



8 0 7 1 4 7 7

Tx:4053328

2015-13033

RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA
FILE TIME: 10/05/2015 1:39:23 PM
REC: 25.00AUD: 10.00T TAX:
RMA: 1.00ECM: 1.00

C R FEE \$ 25.00 RMA \$ 1.00A FEE \$ 10.00 ECOM \$ 1.00

T TAX \$ _____

RECORDER'S COVER SHEET

Resolution 15-243 & Public Hearing Notice

Preparer Information:

City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503

Return Address:

City Clerk's Office
209 Pearl Street
Council Bluffs, Iowa 51503
(712) 328-4616

RESOLUTION NO. 15-243

A RESOLUTION TO VACATE AND TO DISPOSE OF A 16-FOOT WIDE BY 580-FOOT LONG EAST/WEST ALLEY ABUTTING LOTS 1 THROUGH 17, BLOCK 9, TWIN CITY PLACE AND LOTS 1 THROUGH 13, BLOCK 4, NINTH AVENUE ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

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: a 16-foot wide by 580-foot long east/west alley abutting Lots 1 through 17, Block 9, Twin City Place and Lots 1 through 13, Block 4, Ninth Avenue Addition, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owner(s), subject to the reservation of a utility easement; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, 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, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed in consideration of the vacation application fee already paid, as follows:

Neal Drickey and all successors in interest: The North ½ of the vacated east/west alley abutting Lots 10 through 17, Block 9, Twin City Place.

Neal Drickey and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 9 and 10, Block 4, Ninth Avenue Addition.

N B G Enterprises Inc. and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 11 through 13, Block 4, Ninth Avenue Addition.

Donald Mathews and all successors in interest: The North ½ of the vacated east/west alley abutting Lots 1 and 2, Block 9, Twin City Place.

MidAmerican Energy Company and all successors in interest: The North ½ of the vacated east/west alley abutting Lots 3 through 9, Block 9, Twin City Place.

J-B Construction Inc. and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 4 and 5, Block 4, Ninth Avenue Addition.

Jeffrey A. Blue and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 6 through 8, Block 4, Ninth Avenue Addition.

Arlene M. Lindhorst Trust and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 2 and 3, Block 4, Ninth Avenue Addition.

Christina Jo Kopiasz and all successors in interest: The South ½ of the vacated east/west alley abutting Lot 1, Block 4, Ninth Avenue Addition.

BE IT FURTHER RESOLVED

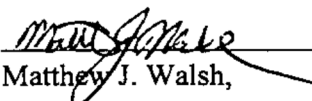
That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above-described alley right-of-way, subject to the reservation of a utility easement.

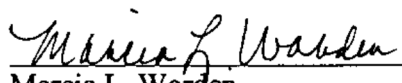
BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED
AND
APPROVED:

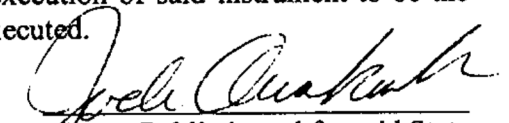
September 14, 2015


Matthew J. Walsh, Mayor

ATTEST: 
Marcia L. Worden, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 15th day of September 2015, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Marcia L. Worden, 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 Matthew J. Walsh and said Marcia L. Worden, 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.



Notary Public in and for said State

Planning Case #SAV-15-006



PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

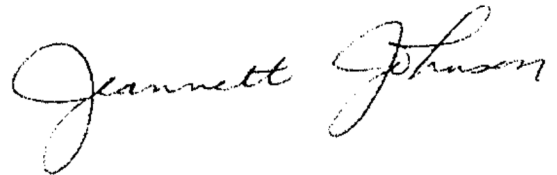
The first publication thereof
began on the 6th day of September, 2015

Signed in my presence by the said Amy McKay and by her sworn to before me this 8th day of September, A.D. 2015.

NOTICE OF PUBLIC HEARING
ON INTENT TO VACATE CITY PROPERTY
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa has scheduled a public hearing on the request of the Neel Drickey, represented by Clinton D. Brunow, to vacate a 16-foot wide by 580-foot long east/west alley abutting Lots 1 through 17, Block 9, Twin City Place and Lots 1 through 13, Block 4, Ninth Avenue Addition, City of Council Bluffs, Pottawattamie County, Iowa.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 14th day of September, 2015 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.
2015/09/16-1 Sunday
Marcia L. Worden, City Clerk

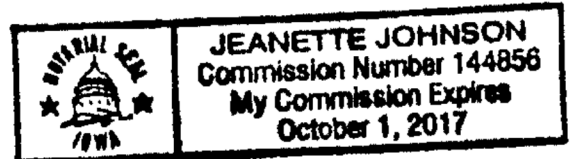


Amy McKay
Daily Nonpareil Controller



Jeannette Johnson
Notary Public

Filed this 8th day of September, A.D. 2015.
Publication Cost: \$ 12.43



Customer Number: 35700
Order Number: 20394846

5A