STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF ECONOMIC DEVELOPMENT
ALLAN T. THOMS, DIRECTOR

June 7, 1994

Hopkinton Leader
P.O. Box 128
Hopkinton, Iowa 52237

Attn: Mary Helle

RE: Oneida City Development Committee Meeting

Dear Ms. Helle:

Please publish the following notice in the legal notice section of the Hopkinton Leader on June 15, 1994. If possible, please confirm publication dates by telephone prior to publication.

NOTICE

Notice is hereby given that the Oneida City Development Committee will meet at 2:30 p.m. on June 23, 1994 in the Main Conference Room, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa to consider the City of Oneida's proposal to discontinue. The Committee is composed of five state appointees and one local representative, Marge Erickson for the City of Oneida. This meeting will be open to the public. No oral or written testimony will be taken at the meeting. If the committee approves the proposal, an election on the matter will be held within 90 days in Oneida.

Please forward me the bill and affidavits of publication. I will retain one affidavit and forward the second to the City of Oneida to make payment. If you have any questions please call me at 515/242-4719.

Sincerely,

Steven R. McCann

Steven R. McCann, Staff
City Development Board

SRM:lk

IOWA NETWORK FOR BUSINESS ASSISTANCE 200 EAST GRAND / DES MOINES, IOWA 50309 / 515/242-4700 / FAX: 515/242-4859

BEFORE THE CITY DEVELOPMENT COMMITTEE
OF THE STATE OF IOWA

Delman L. Bowers	Chairperson
Nita Taggart	Member
Eric Kelly	Member
Harley Hiemstra	Member
Beverly Everson	Member
Marge Erickson	City-Appointed Representative

IN THE MATTER OF THE PETITION TO DISCONTINUE THE CITY OF ONEIDA, IOWA	))))	NO. D 94-01 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DETERMINATION

INTRODUCTION

The above entitled matter came before the City Development Committee upon a petition for the discontinuance of the City of Oneida, Iowa, as an incorporated city. The petition was filed by the Oneida City Council. The petition was filed with the City Development Board, State of Iowa, pursuant to Section 368.11, Code of Iowa (1993), on February 3, 1994, and this matter came on for public hearing, before the Oneida City Development Committee, pursuant to Section 368.15, Code of Iowa, (1993), on April 27, 1994 in Oneida, Iowa. At the public hearing, testimony was heard and exhibits were received. All persons appearing and desiring to be heard were heard. The Oneida City Development Committee of the State of Iowa, having read the petition for discontinuance, and having considered all the evidence presented at the public hearing and the records of all proceedings, and having met on June 23, 1994 to discuss and vote on the proposal, hereby makes the following findings of fact, conclusions of law and determination.

FINDING OF FACT

1. The original petition of the City of Oneida, Iowa was filed on February 3, 1994 pursuant to Chapter 368, Code of Iowa, and was complete and proper in all respects.
2. One local representative appointment was directed by the City Development Board pursuant to Section 368.14, Code of Iowa (1993). The City of Oneida appointed one representative in full accord with the law.
3. Proper notice of the public hearing on the discontinuance petition was given as required by law. Four of the five City Development Board members and one locally appointed representative served as the City Development Committee that conducted the public hearing as required by Section 368.15, Code of Iowa (1993). The public hearing was held on April 27, 1994 at the Old School House, Oneida, Iowa. A tape recording of the public hearing proceedings is on record at the City Development Board office, 200 East Grand Avenue, Des Moines, Iowa.
4. The boundaries of the City of Oneida encompass approximately 458 acres situated entirely in Delaware County, Iowa. The territory within the City of Oneida is described in Appendix A attached hereto.
5. The City of Oneida does not provide the residents with such services as police protection, sewer and water and other services provided by cities, and is unable to properly maintain existing roads within the city.

6. The residents of the City of Oneida are now receiving police and fire services from organizations outside of the City. Delaware County will be able to provide the services now enjoyed by the residents of Oneida and fire protection will continue to be provided by the fire department now serving the city. As the city provides few services to the residents and is unable to maintain roads used by persons living within and outside of the City of Oneida, the proposed discontinuance is in the public interest.

CONCLUSIONS OF LAW

1. The City Development Board and the Oneida City Development Committee duly acquired and now have jurisdiction of the within proceedings pursuant to Chapter 368, Code of Iowa (1993).
2. The Oneida City Council has authority to file a petition for the discontinuance of the City of Oneida.
3. The territory within the City of Oneida is described in Appendix A and is situated within Delaware County, Iowa. It is this territory proposed to be discontinued as an incorporated city and to become an unincorporated area territory within Jackson County.
4. Based on findings of fact number 5, the City of Oneida is unable to provide persons residing in the territory it encompasses with substantial services including road maintenance and approval of the proposal not barred pursuant to Section 368.17(4), Code of Iowa (1993).

