

Filed for record, indexed, and delivered to the county auditor
 this 9th day of May
 A. D. 1996, at 11:05 o'clock A.M., and
 recorded in Book 33080 page _____
 Rec. Fee \$ 20.00, Aud. Fee \$ 5.00 p.m.d.
John Scintino Recorder
George Dany Deputy

COMMENCED

14031

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

RESOLUTION NO. 96-99

A RESOLUTION TO VACATE AND TO DISPOSE OF CERTAIN ALLEYS BETWEEN SOUTH 15TH STREET AND SOUTH 17TH STREET FROM 24TH AVENUE TO 28TH AVENUE, 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: Both North/South alleys in Blocks 34, 51, 52, 62, 79 and 80 in Railroad 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 its right, title, and interest in it to the abutting property owner(s): and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in Block 34 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:

MAY 9 1996
 Entered for Taxation
 Mailbox J. Drake
 COUNTY AUDITOR

That the above-described city right-of-way is hereby vacated, conveyed and quitclaimed as follows in consideration of the application fee already paid;
Ronald P. and Angela B. Mueller and all successors in interest: The West 1/2 of the vacated alley abutting Lots 1-5, the West 1/2 of the vacated alley abutting Lot 23 and the East 1/2 of the vacated alley abutting Lot 24, Block 34, Railroad Addition;
Carol and Kim G. Elder and all successors in interest: The West 1/2 of the vacated alley abutting Lots 6 and 7, Block 34, Railroad Addition;
Kim Elder and all successors in interest: The West 1/2 of the vacated alley abutting Lots 8-10, the East 1/2 of the vacated alley abutting Lot 11, the West 1/2 of the vacated alley abutting Lot 12 and the East 1/2 of the vacated alley abutting Lots 13-16, Block 34, Railroad addition;
John L. and Louise J. Zaiger Estate and all successors in interest: The East 1/2 of the vacated alley abutting Lots 17-19, Block 34, Railroad Addition;
Floyd L. and Julia C. Briggs and all successors in interest: The East 1/2 of the vacated alley abutting Lots 20-22, Block 34, Railroad Addition;
Roy L. Wood and all successors in interest: The West 1/2 of the vacated alley abutting Lot 1 and the North 22 feet of Lot 2, Block 51, Railroad Addition;
Guadalupe C. and Angela M. Rodarte and all successors in interest: The West 1/2 of the vacated alley abutting the South 11 feet of Lot 2, all of Lot 3 and the North 11 feet of Lot 4, Block 51, Railroad Addition;
Dan Milledge and all successors in interest: The West 1/2 of the vacated alley abutting the South 22 feet of Lot 4 and all of Lot 5, Block 51, Railroad Addition;

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96-33080

COMPARED

Thurman E. and Barbara J. Johnson and all successors in interest: The West 1/2 of the vacated alley abutting Lots 6-10, Block 51, Railroad Addition;

Guadalupe C. Rodarte and all successors in interest: The East 1/2 of the vacated alley abutting Lots 11 and 24, and the West 1/2 of the vacated alley abutting Lots 12 and 23, Block 51, Railroad Addition;

Kim Elder and all successors in interest: The East 1/2 of the vacated alley abutting Lots 13-22, Block 51, Railroad Addition;

Thomas and Lanette Flood and Kenneth and Peggy Hummel and all successors in interest: The West 1/2 of the vacated alley abutting Lots 1-10, the East 1/2 of the vacated alley abutting Lot 11, the West 1/2 of the vacated alley abutting Lots 12 and 23 and the East 1/2 of the vacated alley abutting Lots 13-22, Block 52, Railroad Addition;

Donald James Reams and all successors in interest: The East 1/2 of the vacated alley abutting Lot 24, Block 52, Railroad Addition;

Kelly K. Behrens et al and all successors in interest: The West 1/2 of the vacated alley abutting Lots 1 and 2, Block 62, Railroad Addition;

Tommy James and Antonette M. Jones and all successors in interest: The West 1/2 of the vacated alley abutting Lots 3-8, Block 62, Railroad Addition;

Susan I. Pfarr and all successors in interest: The West 1/2 of the vacated alley abutting Lots 9 and 10, Block 62, Railroad Addition;

