City of Manchester

208 East Main St.
Manchester, Iowa 52057
319-927-3636
Fax: 319-927-6605

AFFIDAVIT RE: VACATION OF PORTION OF CITY STREET
AND DISPOSAL OF CITY PROPERTY

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

RE: Portion of vacated street lying north of a line extending east from the southeast corner of Lot 571 to a point 135 feet north of the southwest corner of Lot 635, Original Plat City of Manchester, Iowa

I, Karen K. Cole, first being duly sowron, 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 vacating of a portion of S. 4th Street and the sale by the City of the above described property, these items being: (1) the motion setting a date for a public hearing on the proposed vacation and sale of property, said motion having been passed at the City Council meeting of July 3, 1995; (2) the proof of publication of notice of the public hearing, publication having been made on July 11, 1995; (3) Ordinance 425-95 An Ordinance Providing for the Vacation of a portion of S. 4th Street North of West Marion Street, said Ordinance having been finally adopted on August 7, 1995; (4) Resolution R-165-95 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 August 7, 1995.

3. That the above items are a part of the public records in my custody as City Clerk and that present at the August 7, 1995 Council Meeting were Council Members Monaghan, Cooper, Morris, Goettsch. all of whom voted aye in favor of Resolution R-165-95. Council Member Sherman was absent.

Dated at Manchester, Iowa, this 14th day of August, 1995.

Karen K. Cole

Karen K. Cole, City Clerk

Subscribed and sworn to before me by the said Karen K. Cole this 14th day of August, 1995.

Linda K. Tutton

Linda K. Tutton Notary Public in and for the State of Iowa

FILE No. 151-593
RECORDING FEE $ 26.00
TRANSFER FEE $

FILED FOR RECORD THE 18 DAY OF August, 1995 AT 3:55 O'CLOCK P M. BOOK 18 PAGE 179

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Aff.

h. Approve payment of the following claims to Tri State Engineers:

W. Main Turn Lane Project	Pay Request #3	$3,894.01
NE Sanitary Sewer Trunk Line	Pay Request #1	4,432.44
S. 10th St Water main crossing Services		176.76

i. R-157-95 Resolution Accepting Easement for Permanent Utilities between Delaware County and the City of Manchester (20 ft easement west of S. 5th Street across Delaware County property to serve PCI, 621 Grant Street)

j. R-158-95 Resolution Certifying Survey-SW Industrial Park Second Subdv. (Subdivision approved at June 19, 1995 Council meeting)

l. R-162-95 Street Lighting Resolution - Addition of light east of 1004 Tanglewood Drive

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

Bills for Month Ending June 30, 1995:

Charlene Oaks	Deposit refund	50.00
Network Computer Services	Computer	1,320.00
Horsfield Constr, Inc.	Pay Est #1 St Impr	114,699.37
Manchester Enterprises	RLF Pay #2	40,744.61
Community Savings Bank	Investment	199,353.64
First State Bank	Investment	383.01
Del Co Recorder	Recording fees	6.00
Del Co Abstract Co., Inc.	Abstracting costs	90.00
Blue Cross Blue Shield	July '95 Health Ins	8,819.56
Rescue Squad Replacement	Transfer	368.40
Payroll Account	Payroll	41,095.02
Fire Truck Reserve Fund	Transfer	13,090.63
Dianne O'Brien	Deposit refund	50.00
Bentec Engineering Corp	WWTP pump motor drive	4,466.50
Manchester Enterprises	RLF Pay #3	169,344.08
Small Business Administration	Loan Payment	1,242.31
Kay Bryant, Petty Cash	Postage	48.43
Anna Fortmann Wtr A/C	Deposit refund	50.00
Tschiggfrie Excavating Co.	Resurfacing WWTP Road	11,307.62
Musco Sports Lighting, Inc.	Lighting-Softball/baseball	34,473.75
Postmaster	Postage	147.84
Ileen Thibadeau	Deposit refund	50.00
Karen K. Cole, Petty Cash	Supplies	47.71
Vision Service Plan - (IV)	July 1995 Vision Ins	210.68
	TOTAL	$641,459.16

It was moved by Council Member Sherman and seconded by Council Member Morris to approve R-161-95 A Resolution Approving and Accepting Minimum Assessment Agreements for Peerless Chain (PCI) and Illinois Tool Works, Inc. (Magnaflux). (See Resolution Book)
ON CALL OF ROLL: AYES: Sherman, Morris, Monaghan NAYS: None

The matter of authorizing a grant for economic development purposes was considered by the Council.

Whereupon, Council Member Morris introduced a proposed resolution entitled, "Resolution Authorizing Economic Development Grant to Manchester Enterprises," and moved that the said resolution be adopted, seconded by Council Member Sherman and after due consideration thereof by the Council, the Mayor put the question on the motion for adoption of the said resolution and, the roll being called, the following named Council Members voted: Ayes: Morris, Sherman, Monaghan Nays; None

Whereupon, the Mayor declared the said resolution duly adopted and signed approval thereto. (See Resolution R-160-95 in Resolution Book)

A request of James Carney, 413 West Marion Street, to purchase a portion of S. 4th Street was discussed. He proposes to offer $350.00 and all publication and recording costs and agrees to the stipulation that there shall be no building located on the west 20 feet of this parcel. The area in question is located on S. 4th Street north of a line interesecting with the north line of the alley located north of West Marion Street.

