I, Valda Schaul, City Clerk of the City of Masonville, Iowa, do hereby Certify that the following is a true and exact copy of the record of the City of Masonville, Iowa, and that said Resolution # 91-13 was duly adopted on August 12, 1991.

Valda Schaul

Valda Schaul, City Clerk
City of Masonville, Iowa

Sworn to and Subscribed to before me personally appeared Valda Schaul, City Clerk of the City of Masonville, Iowa, this 13th day of August, 1991.

C. E. Starr

Craig Starr, Notary

RESOLUTION # 91-13

RESOLUTION AMENDING RESOLUTION # 84-5 ENTITLED "RESOLUTION DIRECTING THE SALE OF AN INTEREST IN REAL PROPERTY FOLLOWING A PUBLIC HEARING", PERTAINING TO VACATED ALLEY RUNNING EAST AND WEST BETWEEN BARRETT STREET AND DANIELS STREET BORDERING LOTS 126, 127, 128, and THE EAST FIFTEEN FEET OF LOT 129 ON THE NORTH AND BORDERING THE EAST FIFTEEN FEET OF LOT 178, AND ALL OF LOTS 179, 180, and 181, ON THE SOUTH ACCORDING TO THE ORIGINAL PLAT OF THE CITY OF MASONVILLE, IOWA.

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

1. The City Council of the City of Masonville, Iowa, by Resolution # 84-3 passed on April 7, 1984, and recorded with the Delaware County Recorder on July 20, 1984, in book W, page 217, did propose to vacate and sell said alley.

2. The City Council of the City of Masonville, Iowa, did publish notice as required by law and held public hearing on the matter as required by law on May 12, 1984.

3. The City Council of the City of Masonville, Iowa, after said public hearing, passed Ordinance # 84-1 which was recorded with the Delaware County Recorder on July 20, 1984, in book W, page 219, directing the vacation and sale of such alley to the adjoin- property owners.

4. The City Council of the City of Masonville, Iowa, after said public hearing passed Resolution # 84-5 directing the sale of the alley to the adjoining property owners of record. Those being Joseph Behan, Diane Riniker, Dorothy McDevitt, J. Francis and Leona O'Connor, and Paul and Rosemary Ryan for the sum of one dollar from each parcel recipient.

5. The City of Masonville, Iowa, agreed to provide a quit claim deed for each parcel but not a completed abstract of title.

6. The City of Masonville, Iowa, has not to date received evidence that the deed issued to Joseph Behan was ever recorded.

7. The City of Masonville, Iowa, has been notified by Att. E. Michael Carr that lot 126 is now titled to Harold Glass, Jr. and Kathlene J. Glass.

8. The City of Masonville, Iowa, has been advised that the estate of Joseph Harold Behan has not and will not be probated and thus the deed to the north one half of the alley joining lot 126 on the south must be voided and a new quit claim deed issued to the new owners of record being Harold Glass, Jr. and Kathlene J. Glass.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MASONVILLE, IOWA, THAT SAID RESOLUTION # 84-5 BE AMENDED TO DELETE JOSEPH BEHAN AS PROPERTY OWNER AND LIST HAROLD GLASS, JR. AND KATHLENE J. GLASS AS PROPERTY OWNERS OF RECORD.

The deed shall be delivered thirty days after the date of this resolution unless an appeal on this action has been made to District Court. Action on this Resolution shall be final upon the purchasers 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 AND APPROVED THIS TWELFTH DAY OF AUGUST, 1991, BY THE CITY COUNCIL OF THE CITY OF MASONVILLE, IOWA.

A. E. Lechtenberg, Mayor

Attest: Valda Schaul, City Clerk

Roll Call: Decker-Aye Crouse-Aye Duggan-Aye Resor-Aye

FILE No. 123-673
RECORDING FEE $ 20.00
TRANSFER FEE $

FILED FOR RECORD THE 11 DAY OF September, 1991 AT 4:15 O'CLOCK P. M. BOOK 2 PAGE 215

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
Misc.