5. Based on Finding of Fact number 6, the City Development Committee has the authority to approve the proposal because it is in the public's interest pursuant to 368.16, Code of Iowa (1993).

DETERMINATION

It is the determination of the City Development Committee that the petition for the discontinuance of the City of Oneida filed by the Oneida City Council is hereby approved and that a special election shall be held on the discontinuance proposal pursuant to Section 368.19, Code of Iowa (1993).

Dated this 7th day of July, 1994

CITY DEVELOPMENT COMMITTEE
STATE OF IOWA

By: /s/ Delman L Bowers
Delman L. Bowers, Chairperson
and Signature for the Majority
Affixed by, Steven R. McCann
for the City Development Board
pursuant to rule 263-3.28
IA Administrative Code

Attest:

I, A. Louise Kirkpatrick certify that Steven McCann is personally known to me and appeared before me on the 7th day of July, 1992, and affixed the signature of Delman L. Bowers on the above document.

A Louise Kirkpatrick
A. Louise Kirkpatrick
Notary Public

A. LOUISE KIRKPATRICK
MY COMMISSION EXPIRES
8-19-97

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

City Clerk
City of Oneida
R.R. 2, Box 511
Manchester, Iowa 52057
cc: City of Greeley

William J. Baum
East Central Intergovernmental Association (ECIA)
Suite 330 Nesler Centre
P.O. Box 1140
Dubuque, Iowa 52001

Delaware Co. Board of Supervisors
Delaware County Courthouse
Manchester, Iowa 52057

Lawrence Walker
Delaware County Attorney
Delaware County Courthouse
Manchester, Iowa 52057

Maurice Burr
East Central Iowa Transportation Center
430 16th Avenue, S.W.
Cedar Rapids, Iowa 52404

Said copies were mailed by certified mail, return receipt requested to them at the addresses shown above, with postage fully paid and by depositing same in a United States Post Office depository in Des Moines, Iowa on the 7th day of July, 1994.

Louise Kirkpatrick

APPENDIX A

Legal description of territory to be discontinued
City of Oneida * A 94-01

The City of Oneida is legally described as the West One-half of the Southwest Quarter (SW¼) of Section Five (5), the Southeast Quarter (SE¼) of Section Six (6), the Northeast Quarter (NE¼) of Section Seven (7), and the West One-half of the Northwest Quarter (NW¼) of Section Eight (8), Township Eighty-Nine (89) North, Range Four (4) West of the Fifth P.M., Delaware County, Iowa.

BEFORE THE CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF CITY OF ONEIDA DISCONTINUANCE	)))	NO. D 94-01 ELECTION ORDER

Pursuant to Section 368.11, Code of Iowa (1993), the City Council of the City of Oneida, Iowa has petitioned the City Development Board for discontinuance of the City of Oneida as an incorporated municipality.

The City Development Board reviewed said petition for discontinuance, directed the appointment of a local representatives to serve with City Development Board members as a Committee to approve or disapprove the discontinuance petition and held a public hearing on the proposal, all in accord with Chapter 368, Code of Iowa (1993).

The City Development Committee met on June 23, 1994 and approved the discontinuance proposal of the City of Oneida.

The attached findings of fact and conclusions of law is a true copy of the Committee's written decision served on all parties to the discontinuance proceedings and the findings of fact and conclusions of law contain a written determination that the Oneida discontinuance proposal be placed on the ballot of a special election as authorized by Section 368.19, Code of Iowa (1993).

Section 368.19, Code of Iowa as amended, states "The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file

its decision for record and promptly notify the parties to the proceedings of its decision. If a petition or plan is approved, the board shall set a date within ninety days for a special election on the proposal and the county commissioner of elections shall conduct the election. The county commissioner of elections shall publish notice of the election as provided in section forty-nine point fifty-three (49.53) and shall conduct the election in the same manner as other special city elections."

The City Development Board directs that a special election be held in Oneida, Iowa and that a question be put on the ballot of said election asking for approval or disapproval of the City of Oneida's discontinuance proposal, more particularly all the real territory described herein which is all the territory legally described and set forth in the petition for discontinuance.

The following question is correct and legally acceptable and may be used on the ballot of the Oneida discontinuance election.