It was moved by Council Member Sherman and seconded by Council Member Monaghan to set July 17, 1995 at 4:15 P.M. for a Public Hearing on vacating a portion of S. 4th Street lying north of the alley located north of West Marion Street and the proposed sale of this parcel to James Carney for the sum of $350.00 plus publication & recording costs and a stipulation that no building shall take place on the west 20 feet of this property.
ON CALL OF ROLL: AYES: Sherman, Monaghan, Morris NAYS: None

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 Hearing to vacate S. 4th St.

in case of Manchester City

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 11th day of July A.D. 19 95, and the last on the _____ day of _____ A.D. 19____

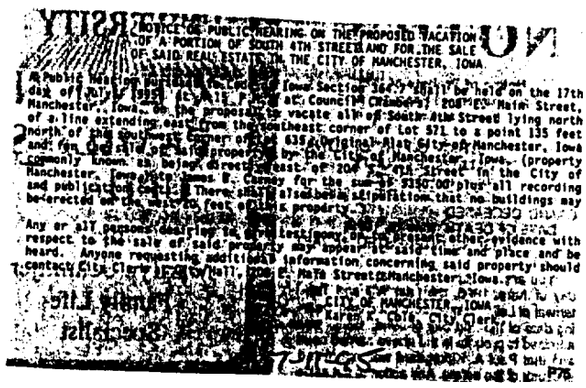
Publication fee, $ 10.98

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 13 day of July A.D. 19 95

Witness my hand and seal the date last above written.

Doris Tucker Notary Public


NOTICE OF PUBLIC HEARING ON THE PROPOSED VACATION OF A PORTION OF SOUTH 4TH STREET AND FOR THE SALE OF SAID REAL ESTATE BY THE CITY OF MANCHESTER, IOWA

A Public Hearing on the [illegible] Section 364.7 (3) will be held on the 17th day of July, 1995 at 7:30 P.M. at the Council Chambers, 208 E. Main Street, Manchester, Iowa, on the proposal to vacate all of South 4th Street lying north of a line extending east from the southeast corner of Lot 571 to a point 135 feet north of the southwest corner of Lot 635 Original Plat City of Manchester, Iowa and for the sale of said property by the City of Manchester, Iowa. (property commonly known as being directly east of 204 E. 4th Street in the City of Manchester, Iowa) to James B. Carney for the sum of $9,350.00 plus all recording and publication costs. There also being a stipulation that no buildings may be erected on the vacated feet of this property.

Any or all persons desiring to be heard with respect to the legality of said property may appear at said time and place and be heard. Anyone requesting additional information concerning said property should contact City Clerk Karen A. Cota, City Hall, 208 E. Main Street, Manchester, Iowa.

CITY OF MANCHESTER, IOWA
Karen A. Cota, City Clerk

ORDINANCE 425-95

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF
S. 4TH STREET NORTH OF WEST MARION STREET

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 portion of street 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 Manchester, Iowa hereby makes the following findings:

1. The described street is not needed for the use of the public and therefore, its maintenance 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 is described as a portion of S. 4th Street lying north of a line extending east from the southeast corner of Lot 571 to a point 135 feet north of the southwest corner of Lot 635, Original Plat 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.

SECITON 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 7th day of August, 1995, and approved this 7th day of August, 1995.

Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:
Karen K. Cole
Karen K. Cole, City Clerk

Public Hearing:	July 17, 1995
1st Consideration & Adoption:	July 17, 1995
Suspend 2nd ConsideratIon & Adoption:	July 17, 1995
3rd Consideration & Adoption:	August 7, 1995

I, Karen K. Cole, City Clerk of the City of Manchester, Iowa, do hereby certify that Ordinance 425-95 was duly published on the 15th day of August, 1995 in the Manchester Press, as provided by law, a copy of said being hereby attached and bu this reference incorporated herein.

Karen K. Cole
Karen K. Cole, City Clerk

RESOLUTION R-165-95

It was moved by Council Member Monaghan and seconded by Council Member Goettsch to approve R-165-95 as follows:

RESOLUTION R-165-95

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 property described as the vacated portion of S. 4th Street lying north of a line extending east from the southeast corner of Lot 571 to a point 135 feet north of the southwest corner of Lot 635, Original Plat City of Manchester, Iowa, This property is commonly known as being directly east of 204 S. 4th Street in the City of Manchester, Iowa.

BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MANCHESTER, IOWA, that James B. Carney shall purchase the property commonly known as vacated portion of South 4th Street lying north of a line extending east form the southeast corner of Lot 571 to a point 135 feet north of the southwest corner of Lot 635, Original Plat City of Manchester, Iowa for the sum of $350.00. The purchaser agrees to pay any and all publication and recording costs and also agrees that no building shall be constructed on the west 20 feet of this property. At closing, the City of Manchester shall provide a Quit Claim Deed to the above described property.

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

PASSED by the Council the 7th day of August, 1995 and APPROVED this 7th day of August, 1995.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ON CALL OF ROLL: AYES: Monaghan, Goettsch, Morris, Cooper NAYS: None

151-593

DELAWARE COUNTY IOWA

FF

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DELO... ...TION

DELAWARE ... RECORDER

$26.00

City of Manchester

To

Whom It May Concern

✓

James Carney Photography
413 W. Marion
Manchester, IA 52057