DELAWARE COUNTY IOWA
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2000 AU 29 AM 8:25
BOOK 2000 PAGE 3579
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$26.00

Prepared by Karen K. Cole, City Clerk 208 E Main Street, Manchester, Iowa 52057 319-917-3636

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

STATE OF IOWA)
COUNTY OF DELAWARE) ss.

RE:

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 vacating of a portion of "Iowa Street" located East of Franklin Street and North of Ludland Drive, running East from Franklin Street a Distance of 264 feet, located in the City of Manchester, Delaware County, Iowaand the sale by the City of the above described property, these items being: (1) R-096-2000 Resolution Setting Public Hearing for Ordinance Vacating Iowa Street Located East of Franklin Street, Manchester, Iowa, said Resolution having been passed at the City Council meeting of July 17, 2000; (2) the proof of publication of notice of the public hearing, publication having been made on July 25, 2000; (3) Ordinance 014-2000 An Ordinance Vacating the Street Known as "Iowa Street" Located East of Franklin Street and North of Ludland Drive, Running East form Franklin Street a Distance of 264 Feet, Located in the City of Manchester, Delaware County, Iowa, said Ordinance having been finally adopted on August 7, 2000; (4) the proof of publication of Ordinance 014-2000, publication having been made on August 15, 2000 (5) Resolution 098-2000 Resolution Setting Public Hearing for the Transfer of Real Estate including Proof of publication of notice of the Public Hearing, publication having been made on August 15, 2000 and (5) Resolution R-109-2000 Resolution Directing the Sale of an Interest in Real Property Following the Public Hearing, said resolution having been adopted by the City Council on August 21, 2000.

3. That the above items are a part of the public records in my custody as City Clerk and that all above mentioned Ordinances, Resolutions, motions have been approved by the City Council of the City of Manchester, Iowa

Dated at Manchester, Iowa, this 28th day of August, 2000.

Karen K. Cole

Karen K. Cole, City Clerk

Subscribed and Sworn to before me by the said Karen K. Cole, City Clerk of the City of Manchester, Iowa this 28th day of August, 2000

Julie A. Swanson

Julie A. Swanson, Notary #224151
Term expires 8-23-2002

RESOLUTION 096-2000

RESOLUTION SETTING PUBLIC HEARING FOR
ORDINANCE VACATING IOWA STREET LOCATED EAST OF FRANKLIN STREET,
MANCHESTER, IOWA

WHEREAS, the City Council for the City of Manchester, Iowa, has been presented with an Ordinance vacating Iowa Street which is located East of Franklin Street in the City of Manchester, Iowa; and

WHEREAS, the City Council has determined that it would be beneficial to hold a public hearing to consider the above-reference Ordinance and give the public an opportunity to express their concerns, if any, to the proposed vacation;

IT IS THEREFORE RESOLVED that hearing on the Ordinance vacating Iowa Street shall be held on the 7th day of August, 2000, at 7:15 p.m. and that notice should be published accordingly.

Passed and adopted this 17th day of July, 2000.

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 City of Manchester in case of Public Hearing for Ordinance a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 25 day of July A.D. 2000, and the last on the 25 day of July A.D. 2000 Publication fee, $ 6.90

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 25 day of July A.D. 2000

Witness my hand and seal the date last above written.

Peggy A McElhaney Notary Public

NOTARIAL SEAL IOWA
PEGGY A. McELHANEY
MY COMMISSION EXPIRES
8-13-00

NOTICE OF PUBLIC HEARING FOR THE ORDINANCE VACATING IOWA STREET LOCATED EAST OF FRANKLIN STREET CITY OF MANCHESTER, IOWA

Notice is hereby given that a public hearing shall take place on the 7th day of August, 2000, at 7:15 o'clock p.m. to consider an Ordinance providing for the vacation of the following-described premises:

Iowa Street located East of Franklin Street, City of Manchester, Iowa.

The public hearing shall take place at Council Chambers, City Hall, 208 East Main Street, Manchester, Iowa.

After the public hearing, the City Council will consider the second reading of said Ordinance and may waive a third reading of the Ordinance and approve its adoption.

CITY OF MANCHESTER, IOWA
BY: /S/ Karen K. Cole, City Clerk
P030

ORDINANCE 014-2000

AN ORDINANCE VACATING THE STREET KNOWN AS "IOWA STREET" LOCATED EAST OF FRANKLIN STREET AND NORTH OF LUDLAND DRIVE, RUNNING EAST FROM FRANKLIN STREET A DISTANCE OF 264 FEET, LOCATED IIN THE CITY OF MANCHSETER, DELAWARE COUNTY, IOWA

BE IT ENACTED by the City Council of the City of Manchester, Iowa:

SECTION 1. That the street lying North of Ludland Drive and East of Franklin Street known and referred to as "Iowa Street" and running East from the East edge of Franklin Street, is hereby vacated and closed from public use.

SECTION 2. The City Council may, by separate resolution and following hearing, convey the vacated street in a manner provided by law.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 7th day of August, 2000, and approved this 7th day of August, 2000.