Thomas and Lanette Flood and Kenneth and Peggy Hummel and all successors in interest: The East 1/2 of the vacated alley abutting Lots 11 and 24, the West 1/2 of the vacated alley abutting Lots 12 and 23 and the East 1/2 of the vacated alley abutting Lots 13-22, Block 62, Railroad Addition;

Beebe Construction Company and all successors in interest: The West 1/2 of the vacated alley abutting Lots 1-4, Block 79, Railroad Addition;

Wayne W. Jr. and Mary E. Solomon and all successors in interest: The West 1/2 of the vacated alley abutting Lots 5-8, Block 79, Railroad Addition;

Jane M. Rogers and all successors in interest: The West 1/2 of the vacated alley abutting Lots 9 and 10, Block 79, Railroad Addition;

Thomas J. Flood et al and all successors in interest: The East 1/2 of the vacated alley abutting Lots 11 and 24, the West 1/2 of the vacated alley abutting Lots 12 and 23 and the East 1/2 of the vacated alley abutting Lots 13-22, Block 79, Railroad Addition;

Myron Max and Aaron David Bear and all successors in interest: The West 1/2 of the vacated alley abutting Lots 1-10, Block 80, Railroad Addition;

Thomas J. Flood et al and all successors in interest: The East 1/2 of the vacated alley abutting Lots 11 and 24, the West 1/2 of the vacated alley abutting Lots 12 and 23 and the East 1/2 of the vacated alley abutting Lots 13-22, Block 80, Railroad Addition.

BE IT FURTHER RESOLVED

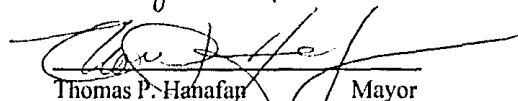
That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above-described public right-of-way in consideration of the application fee already paid; and

BE IT FURTHER RESOLVED

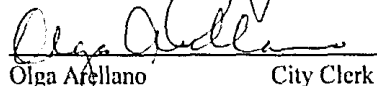
That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder to be recorded according to Iowa Code 354.23.

ADOPTED
AND

APPROVED: May 6, 1996


Thomas P. Hanafan Mayor

ATTEST:

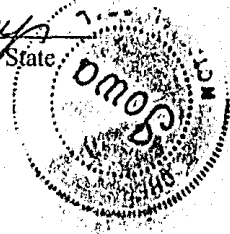

Olga Arellano City Clerk

COMPARED

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 6 day of May, 1996, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Olga Arellano, 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, 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.

Carol Punteras
Notary Public in and for said State



Planning Case #SAV-96-002

COMPARED

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, JEANNETTE JOHNSON, on my oath do solemnly swear that I am the
Accountant of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper
issued DAILY and printed in said county;

that the annexed notice was published in said newspaper for one
consecutive times as follows: The first publication thereof

Being on the 30 day of April, 1996

the second on the _____ day of _____, 1996

the third on the _____ day of _____, 1996

the fourth on the _____ day of _____, 1996

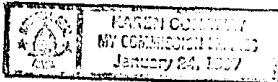
the fifth on the _____ day of _____, 1996

Jeannette Johnson

Signed in my presence by the said JEANNETTE JOHNSON and by her
sworn to before me this 2 day of May, A.D. 1996.

Witness my hand and Notarial Seal.

Karen Conway
Notary Public



Filed this _____ day of _____, A.D. 1996

Publication fee: \$ 6.38

NOTICE OF PUBLIC HEARING
ON INTENT TO VACATE, DISPOSE
AND CONVEY 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
expressed its intent to vacate, dispose, and convey the
alleys in Blocks 34, 51, 52, 62, 79 and 80, Railroad
Addition, Council Bluffs, Iowa; and
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 to be held
at 7:00 p.m., on the 6th day of May, 1996, in the City
Council Chambers, 2nd Floor of City Hall, 200 Pearl
Street, Council Bluffs, Iowa, at which time and place all
persons interested in said matter will be given an
opportunity to be heard.
1996(4)30-1 Tuesday Olga Arellano, City Clerk

96-33083