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED? YES NO

(Summary: To discontinue the City of Oneida, Iowa, the territory described in the City of Oneida's petition approved by the City Development Committee, State of Iowa on June 23, 1994. Said territory consisting of approximately 458 acres of real property incorporated as the City of Oneida.

Shall the City of Oneida, Iowa be discontinued and the following described territory be an unincorporated part of Delaware County, Iowa. (County Commissioner of Elections shall insert legal description from Appendix A attached hereto. Entire Appendix A must be set out in full and in the complete proposition)

Pursuant to Section 368.20, Code of Iowa, the County

Commissioner of elections shall certify the election results to the City Development Board.

IT IS THEREFORE ORDERED THAT THE DELAWARE COUNTY COMMISSIONER OF ELECTIONS CONDUCT A SPECIAL ELECTION ON AUGUST 9, 1994 IN ACCORD WITH THIS ORDER AND CERTIFY ELECTION RESULTS TO THE CITY DEVELOPMENT BOARD, STATE OF IOWA

Date this 7th day of July, 1994

Delman L. Bowers

Delman L. Bowers, Chairperson,
City Development Board
Signature affixed by Steven R. McCann,
Staff for City Development Board as
authorized pursuant to Rule 3.28 220,
Iowa Administrative Code

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

City Clerk
City of Oneida
R.R. 2, Box 511
Manchester, Iowa 52057

William J. Baum
East Central Intergovernmental
Association (ECIA)
Suite 330 Nesler Centre
P.O. Box 1140
Dubuque, Iowa 52001

Delaware Co. Board of Supervisors
Delaware County Courthouse
Manchester, Iowa 52057

Maurice Burr
East Central Iowa Transportation
Center
430 16th Avenue S.W.
Cedar Rapids, Iowa 52404

Sharon McCrabb
Delaware County Auditor
301 E. Main Street
Manchester, Iowa 52057

Said copy was mailed by certified mail, return receipt requested, in an envelope addressed to them at the address shown above, with postage fully paid and by depositing same in an United States Post Office depository in Des Moines, Iowa on the 7th day of July, 1994.

Louise Kirkpatrick

APPENDIX A

Legal description of territory to be discontinued
City of Oneida * A 94-01

The City of Oneida is legally described as the West One-half of the Southwest Quarter (SW¼) of Section Five (5), the Southeast Quarter (SE¼) of Section Six (6), the Northeast Quarter (NE¼) of Section Seven (7), and the West One-half of the Northwest Quarter (NW¼) of Section Eight (8), Township Eighty-Nine (89) North, Range Four (4) West of the Fifth P.M., Delaware County, Iowa.

COUNTY AUDITOR
SHARON MCCRABB

DEPUTIES
CARLA BECKER
MONICA HEISERMAN
JUDY ZEHR

PHONE - 927-4701

DELAWARE COUNTY

Courthouse

Manchester, Iowa 52057

SUPERVISORS
JEROME BESLER
BOB CLEMEN

G. Eldon Koeneke
PHONE 927-2515

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

This is to certify that the attached Abstract of Votes - Delaware County is a true and correct copy of the abstract of the votes canvassed in the Oneida City Election at the official canvass held August 15, 1994 by the Delaware County Board of Supervisors.

Dated this 15th day of August, 1994.

Sharon McCrabb, County Auditor and
Clerk to the Board of Supervisors

Subscribed and sworn to before me by Sharon McCrabb this 15th day of August, 1994.

Carolyn A. Wilson, Notary Public
My Commission expires 12-17-95.

CAROLYN A. WILSON
Iowa
NOTARIAL SEAL

ABSTRACT OF VOTES

DELAWARE COUNTY

We, the undersigned Members of the Baord of Supervisors, and ex-officio Board of County Canvassers, for Delaware County, hereby certify the following to be a true and correct abstract of the votes cast in this county at the ONEIDA SPECIAL ELECTION held on the 9th day of August, 1994, as shown by the tally lists returned from the several election precincts.

Upon the public measure - L

"Shall the Following Public Measure be Adopted?"

Summary: To authorize imposition of a local sales and services tax in the City of Oneida at the rate of 1% to be effective from October 1, 1994 until December 31, 1999.

There were Seventeen (17) votes cast, as follows:

For the question there were Five (5) votes cast.

Against the question there were Twelve (12) votes cast.

We therefore declare the public measure - L - "To authorize imposition of a local sales and services tax in the City of Oneida at the rate of 1% to be effective from October 1, 1994 until December 31, 1999" not adopted.

Upon the public measure - O

"Shall the Following Public Measure be Adopted?"