ORDINANCE NO. 84-1

AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF ALLEY RUNNING EAST AND WEST BETWEEN BARRETT STREET AND DANIELS STREET BORDERING LOTS 126, 127, 128, AND THE EAST FIFTEEN(15) FEET OF LOT 129 ON THE NORTH AND THE EAST FIFTEEN (15)FEET OF LOT 178, and LOTS 179, 180, AND 181 ON THE SOUTH IN THE CITY OF MASONVILLE, IOWA.

Copy

BE IT ENACTED BY THE COUNCIL OF THE CITY OF MASONVILLE, IOWA:

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

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

1. The described portion of the alley 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 alley 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:

Part of the alley running east and west between Barrett Street and Daniels street bordering lots 126, 127, 128, and the east fifteen (15) feet of lot 129 on the north and the east fifteen (15) feet of lot 178 and lots 179, 180, and 181 on the south in the City of Masonville, Iowa;

is hereby declared vacated.

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

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 Masonville, Iowa, this 12th day of May, 1984, and approved this 12th day of May, 1984.

William C. Alden
William Alden, Mayor of Masonville

ATTEST:
Valda Schaul
Valda Schaul, City Clerk

Recorded 7/20/84 Book W Page 219

Copy

R 84-3

RESOLUTION PROPOSING TO VACATE AND SELL ALLEY RUNNING EAST AND WEST BETWEEN BARRETT STREET AND DANILLS STREET BORDERING LOTS 126, 127, 128, AND THE EAST FIFTEEN (15) FEET OF LOT 129 ON THE NORTH AND THE EAST FIFTEEN (15)FEET OF LOT 178, AND LOTS 179, 180, AND 181 ON THE SOUTH IN THE CITY OF MASONVILLE, IOWA.

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

1. That the Council of the City of Masonville vacate and sell the alley running east and west between Barrett Street and Daniels Street bordering lots 126, 127, 128, and the east fifteen (15) feet of lot 129 on the north and the east fifteen (15) feet of lot 178, and lots 179, 180, and 181 on the south in the City of Masonville, Iowa.

2. That the above described portion of alley designated to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

3. The vacation will not deny owners of property abutting on the alley reasonable access to their property. The City has no other use for said portion of alley to be vacated.

4. The City shall provide a quit claim deed to the purchaser of each parcel, but not completed abstracts of title.

5. The City Clerk is directed to publish notice in a newspaper having general circulation in the City of Masonville, Iowa, not less than four (4) days nor more than twenty (20) days before the May 12, 1984 meeting of the Council at which the proposed vacation and sale will be considered.

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

Passed by the City Council this 7th day of April, 1984, and and approved this 7th day of April, 1984.

William C. Alden
William Alden, Mayor of Masonville

ATTEST:
Valda Schaul
Valda Schaul, City Clerk

ON CALL OF ROLL:

AYES:
Resor
Kaiser
Sickels
Hentges

NAYS:
none

Recorded 9/20/84 Book W page 217

Copy

R 84-5

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

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

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

> Vacated alley running east and west between Barrett Street and Daniels Street bordering lots 126, 127, 128, and the east fifteen (15) feet of lot 129 on the north and the east fifteen (15) feet of lot 178 and lots 179, 180, and 181 on the south in the City of Masonville, Iowa,

to the adjoining property owners Joseph Behan, Diane Riniker, Dorothy McDevitt, J. Francis and Leona O'Connor, and Paul and Rosemary Ryan for the sum of $1.00 each property owner. The City Clerk shall co-sign all quit claim deeds.

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

The deed shall be delivered thirty (30) days after the date of this resolution unless and appeal on this action has been made to District Court. Action on this Resolution shall be final upon the purchasers of the properties 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 12th day of May, 1984, and approved this 12th day of May, 1984.

William C Alden

William Alden, Mayor of Masonville

ATTEST:

Valda Schaul

Valda Schaul, City Clerk

ON CALL OF ROLL: AYES: Resor, Kaiser, Sickels NAYS: none

Recorded 7/20/84
Book W page 218