

P# 4

016244

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IA

INST # _____
RECORDING FEE 10.00
AUDITOR FEE 5.00
RMA FEE 1.00 ECOM 1.00

2006 FEB 14 AM 10:42

JOHN SCURTINO
RECORDER

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 328-4616
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 05-328

A RESOLUTION TO VACATE AND TO DISPOSE OF ALL OF 25TH AVENUE FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH 17TH STREET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 15TH STREET; ALL OF 26TH AVENUE FROM THE CENTERLINE OF VACATED ALLEYS LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOT 11, BLOCK 51 AND LOT 24, BLOCK 62, RAILROAD ADDITION TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 15TH STREET; ALL OF 27TH AVENUE FROM THE CENTERLINE OF VACATED ALLEYS LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOT 11, BLOCK 62 AND LOT 24, BLOCK 79, RAILROAD ADDITION TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 15TH STREET; ALL OF SOUTH 16TH STREET FROM THE NORTH RIGHT-OF-WAY LINE OF 28TH AVENUE TO THE NORTH LINES OF LOT 16, BLOCK 34 AND LOT 7, BLOCK 33, RAILROAD ADDITION AND THE EAST 1/2 OF SOUTH 16TH STREET LYING WEST OF AND ADJACENT TO LOT 6, BLOCK 33, RAILROAD 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: All of 25th Avenue from the east right-of-way line of South 17th Street to the west right-of-way line of South 15th Street; All of 26th Avenue from the centerline of vacated alleys lying west of and adjacent to the west line of Lot 11, Block 51, and Lot 24, Block 62, Railroad Addition to the west right-of-way line of South 15th Street; All of 27th Avenue from the centerline of vacated alleys lying west of and adjacent to the west line of Lot 11, Block 62 and Lot 24, Block 79, Railroad Addition to the west right-of-way line of South 15th Street; All of South 16th Street from the north right-of-way line of 28th Avenue to the north lines of Lot 16, Block 34 and Lot 7, Block 33, Railroad Addition; and the East 1/2 of South 16th Street lying west of and adjacent to Lot 6, Block 33, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

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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); and

Entered for Taxation
Marilyn A. Bockel
COUNTY AUDITOR

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 as follows:
L.C., LLC and all successors in interest: All of vacated 25th Avenue from the west lines of Lot 13, Block 34 and Lot 22; Block 51, Railroad Addition to the west right-of-way line of South 15th Street; All of vacated 26th Avenue from the centerline of vacated alleys lying west of and adjacent to the west line of Lot 11, Block 51, and Lot 24, Block 62, Railroad Addition to the west right-of-way line of South 15th Street; All of vacated 27th Avenue from the centerline of vacated alleys lying west of and adjacent to the west line of Lot 11, Block 62 and Lot 24, Block 79, Railroad Addition to the west right-of-way line of South 15th Street; All of vacated South 16th Street from the north right-of-way line of 28th Avenue to the north lines of Lot 16, Block 34 and Lot 7, Block 33, Railroad Addition; and the vacated East 1/2 of South 16th Street lying west of and adjacent to Lot 6, Block 33, Railroad Addition for the sum of \$125,043.50.

Kim G. and Carol A. Elder and all successors in interest: All of vacated 25th Avenue from the east right-of-way line of South 17th Street to the west lines of Lot 13, Block 34 and Lot 22, Block 51, Railroad Addition for the sum of \$5,105.00.

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BE IT FURTHER RESOLVED


That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described street right-of-way in consideration of the sum above; and

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.

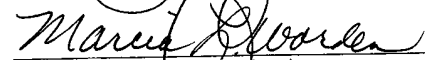
ADOPTED
AND

APPROVED: December 12, 2005



Thomas P. Hanafan, Mayor

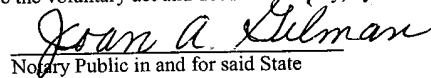
ATTEST:



Marcia L. Worden, Deputy City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 12th day of Dec 2005 before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Cheryl Puntney, 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 Cheryl Puntney, 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-05-0010

(Revised 12/02/05)



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