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*J. Marie Gilman, Deputy*

LORI M. KLIEGL, COUNTY RECORDER  
PALO ALTO IOWA

Prepared by Jill R. Kliegl, City Clerk, City of Emmetsburg  
2021 Main Street, Emmetsburg, Iowa 50536 712-852-4030

### ORDINANCE NO. 513

#### AN ORDINANCE PROVIDING FOR THE VACATION OF CITY STREET IN THE CITY OF EMMETSBURG, IOWA

BE IT ENACTED by the City Council of the City of Emmetsburg, Iowa:

SECTION 1. PURPOSE. The purpose of this Ordinance is to vacate the described City Street and thereby relieve the City of Emmetsburg, Iowa of the responsibility for its maintenance and supervision.

SECTION 2. FACTS FOUND. The City Council of the City of Emmetsburg, Iowa hereby makes the following findings:

1. The described City Street is not needed for the purpose of vehicular traffic and therefore, its maintenance at public expense is no longer justified.
2. The vacation will not deny owners of property abutting on the streets reasonable access to their property.
3. Notice of the intended vacation, including the date on which the Council will first consider the ordinance vacating the street, was published not less than four (4) nor more than twenty (20) days prior to the hearing date and time of 7:00 PM on June 12, 2006, at the City Hall Council Chambers in Emmetsburg, Iowa, at which time written and oral objections by interested persons were considered.

SECTION 3. VACATION. The City Street to be vacated is described as follows:

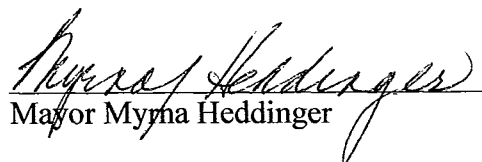
*Eighth Street between Lot Five (5) of Block Nine (9) and Lot Eight (8) of Block 10 in Burnham's Addition to Emmetsburg, Palo Alto County, Iowa; except for the portion of Eighth Street in Burnham's Addition to Emmetsburg beginning at Northwest corner of Lot (5), Block Nine (9), thence North to Southeast corner of Lot One (1), Block Ten (10); thence East to the Chicago, Rock Island and Pacific Railroad right-of-way; thence Southerly along said right-of-way to a point east of the North line of Block Five (5), thence West to the point of beginning, EXCEPT the South Thirteen (13) feet thereof. Said tack is subject to easement for utilities reserved by the City of Emmetsburg in deed recorded in Book 20, page 340, Office of Palo Alto County Recorder. Also, except for the South Thirteen Feet (S13') of a portion of Eighth (8<sup>th</sup>) Street in Burnham's Addition to Emmetsburg, Palo Alto County, Iowa, described as follows: Beginning at Northwest corner of Lot Five (5), Block Nine (9); thence North to Southeast corner of Lot One (1), Block 10; thence East to the Chicago, Rock*

*Island and Pacific Railroad right-of way; thence southerly along said right-of-way to a point East of the North line of Block Five (5); thence West to the point of beginning; subject to easement for utilities reserved by the City of Emmetsburg, in deed recorded in Book 20, page 340, Office of the Palo Alto County Recorder.*

SECTION 4. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance hereby repealed to the extent of such conflicts.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 12<sup>th</sup> day of June 2006.

  
Mayor Mynna Hedding

ATTEST:

  
  
Kimberly Kibbie, Deputy City Clerk