AFFIDAVIT RE DISPOSAL OF CITY PROPERTY

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

Re: Lot Six Hundred Sixteen (616), Manchester, Iowa, according to plat recorded in Book I, L.D., Page 284.

I, Karen K. Cole, first being duly sworn, on oath, state:

1. That I am City Clerk of the City of Manchester, Iowa.

2. That attached hereto are true copies of the items relating to the sale by the City of the above described real estate, these items being: (1) the motion setting a public hearing on the proposed disposal of the above real estate (and other land), said motion having been passed at the City Council meeting of July 5, 1994; (2) the proof of publication of notice of the public hearing, publication having been made on July 12, 1994; (3) Resolution R-056-94 directing the sale of the property and authorizing the Mayor and City Clerk to sign deeds, said resolution having been adopted at the City Council meeting on July 18, 1994.

3. That the above items are a part of the public records in my custody as City Clerk and that present at the July 18, 1994 meeting, were all of the City Council members, they being Monaghan, Sherman, Cooper, Morris and Goettsch, all of whom voted aye in favor of Resolution R-056-94.

Dated at Manchester, Iowa, this 11th day of August, 1995.

Karen K. Cole
Karen K. Cole

Subscribed and sworn to before me by the said Karen K. Cole this 11th day of August, 1995.

Mary Lou Tracey
Mary Lou Tracey
Notary Public in and for the State of Iowa.

For Extension, See Book 18 Page 321 11/29/95

FILE No. 149-528
RECORDING FEE $ 21.00
TRANSFER FEE $

FILED FOR RECORD THE 14 DAY OF AUGUST, 19 95 AT 10:01 O'CLOCK A.M. BOOK 18 PAGE 177

STATE OF IOWA, DELAWARE COUNTY
DEBORAH L. PEYTON, Recorder
AFF.

Council Member Morris left the meeting at 7:50 P.M.

The Board of Adjustment submitted a letter requesting the City Council respond to the Board's concerns regarding the City's participation in sidewalk construction when extraordinary physical circumstances (construction of bridges, retaining walls and/or elevation problems) occur. The Council discussed the two variance requests of the American Legion and Conrad Tegeler that the Board of Adjustment have tabled. Terracing or a retaining wall is needed before sidewalk can be installed on the north side of the Legion property and a bridge across the dry run in the 800 block of E. Fayette Street needs to be constructed before there can be a continuous block of sidewalk on the south side of the street. Various options were discussed and it was agreed that the City Manager obtain estimates of cost for these two improvements prior to the Council addressing the policy questions asked by the Board of Adjustment.

City Manager Heiar advised that the Stevens Co. of Marion, Iowa has expressed an interest in the purchasing of the four lots on West Marion Street that are owned by the City. They are developers of modular housing and propose to use these lots for that purpose. They desire to purchase the two lots at 909 W Marion Street now and a First Right of Refusal on the other two lots. They have offered $2,500 cash for each lot or up to a maximum of $6,000.00 per lot if the City accepts payment upon sale of the home and the overage after all construction and related costs are paid.

It was moved by Council Member Monaghan and seconded by Council Member Cooper to set July 18, 1994 at 4:30 for a Public Hearing on the proposal to sell property located at 905, 909, 401 and 215 West Marion Street to The Stevens Company.
ON CALL OF ROLL: AYES: Monaghan, Cooper, Sherman, Morris, Goettsch NAYS: None

City Attorney Peters advised that the order has been signed on the Fence Agreement for Haight/ Meister and that he will be reviewing the abstract for the Francois property that the City is purchasing for airport hangars.

City Manager Heiar reported that there will be a NE Iowa Regional League meeting on July 12, 1994 and if anyone is interested in attending to please contact him.

At 8:38 P.M., it was moved by Council Member Cooper and seconded by Council Member Sherman that the meeting be adjourned.
ON CALL OF ROLL: AYES: Cooper, Sherman, Morris, Monaghan, Goettsch NAYS: None

Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole
Karen K. Cole, City Clerk

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 For Sale of Real Estate in case of City of Manchester

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 12th day of July A.D. 19 94, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 30.06

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 20th day of July A.D. 19 94

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

Doris Tucker

NOTICE OF PUBLIC HEARING FOR THE
SALE OF REAL ESTATE
CITY OF MANCHESTER, IOWA

1. That a public hearing pursuant to Code of Iowa Section 364.7 shall be held on the 18th day of July 1994, at 4:30 o'clock p.m., at Council Chambers, City Hall, Manchester, Iowa, on the proposal for the purchase of real estate from the City of Manchester, Iowa, pursuant to the terms set forth herein.

