DELAWARE COUNTY IOWA
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DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$ 31.00

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 Hansel Street (formerly known as "Iowa Street") located East of Franklin Street and North of Ludland Drive, located in the City of Manchester, Delaware County, Iowa further described as being the East 8.62 chains (568.9 feet) of Hansel Street (formerly known as Iowa Street) in the Henry Acer's Addition to Manchester as recorded in Book 1 of Plats, Page 1, and in the Subdivision of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE ¼), Section Twenty (20), Township Eighy-nine North (T89N), Range Five West (R5West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book A of Plats, Page 22, in the Office of the Delaware County Recorder. The intent being to vacate all of Hansel Street (formerly known as Iowa Street) lying East of the east line of North Franklin Street and the sale by the City of the above described property, these items being: (1) Minutes of the September 18, 2000 whereby the City Council set October 2, 2000 at 7:15 p.m. for Public Hearing on proposed vacation of Hansel Street (formerly known as Iowa Street); (2) the proof of publication of notice of the public hearing, publication having been made on September 26, 2000; (3) Ordinance 017-2000 An Ordinance Vacating Hansel Street (Formerly Known as "Iowa Street") Lying North of Ludland Drive and East of Franklin Street in the City of Manchester, Delaware County, Iowa, said Ordinance having been finally adopted on October 16, 2000; (4) the proof of publication of Ordinance 017-2000, publication having been made on October 24, 2000 (5) Resolution 0126-2000 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 October 24, 2000 and (5) Resolution R-137-2000 Resolution Directing the Sale of an Interest in Real Property Following the Public Hearing, said resolution having been adopted by the City Council on November 6, 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 7th day of November, 2000.

CITY OF MANCHESTER IOWA

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 7th day of November, 2000

Julie A. Swanson

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

City Manager Heiar reviewed with the Council proposed Ordinance 016-2000, An Ordinance regulating the Demolition of Buildings. It was the consensus of the Council that Septic Systems and Hazardous chemicals should also be addressed. These suggestions will be incorporated and the proposed ordinance will be brought back for Council's consideration on October 2, 2000.

City Manager Heiar advised that since the prior action of the Council on the vacating of a portion of Iowa Street, it has come to our attention that not all of this portion of Iowa Street was included in the vacation and the street's name was changed in 1965 to Hansel Street. It is therefore the recommendation that the City proceed with the process of vacating this street according to the new legal description.

It was moved by Council Member Parmley and seconded by Council Member Stark to set October 2, 2000 at 7:15 p.m. for Public Hearing on proposed vacation of Hansel Street (formerly known as Iowa Street) located east of North Franklin Street.
ON CALL OF ROLL: AYES: Parmley, Stark, Collier, Goettsch NAYS: None

It was moved by Council Member Goettsch and seconded by Council Member Collier to proceed with the 1st consideration and adoption of proposed Ordinance 017-2000, An Ordinance Vacating Hansel Street (formerly known as Iowa Street) lying east of North Franklin Street and North of Ludland Drive in the City of Manchester, Delaware County, Iowa.
ON CALL OF ROLL: AYES: Goettsch, Collier, Stark, Parmley 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 Manchester City 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 26 day of Sept A.D. 20 00, and the last on the 26 day of Sept A.D. 20 00 Publication fee, $ 11.56

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 26 day of Sept 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 VACATION OF PUBLIC STREET

YOU ARE HEREBY NOTIFIED that the City Council of the City of Manchester, Iowa, will meet on the 2nd day of October, 2000, at 7:15 o'clock p.m. in the Council Chambers of the City Hall at 204 East Main Street, Manchester, Iowa, for the purpose of considering whether or not the following described Hansel Street (formerly known as Iowa Street) lying north of Ludland Drive and east of N. Franklin Street in Manchester should be vacated:

The East 8.62 chains (568.9 feet) of Hansel Street (formerly known as Iowa Street) in the Henry Acers' Addition to Manchester as recorded in Book 1 of Plats, Page 1, and in the Subdivision of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE 1/2), Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book A of Plats, Page 22, in the Office of the Delaware County Recorder. The intent being to vacate all of Hansel Street (formerly known as Iowa Street) lying East of the East line of North Franklin Street.