Milt L. Kramer
Milt L. Kramer, Mayor

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

Public Hearing: August 7, 2000
1st Consideration & Adoption: July 17, 2000
2nd Consideration & Adoption: August 7, 2000
Waive 3rd Consideration & Final Adoption: August 7, 2000

I, Karen K. Cole, City Clerk of the City of Manchester, Iowa, do hereby certify that Ordinance 014-00 was duly published on the 15th day of August, 2000 in The Manchester Press, as provided by law, a copy of said being hereby attached and by this reference incorporated herein.

Karen K. Cole
Karen K. Cole, City Clerk

RESOLUTION R-098-2000

RESOLUTION SETTING PUBLIC HEARING FOR THE TRANSFER OF REAL ESTATE

WHEREAS, the City Council for the City of Manchester, Iowa, has provided for the vacation of a street formerly known as "Iowa Street" located East of Franklin Street in the City of Manchester, Iowa; and

WHEREAS, it has been a prior understanding of the City as well as adjoining property owners that the street was vacated a number of years ago; and

WHEREAS, it is in the best interests of orderly development of the City of Manchester in the area where the vacated street is located to provide for the property to be acquired by adjoining property owners for development; and

WHEREAS, Walter F. Croskey and Manchester Park Limited Partnership have expressed a desire to acquire a portion of the vacated street referred to above;

BE IT THEREFORE RESOLVED that a public hearing shall be held on 21st day of August, 2000, at 4:15 o'clock p.m. to consider the disposition of the City's interest in the above-referenced vacated street to the adjoining property owners.

At the public hearing, the Council shall consider the proposed transfer of the South half of the vacated street to Manchester Park Limited Partnership for the sum of One Dollar and one-half of all costs incurred by the City as a result of the vacation and transfer of property to Manchester Park Limited Partnership; and the North half of the above referenced vacated street to Walter F. and Genevieve J. Croskey for the sum of One Dollar and one-half of all costs incurred by the City as a result of the vacation and transfer of property to Walter F. and Genevieve J. Croskey.

Notice of the public hearing shall be published as provided by law.

Passed and adopted this 7th day of August, 2000.

Milt L. Kramer, Mayor

ATTEST:

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 City of Manchester in case of Ordinance # 014-2000 a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 15 day of Aug A.D. 2000, and the last on the 15 day of Aug A.D. 2000 Publication fee, $ 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 15 day of Aug A.D. 2000

Witness my hand and seal the date last above written.

Peggy A McElhaney Notary Public

NOTARIAL SEAL IOWA
PEGGY A. McELHANEY
MY COMMISSION EXPIRES
3-1-03

LEGAL NOTICE

NOTICE IS HEREBY GIVEN pursuant to Chapter 380 of the 1999 Code of Iowa of the final adoption of ORDINANCE 014-2000 by the City Council of the City of Manchester, Iowa on the 7th day of August, 2000.

ORDINANCE 014-2000

AN ORDINANCE VACATING THE STREET KNOWN AS "IOWA STREET" LOCATED EAST OF FRANKLIN STREET AND NORTH OF LUDLAND DRIVE, RUNNING EAST FROM FRANKLIN STREET A DISTANCE OF 264 FEET, LOCATED IN THE CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

BE IT ENACTED by the City Council of the City of Manchester, Iowa:

SECTION 1. That the street lying North of Ludland Drive and East of Franklin Street known and referred to as "Iowa Street" and running East from the East edge of Franklin Street, is hereby vacated and closed from public use.

SECTION 2. The City Council may, by separate resolution and following hearing, convey the vacated street in a manner provided by law.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 7th day of August, 2000, and approved this 7th day of August, 2000.

/S/ Milt L. Kramer, Mayor

ATTEST:

/S/ Karen K. Cole, City Clerk

P033

RESOLUTION R-109-2000

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 the property described as vacated Iowa Street located east of North Franklin Street in the City of Manchester, Iowa,

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA that the following described property: Vacated Iowa Street located east of North Franklin Street in the City of Manchester, Iowa

be sold and Quit Claim Deeds issued as follows:

the South half of the vacated street to Manchester Park Limited Partnership for the sum of One Dollar and one-half of all costs incurred by the City as a result of the vacation and transfer of property to Manchester Park Limited Partnership; and the North half of the above referenced vacated street to Walter F. and Genevieve J. Croskey for the sum of One Dollar and one-half of all costs incurred by the City as a result of the vacation and transfer of property to Walter F. and Genevieve J. Croskey.

At closing, the City 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 and adopted this 21st day of August, 2000.

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

City of Manchester

in case of Notice of Public Hearing

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 15 day of Aug A.D. 20 00, and the last on the 15 day of Aug A.D. 20 00

Publication fee, $

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 15 day of Aug A.D. 20 00

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANEY
MY COMMISSION EXPIRES
8-13-03

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

Notice is hereby given that a public hearing shall take place on the 21st day of August, 2000, at 4:15 o'clock p.m. to consider a proposal for the sale or transfer of the following described real estate to adjoining property owners:

Iowa Street located East of Franklin Street, City of Manchester, Iowa.

The public hearing shall take place at Council Chambers, City Hall, 208 East Main Street, Manchester, Iowa.

After the public hearing, the City Council may make a final determination on the proposed sale or transfer of property.

CITY OF MANCHESTER, IOWA
BY: /S/Karen K. Cole, City Clerk
P033