

5-4-67

Present to 3rd Reading  
5-18-67

Public Hearing  
May 1, 1967  
8 P.M.

RECORDING FEE \$ 15.00  
RMA FEE \$ 1.00

COMPARED

1822

CITY ORDINANCE NUMBER 3789.....

STATE OF IOWA  
Filed for recording this 1st day of Aug 1967  
in book 98 page 3893  
John Scirtino  
George Farnsworth

*Copy to  
5-8-67*

AN ORDINANCE TO VACATE THAT PORTION OF PLATTED ELEVENTH AVENUE WHICH IS SITUATED WEST OF SOUTH 36TH STREET, IN COUNCIL BLUFFS, IOWA, AND WHICH ABUTS THE SOUTH PROPERTY LINES COMMON TO LOTS 25 THROUGH 30, BOTH INCLUSIVE, IN BLOCK 44, AND THE NORTH PROPERTY LINES COMMON TO LOTS 1 THROUGH 6, BOTH INCLUSIVE, IN BLOCK 43, ALL IN BROWN'S SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, IOWA; PROVIDING FOR THE CONVEYANCE OF SAID VACATED PROPERTY TO THE OWNERS OF THE PROPERTIES ABUTTING THEREON, UNDER THE TERMS AND CONDITIONS HEREIN PRESCRIBED; AND REPEALING ALL OTHER ORDINANCES, RULES AND REGULATIONS, OR PORTIONS THEREOF, IN CONFLICT HERewith.

WHEREAS, THE OWNERS OF THE PROPERTIES ABUTTING THE NORTH AND SOUTH PROPERTY LINES OF THAT PORTION OF PLATTED ELEVENTH AVENUE SITUATED WEST OF SOUTH 36TH STREET, IN COUNCIL BLUFFS, IOWA, HAVE REQUESTED THE VACATION AND CONVEYANCE OF SAID PORTION TO SAID ABUTTING PROPERTY OWNERS; AND

WHEREAS, THE REQUEST OF SAID PROPERTY OWNERS HAS BEEN REFERRED TO THE CITY'S PLANNING COMMISSION AND AFTER STUDY AND PUBLIC HEARING HELD BY SAID COMMISSION, THE REQUEST FOR SAID VACATION AND CONVEYANCE HAS BEEN APPROVED BY SAID COMMISSION, AND ITS WRITTEN RECOMMENDATION HAS BEEN FILED WITH THIS CITY COUNCIL IN ACCORDANCE WITH THE DETERMINATION REACHED BY SAID COMMISSION; AND

WHEREAS, AFTER STUDY AND CONSIDERATION, AND BEING OTHERWISE FULLY ADVISED IN THE MATTER, THIS CITY COUNCIL DEEMS IT ADVISABLE AND IN THE BEST INTERESTS OF THE CITY THAT SAID PORTION OF PLATTED ELEVENTH AVENUE, AS ABOVE DESCRIBED, SHOULD BE VACATED AND CONVEYED TO SAID ABUTTING PROPERTY OWNERS, UNDER AND PURSUANT TO THE TERMS AND CONDITIONS HEREINAFTER PRESCRIBED:

NOW, THEREFORE, BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA;

SECTION 1. THAT THE PORTION OF PLATTED ELEVENTH AVENUE SITUATED WEST OF SOUTH 36TH STREET, IN COUNCIL BLUFFS, IOWA, AND WHICH ABUTS THE SOUTH PROPERTY LINES COMMON TO LOTS 25 THROUGH 30, BOTH INCLUSIVE, IN BLOCK 44, AND THE NORTH PROPERTY LINES COMMON TO LOTS 1 THROUGH 6, BOTH INCLUSIVE, IN BLOCK 43, ALL IN BROWN'S SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, IOWA, IS HEREBY VACATED, SUBJECT TO THE TERMS AND CONDITIONS HEREINAFTER PRESCRIBED.

# COMPARED

CITY ORDINANCE

PAGE 2.

SECTION 2. THAT THE PROPERTY VACATED IN THIS ORDINANCE SHALL BE SUBJECT ALWAYS TO A PERMANENT AND PERPETUAL EASEMENT OF WAY BEING GRANTED TO AND RESERVED IN THE CITY OF COUNCIL BLUFFS, IOWA, ITS LICENSEES AND FRANCHISE GRANTEES, FOR THE MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES EQUIPMENT PRESENTLY IN PLACE, AND FOR THE CONSTRUCTION, RECONSTRUCTION, EMPLACEMENT, RE-EMPLACEMENT, REPAIR AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES EQUIPMENT WHICH SAID CITY AND/OR ITS LICENSEES AND FRANCHISE GRANTEES MAY IN THE FUTURE DEEM NECESSARY AND ADVISABLE.

SECTION 3. THAT FOLLOWING THE FINAL PASSAGE, APPROVAL AND PUBLICATION OF THIS ORDINANCE, AND UPON PAYMENT OF THE SUM OF \$4,500.00 IN CONSIDERATION THEREFOR, TO BE PAID BY THE OWNERS OF THE ABUTTING PARCELS OF LAND, THE MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED, EMPOWERED AND DIRECTED TO EXECUTE AND DELIVER INDIVIDUAL QUIT CLAIM DEEDS CONVEYING TO SAID PROPERTY OWNERS THAT PORTION OF THE PROPERTY VACATED HEREIN UPON WHICH THEIR RESPECTIVE PROPERTIES ABUT, EACH CONVEYANCE TO BE MADE SUBJECT TO THE TERMS AND CONDITIONS PRESCRIBED IN THIS ORDINANCE.

SECTION 4. THAT ALL OTHER ORDINANCES, RULES AND REGULATIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, ARE HEREBY REPEALED.

SECTION 5. THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS FINAL PASSAGE, APPROVAL AND PUBLICATION, AS BY LAW PROVIDED.

PASSED  
AND  
APPROVED

May 1

1967

*Kenneth G. Jensen*  
KENNETH G. JENSEN MAYOR

ATTEST:

*Elmer F. Westphal*  
ELMER F. WESTPHAL CITY CLERK

**PROOF OF PUBLICATION**

**COMPARED**

STATE OF IOWA  
POTTAWATTAMIE COUNTY } ss.

I, R. H. O'Brien on my oath

do solemnly swear that I am the Publisher  
of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY,  
and printed in said county;

that the annexed notice was published in said newspaper for two

consecutive Mondays as follows: The first publication thereof

being on the 3 day of April 1967,

the second on the 10 day of April 1967,

the third on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

the fourth on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

the fifth on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

the sixth on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

the \_\_\_\_\_

*R. H. O'Brien*

Signed in my presence by the said R. H. O'Brien

and he solemnly swore before me this 11 day of April



Witness my hand and Notarial Seal.

*Carroll O'Brien*  
Notary Public.