Summary: To discontinue the City of Oneida, Iowa, the territory described in the City of Oneida's petition approved by the City Development Committee, State of Iowa on June 23, 1994. Said territory consisting of approximately 458 acres of real property incorporated as the City of Oneida.

There were Seventeen (17) votes cast, as follows:

For the question there were Thirteen (13) votes cast.

Against the question there were Four (4) votes cast.

We therefore declare the public measure - O - "To discontinue the City of Oneida, Iowa, the territory described in the City of Oneida's petition approved by the City Development Committee, State of Iowa on June 23, 1994. Said territory consisting of approximately 458 acres of real property incorporated as the City of Oneida" to be adopted.

IN TESTIMONY WHEREOF, We have set our hands and caused this to be attested by the Clerk of the Board of Supervisors, with the Seal of this County.

Done at Manchester, the county seat of this County, this 15th day of August, 1994.

Members of the Board of Supervisors and
Ex-officio County Board of Canvassers

G. Eldon Koeneke

G. Eldon Koeneke, Chairman

Jerome E. Besler

Jerome E. Besler, Vice-Chairman

Bob Clemen, Absent

ATTEST:

Sharon McCrabb

Sharon McCrabb, County Auditor

9-7-94

NOTICE OF ELECTION RESULTS

The City Development Board, State of Iowa, acting under the scrutiny granted by Chapter 368.19, Code of Iowa, directed that a special election be held in Oneida, Iowa, on August 9, 1994 and at said election a question to be put on the ballot asking approval of the proposal by the City of Oneida to discontinue being a city. Said petition was filed with the City Development Board pursuant to Section 368.11, Code of Iowa on February 3, 1994.

The members of the Board of Supervisors and County Board of Canvassers, and the County Auditor and Commissioner of Election for Delaware County, have certified to the City Development Board, State of Iowa of the election results as follows:

For the special proposition to discontinue the City of Oneida, Iowa, there were seventeen (17) ballots cast, of which thirteen (13) votes were for the proposition, and four (4) votes were against the proposition.

The aforesaid proposition was duly carried by a vote in favor of such discontinuance equal to one vote more than fifty percent of the total votes cast for and against said proposition, or more, and will take effect after the final filing is accomplished by the City Development Board.

Election results were certified to the City Development Board, State of Iowa, on August 15, 1994 and said certification is on record at the City Development Board offices, 200 East Grand Avenue, Des Moines, Iowa.

The City Development Board will receive and adjudicate claims for a period of six months after the publication of this notice, pursuant to Section 368.21, Code of Iowa. Any party having a claim against the City of Oneida for goods purchased, services rendered or other items must submit an itemized statement to the City Development Board prior to March 7, 1995. Claims arriving after that date cannot be allowed.

Date of Second Publication, 7th day of September, 1994.

State of Iowa, Delaware County, ss.

I, Mary Heeke, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for Two consecutive weeks beginning Aug 31 1994, and ending Sept 7 1994, Printer's fees, $21.54.

Mary Heeke

Subscribed in my presence and sworn to before me by Mary Heeke **on this** 30th **day of** September, 1994.

[illegible] Jan 26 1995

Deedra J Decker

Notary Public

BEFORE THE CITY DEVELOPMENT BOARD

STATE OF IOWA

IN THE MATTER OF CITY OF ONEIDA DISCONTINUANCE	)))	NO. D94-01 FINAL ORDER

The City Development Board, State of Iowa, has carried out all procedures required to complete the discontinuance of the City of Oneida as an incorporated municipality. The Territory which the municipal boundaries of Oneida encompassed is a part of rural Delaware County, Iowa.

IT IS THEREFORE ORDERED that the territory described in Appendix A hereof and incorporated herein by this reference as is fully set forth becomes hereafter a part of rural Delaware County and Oneida is no longer an incorporated municipality.

IT IS FURTHER ORDERED this discontinuance of the City of Oneida is complete this 23 day of November, 1994.

Dated this 23rd day of November, 1994.

