

On this 10 day of March, 1992, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Olga Arellano-Anderson, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Olga Arellano-Anderson, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.



Deborah Tabor  
Notary Public in and for said State

# COMPARED

EXHIBIT 'A'

<u>Ref. #</u>	<u>Property Owner</u>	<u>Legal Description of Property Being Conveyed</u>	<u>Cost</u>
1.	Historical Society of Pottawattamie County	All of the 66 feet wide right-of-way of 15th Avenue adjoining part of Block 57 and part of Block 74 in Riddles Addition to Council Bluffs, Iowa	\$1.00

A-E

92 24607