RESOLUTION R-809-92

It was moved by Council Member Monaghan and seconded by Council Member Morris to approve R-809-92 as follows:

RESOLUTION R-809-92

RESOLUTION CONFIRMING VACATION OF PORTION OF
ALLENSTEIN STREET AND ITS EXCHANGE FOR OTHER PROPERTY

WHEREAS, The City Council of the City of Manchester, Iowa per passage of Resolution R-379-76 at its regular meeting on August 2, 1976, approved the vacation of a portion of Allenstein Street in the City of Manchester , Iowa, and, in return, accepted a dedication of a portion of property owned by adjoining landowners for street purposes, and;

WHEREAS, objection has been made to the title because of failure to publish notice in accordance with Section 362.3 of the Iowa Code;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF MANCHESTER, IOWA, that the City of Manchester, Iowa, hereby confirms the 1976 vacation of a portion of Allenstein Street in the City of Manchester, Iowa, described as follows:

> Commencing at the Southwest corner of Lot One (1), Block Six (6), of Gales Subdivision, thence West 26.0 feet to the point of beginning, thence Southwesterly along a 40.0 feet radius curve tangent to the first course and, concave Easterly, 72.9 feet, thence West 116.17 feet along the South right of way line of Allenstein Street, thence North 50.0 feet, thence East 154.9 feet to the point of beginning. Allenstein Street is assumed to bear due East and West.

and further confirms the subsequent 1976 conveyance of vacated Allenstein Street to adjoining property owners in exchange for the dedication to the City of Manchester by the adjoining property owners, for street purposes, the following described property:

> That Part of Lots Five (5) and Six (6), Block Six (6) of Gales Subdivision, Manchester, Iowa, commencing at the Northeast corner of Lot Six (6), thence West 13.0 feet to the point of beginning, thence West 77.46 feet, thence Easterly along a 40.0 feet radius curve, concave Northerly, 105.4 feet to the point of beginning.

AND, FURTHER confirms the 1976 acceptance of dedication of foregoing property.

PASSED AND APPROVED this 20th day of April, 1992.

CITY OF MANCHESTER

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ON CALL OF ROLL: AYES: Monaghan, Morris, Cook, Sherman NAYS: None

On this 21st day of April, 1992, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen K. Cole, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Mancehster, 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, by authority of its City Council, as contained in Resolution R-809-92 passed by the City Council, under Roll Call vote of the City Council on the 20th day of April, 1992, and that Milt L. Kramer and Karen K. Cole acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Linda K. Tutton, Notary Public; my commission expires August 29, 1993

FILE No. 183-3107
RECORDING FEE $ 10.00
TRANSFER FEE $

FILED FOR RECORD THE 27 DAY OF April, 19 92 AT 9:42 O'CLOCK A. M. BOOK 3 PAGE 53

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, 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 Confirmation of Vacation of Portion of Allenstein ~~In case of~~ 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 14 day of April A.D. 19 92, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 15.61

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 20 day of April A.D. 1992

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF CONFIRMATION OF VACATION OF PORTION OF ALLENSTEIN STREET AND ITS EXCHANGE FOR OTHER PROPERTY

Hearing will be held at the Council Chambers of the City Council of Manchester, Iowa, at 7:15 P.M. on Monday, April 20, 1992 for the purpose of confirming the vacation of a portion of Allenstein Street in the City of Manchester, Iowa, described as follows:

Commencing at the Southwest corner of Lot One (1), Block Six (6), of Gales Subdivision, thence West 26.0 feet to the point of beginning, thence Southwesterly along a 40.0 feet radius curve tangent to the first course and, concave Easterly, 72.9 feet, thence West 116.17 feet along the South right of way line of Allenstein Street, thence North 50.0 feet, thence East 154.9 feet to the point of beginning. Allenstein Street is assumed to bear due East and West:

and further for the purpose of confirming its subsequent conveyance to the adjoining property owners in exchange for the dedication to the City of Manchester by the adjoining property owners, for street purposes, the following described property:

That part of Lots Five (5) and Six (6), Block Six (6) of Gales Subdivision, Manchester, Iowa, commencing at the Northeast corner of Lot Six (6), thence West 13.0 feet to the point of beginning, thence West 77.46 feet, thence Easterly along a 40.0 feet radius curve, concave Northerly, 105.4 feet to the point of beginning.

Said vacated portion is that part of Allenstein Street formerly lying West of what is now Huggins Court and said dedicated property is the circular turn-around for vehicles and equipment now situated in Huggins Court.

Said vacation and acceptance of dedication was passed and approved per Resolution R-379-76, by the City Council at its regular meeting on August 2, 1976, but no notice in accordance with Section 362.3 of the Iowa Code was published prior to the meeting.

Karen K. Cole, City Clerk
City of Manchester, Iowa

4-14-92

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