CITY DEVELOPMENT BOARD

by /s/ Delman L. Bowers
Delman L. Bowers, Chairperson, signature affixed by Steven R. McCann, Staff for City Development Board as authorized by Rule 220-3.28 Iowa Administrative Code

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

Janet K. Fischer, City Clerk
City of Oneida
R.R. 2, Box 511
Manchester, Iowa 52057
cc: City of Greeley
Mayor/City Council

William J. Baum, Exec. Director
East Central Intergovernmental Association (ECIA)
Suite 330 Nesler Centre
P.O. Box 1140
Dubuque, Iowa 52001

Deborah Peyton
Delaware County Recorder
Delaware County Courthouse
Manchester, Iowa 52057

The Honorable Michael Fitzgerald
Treasurer of State
State Capitol Building
Des Moines, Iowa 50319
cc: Gene Eich

Delaware Co. Board of Supervisors
Delaware County Courthouse
Manchester, Iowa 52057

Lawrence Walker
Delaware County Attorney
Delaware County Courthouse
Manchester, Iowa 52057

Maurice Burr, District 6
East Central Iowa Transportation Center
430 16th Avenue S.W.
Cedar Rapids, Iowa 52404

Sharon McCrabb
Delaware County Auditor
Delaware County Courthouse
Manchester, Iowa 52057

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
Des Moines, Iowa 50319

Said copy was mailed by certified mail, return receipt requested, in an envelope addressed to them at the address shown above, with postage fully paid and by depositing same in an United States Post Office depository in Des Moines, Iowa on the 23rd day of November, 1994.

Louise Kirkpatrick

APPENDIX A

Legal description of territory to be discontinued as the Incorporated City of Oneida
D 94-01

The West One-half of the Southwest Quarter (SW¼) of Section Five (5), the Southeast Quarter (SE¼) of Section Six (6), the Northeast Quarter (NE¼) of Section Seven (7), and the West One-half of the Northwest Quarter (NW¼) of Section Eight (8), Township Eighty-Nine (89) North, Range Four (4) West of the Fifth P.M., Delaware County, Iowa.

BEFORE THE CITY DEVELOPMENT BOARD

STATE OF IOWA

IN THE MATTER OF CITY OF ONEIDA DISCONTINUANCE	)))	NO. D 94-01 ORDER DIRECTING FILING OF DOCUMENTS

TO: Secretary of State, Delaware County Recorder, City Clerk, Oneida, Iowa

Pursuant to the requirements of Section 368.20(2) Code of Iowa, The City Development Board shall file copies of the discontinuance proceeding with the Secretary of State, City Clerk of any city involved in the discontinuance and recorder of each county which contains a portion of any city or territory involved in the discontinuance.

IT IS THEREFORE ORDERED that this Order and the copies of the following documents accompanying this Order be filed for record in your office:

1. City of Oneida's Discontinuance Petition.
2. Proof of Service of Notice of Public Hearings.
3. Proof of Publication of Public Hearing Notices.
4. Proof of Publication of City Development Committee meeting.
5. City Development Committee's Findings of Fact, Conclusions of Law and Order.
6. Election Order.
7. Certification of Election Results and Notice of Election Results.
8. Proof of publication of Election Results.
9. City Development Board Final Order.

IT IS FURTHER ORDERED that all costs associated with this filing be assessed against the City of Oneida, Iowa but sent to:

City Development Board
200 East Grand Avenue
Des Moines, Iowa 50309

Dated this 23rd day of November, 1994.

CITY DEVELOPMENT BOARD

by /s/ Delman L. Bowers
Delman L. Bowers, Chairperson, signature affixed by Steven R. McCann, Staff Coordinator for City Development Board as authorized by Rule 220-3.28 Iowa Administrative Code.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

City Clerk
City of Oneida
R.R. 2, Box 511
Manchester, Iowa 52057
cc: City of Greeley
Mayor/City Council

Douglas Elliott, Exec. Director
East Central Intergovernmental Association (ECIA)
Suite 330 Nesler Centre
P.O. Box 1140
Dubuque, Iowa 52001

Delaware Co. Board of Supervisors
Delaware County Courthouse
Manchester, Iowa 52057

Deborah Payton
Delaware County Recorder
Delaware County Courthouse
Manchester, Iowa 52057

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
Des Moines, Iowa 50319

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Louise Kirkpatrick

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D 94-01

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STATE OF IOWA
CITY DEVELOPMENT BOARD

State of Iowa Polk County	))))	Certification of Authenticity

I, Steven R. McCann, Staff for the City Development Board, having charge of, and in my possession, all the records, documents and filings pertaining to City Development Board actions, said documents being on file and remaining in my office, do hereby certify that the attached and enclosed documents and records pertaining to the City of Oneida's discontinuance are true and exact copies of the documents received and filed by the City Development Board in the matter of the City of Oneida's discontinuance, Case No. D 94-01. The originals of these documents are available in the files of the City Development Board in the Iowa Department of Economic Development, 200 E. Grand, Des Moines, Iowa.

Dated this 23rd day of November, 1994.

Steven R. McCann