I, Karen K. Cole, City Clerk of the City of Manchester, Iowa do hereby certify that Ordinance No. 373-91 and the Proof of Publication of Notice of Public Hearing on Proposed Vacation of City Street (Alley) are true and exact copies of the records of the City of Manchester, Iowa.

Karen K. Cole

Karen K. Cole, City Clerk

On this 30th day of April, 1991, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Karen K. Cole, to me personnaly known, and, who, being by me duly sworn, did say that she is the City Clerk of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, and that Karen K. Cole acknowledged the execution of the instrument to be her voluntary act and deed.

Linda K. Tutton

Linda K. Tutton, Notary

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 on Proposed vacating ~~in case of~~ of City Street (alley) a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 26 day of March A.D. 19 91, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 11.56

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 11 day of April A.D. 1991

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF PUBLIC HEARING ON PROPOSED VACATION OF CITY STREET (ALLEY)

You are hereby notified that a Public Hearing will be held by the City Council of the city of Manchester, Iowa, beginning at 4:20 P.M. on the 1st day of April, 1991 in the Council Chambers of City Hall, Manchester, Iowa, on the question of whether the City Council of the City of Manchester, Iowa should enact an Ordinance to vacate the following described real estate (alley):

Commencing at the Southeast corner of Lot Two Hundred Thirty-Three (233), thence South 58°-47' West 77.18 feet to a point on the West line of Lot Two Hundred Forty-Six (246), which is Twenty (20) feet South of the Northwest corner of said lot, thence West Sixty-six (66) feet to the West line of said Lot Two Hundred Forty-seven (247), thence South Twenty (20) feet, thence East Sixty-six (66) feet, to the East line of Lot Two Hundred Forty-seven (247), thence North 58°-47' East 77.18 feet to the Northeast corner of Lot Two Hundred Forty-six (246), all in the City of Manchester.

Interested persons may appear and be heard for or against said proposed vacation of above described street (alley) which is further described as being located west of South Madison Street and South of East Marion Street, Manchester, Iowa.

Published by order of the City Council of the City of Manchester, Iowa

Karen K. Cole, City Clerk

3-26-91

P51

FILE No. 90-2497	FILED FOR RECORD THE 30 DAY OF April, 1991 AT 4:10	STATE OF IOWA, DELAWARE COUNTY
RECORDING FEE $ 10.00	O'CLOCK P. M. BOOK 2 PAGE 168	Joan Sheppard, Recorder
TRANSFER FEE $		Misc.

ORDINANCE No. 373-91

AN ORDINANCE PROVIDING FOR THE VACATION OF PUBLIC STREET (ALLEY) WEST OF SOUTH MADISON STREET AND SOUTH OF EAST MARION 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 alley 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 Manchetser, Iowa hereby makes the following findings:

1. The described street (alley) is not needed for the use of the public and therefore, its maintennance at public expense is not 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 has been published as required by law.

SECTION 3. Vacation. The property described as Commencing at the Southeast corner of Lot Two Hundred Thirty-Three (233), thence South 58°-47' West 77.18 feet to a point on the West line of Lot Two Hundred Forty-Six (246), which is Twenty (20) feet South of the Northwest corner of said Lot, thence West sixty-six (66) feet to the West line of said Lot Two Hundred Forty-seven (247), thence South Twenty (20) feet, thence East Sixty-six (66) feet, to the East line of Lot Two Hundred Forty-seven (247), thence North 58°-47' East 77.18 feet to the Northeast corner of Lot Two Hundred Forty-six (246), all in the City of Manchester, Iowa, is hereby vacated.

SECTION 4. Repealed. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. Severability clause. 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 COUNCIL THE 1st day of April, 1991, and approved this 1st day of April, 1991.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk

Read First Time: April 1, 1991
Suspended 2nd & 3rd Readings: April 1, 1991
PASSED AND APPROVED: April 1, 1991

I, Karen K. Cole, City Clerk, of the City of Manchester, Iowa do hereby certify that Ordinance 373-91 was duly published in The Manchester Press on the 9th day of April, 1991, as provided by law, a copy of said being hereby attached and by this reference incorporated herein.

Karen K. Cole

Karen K. Cole, City Clerk