2. That the proposal for purchase of real estate from the City of Manchester, Iowa, by the Stevens Co. is set forth below:

(a) Stevens Co. shall purchase the property commonly known as 909 West Marion Street and the property commonly described as 905 West Marion Street for the total sum of $5,000. The City of Manchester, Iowa, shall be responsible for providing an abstract of title showing good and merchantable title in the name of the City of Manchester, Iowa, to the above-described property. At closing, the City of Manchester, Iowa, shall be responsible for execution of a general warranty deed to the Stevens Co. for the above-described property.

(b) The Stevens Co. shall further have a right of first refusal to purchase the following property from the City of Manchester, Iowa:

215 West Marion, Manchester, Iowa, and 401 West Marion, Manchester, Iowa, as follows:

(1) The right of first refusal shall continue from July 30, 1994, through July 30, 1995. If, during the above-referenced time period, the City of Manchester, Iowa, receives an offer to purchase either lot subject to the right of first refusal, the City shall first offer the lot to be sold to the Stevens Co. upon the same terms and conditions. If the Stevens Co. elects not to purchase the property pursuant to the terms and conditions of the offer, the City shall be entitled to proceed with the sale of property to the offeror.

If no bona fide offer to purchase the real estate subject to the right of first refusal has been accepted by the City of Manchester, Iowa, during the term of the right of first refusal set forth above, the Stevens Co. shall further have the right to purchase both lots commonly referred to as 215 West Marion, Manchester, Iowa, and 401 West Marion, Manchester, Iowa, for the total sum of $5,000.

Any or all persons desiring to give testimony or to present other evidence with respect to the sale of said property may appear at said time and place and be heard.

CITY OF MANCHESTER, IOWA

BY: Karen K. Cole
City Clerk

7-12-94

P23

RESOLUTION R-056-94

It was moved by Council Member Monaghan and seconded by Council Member Sherman to approve R-056-94 as follows:

RESOLUTION R-056-94

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

Whereas, the City Council has held on this date a Public Hearing on the sale of lots located at 905, 909, 401 and 215 West Marion Street, Manchester, Iowa, to the Stevens Co., Marion, Iowa, and all interested parties having been heard,

BE IT HEREBY RESOLVED by the Council of the City of Manchester, Iowa:

a. That the Stevens Co. shall purchase the property commonly known as 909 West Marion Street and the property commonly described as 905 West Marion Street for the total sum of $5,000.00. The City of Mancehster, Iowa, shall be responsible for providing an abstract of title showing good and merchantable title in the name of the City of Manchester, Iowa, to the above-described property. At closing, the City of Manchester, Iowa , shall be responsible for execution of a general warranty deed to the Stevens Co. for the above-described property.

This property is further described as Lots 616 and 617, Original Plat of the City of Manchester, Delaware County, Iowa.

b. The Stevens Co. shall further have a right of first refusal to purchase the following property from the City of Manchester, Iowa:

215 West Marion Street, Manchester, Iowa, and 401 West Marion Street, Manchester, Iowa, further described as the East 19½ feet of Lot 643 and the West 6 feet of Lot 644 and the West 25½ feet of the East 45 feet of Lot 643 located in the City of Manchester, Delaware County, Iowa, as follows:

(1) The right of first refusal shall continue from July 30, 1994, through July 30, 1995. If, during the above-referenced time period, the City of Manchester, Iowa, receives an offer to purchase either lot subject to the right of first refusal, the City shall first offer the lot to be sold to the Stevens Co. upon the same terms and conditions. If the Stevens Co. elects not to purchase the property pursuant to the terms and conditions of the offer, the City shall be entitled to proceed with the sale of property to the offeror.

If no bona fide offer to purchase the real estate subject to the right of first refusal has been accepted by the City of Manchester, Iowa, during the term of the right of first refusal set forth above, the Stevens Co. shall further have the right to purchase both lots commonly referred to as 215 West Marion, Manchester, Iowa, and 401 West Marion, Manchester, Iowa, for the total sum of $5,000.00.

The Mayor and City Clerk are hereby authorized to sign deeds.

This resolution shall be in force and effect upon its passage and approval as provided by law.

Passed by the Council the 18th day of July, 1994 and approved this 18th day of July, 1994.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ON CALL OF ROLL: AYES: Monaghan, Sherman, Cooper, Morris, Goettsch NAYS: