City of Manchester

208 East Main St.
Manchester, Iowa 52057
319-927-3636

September 26, 1990

TO WHOM IT MAY CONCERN:

I, Karen K. Cole, City Clerk of the City of Manchester, Iowa, do hereby certify that the following documents are true and exact copies as taken from the records as contained in the minutes of the City Council of the City of Manchester, Iowa. The following document are hereby attached:

a. Notice of Public Hearing on the Vacation and Sale of Street
b. Ordinance Vacating Portion of First Street
c. Resolution Directing the Sale (Trade) of an Interest in Real Property following Public Hearing

CITY OF MANCHESTER IOWA SEAL

Karen K. Cole

Karen K. Cole, City Clerk

Subscribed to and before me, personally appeared Karen K. Cole, City Clerk of the City of Manchester, Iowa this 26th day of September, 1990.

LINDA K. TUTTON DELAWARE COUNTY IOWA NOTARIAL SEAL

Linda K. Tutton

Linda K. Tutton, Notary in and for Delaware County, Iowa

FILE No. 46-830
RECORDING FEE $ 20.00
TRANSFER FEE $

FILED FOR RECORD THE 2 DAY OF October, 19 90 AT 11:33 O'CLOCK A M. BOOK 2 PAGE 85

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
Misc.

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the "Notice of Public Hearing

in case of Vacating street.

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 11 day of Sept. A.D. 19 90, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 11.85

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 14 day of Sept. A.D. 19 90.

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF PUBLIC HEARING ON PROPOSED VACATION AND SALE OF STREET

You are hereby notified that a public hearing will be held by the City Council of the City of Manchester, Iowa, beginning at 8:15 p.m. on the 17th day of September, 1990 in the Council Chambers of the City of Manchester, on the question of whether the City Council of the City of Manchester should enact an ordinance to vacate the following described real estate, to wit:

"The Northerly 180.0 feet of the Westerly 35.0 feet of First Street, South of the Southerly line of West Main Street, City of Manchester, Delaware County, Iowa, subject to a permanent utility easement over this entire parcel"

You are further notified that upon vacation of that portion of street above described, the City Council of the City of Manchester proposes to sell (trade) said vacated portion to O'Connell, Boren Investments in return for acquisition of property described as follows:

"Lot Twenty-five (25) except the Northerly 180.0 feet of Ballard Subdivision, City of Manchester, Delaware County, Iowa"

Any or all persons desiring to give testimony or to present other evidence with respect to the proposed ordinance to vacate said real estate described above and with respect to the proposed conveyance to O'Connell, Boren Investments may appear at said time and place and be heard.

Karen K. Cole,
City Clerk
P23

1 9-11-90

ORDINANCE NO. 368-90

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF FIRST STREET IN THE CITY OF MANCHESTER, IOWA

Be It Enacted by the Council of the City of Manchester, Iowa:

Section 1. Purpose. The purpose of this ordinance is to vacate the described portion of street and thereby relieve the City of Manchester, Iowa, of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The Council of the City of Manchester, Iowa, hereby makes the following findings:

1. The dsecribed portion of street is not needed for the use of the public and therefore, its maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the street reasonable access to their property.

3. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published as required by law, no more than twenty (20) days nor less than four (4) days, prior to the date set for hearing.

Section 3. Vacation. The property described as:

> The Northerly 180.0 feet of the Westerly 35.0 feet of First Street, South of the Southerly line of West Main STreet, City of Manchester, Delaware County, Iowa, subject to a permanent utility easement over this entire parcel.

is hereby declared vacated.

Section 4. Repealer. All ordinances or part of ordiances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage approval and publication as provided by law.

Passed by the City Council of the City of Manchester, Iowa, this 24th day of September, 1990 and approved this 24th day of September, 1990.

Milton Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

RESOLUTION R-606-90

It was moved by Council Member Cook and seconded by Council Member Cooper to approve R-606-90 as follows:

RESOLUTION R-606-90

RESOLUTION DIRECTING THE SALE (TRADE) OF AN INTEREST IN REAL PROPERTY FOLLOWING PUBLIC HEARING

BE, AND IT HEREBY IS, RESOLVED BY THE COUNCIL OF THE CITY OF MANCHESTER, IOWA:

On behalf of the City, the Mayor shall contract to sell and shall deed the property described as follows:

> The northerly 180.0 feet of the Westerly 35.0 feet of First Street, South of the Southerly line of West Main Street, City of Manchester, Delaware County, Iowa, subject to a permanent utility easement over this parcel.

to O'Connell, Boren Investments for the following property to be deeded to the City of Manchester, Iowa:

> Lot Twenty-Five (25) except the Northerly 180.0 feet of Ballard Subdivision, City of Manchester, Delaware County, Iowa

The Clerk shall co-sign all such deeds.

The City of Manchester, Iowa will provide a quit claim deed to the purchaser but will not furnish completed abstracts of title for the property.

Action on this Resolution shall be final upon the purchaser of the property giving evidence to the City Clerk that the deed has been recorded, and such fact to be noted on the official record of this Resolution.

This resolution shall be in force and effect upon its passage and approval.

PASSED BY THE CITY COUNCIL this 24th day of September, and APPROVED this 24th day of September, 1990.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk

ON CALL OF ROLL: AYES: Cook, Cooper, Sherman NAYS: Monaghan