CITY OF MANCHESTER, IOWA
By: /S/ Karen K. Cole, City Clerk
P039

ORDINANCE 017-2000

AN ORDINANCE VACATING HANSEL STREET (FORMERLY KNOWN AS IOWA STREET) LYING NORTH OF LUDLAND DRIVE AND EAST OF NORTH FRANKLIN STREET 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 North Franklin Street further described as follows:

The East 8.62 chains (568.9 feet) of Hansel Street (formerly known as Iowa Street) in the Henry Acers' Addition to Manchester as recorded in Book 1 of Plats, Page 1, and in the Subdivision of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book A of Plats, Page 22, in the Office of the Delaware County Recorder. The intent being to vacate all of Hansel Street (formerly known as Iowa Street) lying East of the East line of North 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 16th day of October, 2000, and approved this 16th day of October, 2000.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

Public Hearing: October 2, 2000
1st Consideration & Adoption: September 18, 2000
2nd Consideration & Adoption: October 2, 2000
Waive 3rd Consideration & Final Adoption: October 16, 2000

I, Karen K. Cole, City Clerk of the City of Manchester, Iowa, do hereby certify that Ordinance 017-00 was duly published on the 24th day of October, 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, 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 # 017-2000 a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 24 day of Oct A.D. 2000, and the last on the 24 day of Oct A.D. 2000 Publication fee, $ 15.50

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 24 day of Oct 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
8-13-03

LEGAL NOTICE

NOTICE IS HEREBY GIVEN pursuant to Chapter 380 of the 1999 Code of Iowa of the final adoption of ORDINANCE 017-2000 by the City Council of the City of Manchester, Iowa on the 16th day of October, 2000.

ORDINANCE 017-2000

AN ORDINANCE VACATING HANSEL STREET (FORMERLY KNOWN AS IOWA STREET) LYING NORTH OF LUDLAND DRIVE AND EAST OF NORTH FRANKLIN STREET 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 North Franklin Street further described as follows:

The East 8.62 chains (568.9 feet) of Hansel Street (formerly known as Iowa Street) in the Henry Acers' Addition to Manchester as recorded in Book 1 of Plats, Page 1, and in the Subdivision of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book A of Plats, Page 22, in the Office of the Delaware County Recorder. The intent being to vacate all of Hansel Street (formerly known as Iowa Street) lying East of the East line of North 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 16th day of October, 2000, and approved this 16th day of October, 2000.

/S/ Milt L. Kramer, Mayor

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

P043

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 - Sale of RE a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 24 day of Oct A.D. 2000, and the last on the 24 day of Oct 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 24 day of Oct A.D. 2000

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

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 6th day of November, 2000, at 7:15 o'clock p.m. to consider a proposal for the sale or transfer of the following described real estate to adjoining property owners:

1) The North one half of the vacated street lying North of Ludland Drive and East of Franklin Street (at one time referred to as "Iowa Street") and running East from the East edge of Franklin Street a distance of 264 feet to Walter F. Croskey and Genevieve J. Croskey

2) All of the City's interest in Lots 1,2,3, and 5 of Ludley's First Addition to Manchester Park Limited Partnership

3) All of the City's interest in Lot 4 of Ludley's First Addition to Eastern Iowa Regional Housing Authority

The public hearing shall take place at Council Chambers, City Hall, 204 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
P043

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 Hansel Street (formerly known as "Iowa Street") lying East of North Franklin Street and North of Ludland Drive 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 their continued used and development; and

WHEREAS, Walter F. Croskey and Genevieve J. Croskey, Manchester Park Limited Partnership and Eastern Iowa Housing Authority 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 6th day of November, 2000, at 7:15 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 following:

1) The North one half of the vacated street lying North of Ludland Drive and East of Franklin Street (at one time referred to as "Iowa Street") and running East from the East edge of Franklin Street a distance of 264 feet to Walter F. Croskey and Genevieve J. Croskey
2) All of the City's interest in Lots 1,2,3, and 5 of Ludley's First Addition to Manchester Park Limited Partnership
3) All of the City's interest in Lot 4 of Ludley's First Addition to Eastern Iowa Regional Housing Authority

for the sum of One Dollar and one-third of all costs incurred by the City as a result of the vacation and transfer of property. The City shall retain easements for public utilities.

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

Passed and adopted this 16th day of October, 2000.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

RESOLUTION R-137-2000

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 Hansel Street (formerly known as "Iowa Street") lying east of North Franklin Street and North of Ludland Drive 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 Hansel Street (formerly known as "Iowa Street") lying east of North Franklin Street and North of Ludland Drive in the City of Manchester, Iowa

be sold for the sum of One Dollar and one-third of all costs incurred by the City as a result of the vacation and transfer of property and Quit Claim Deeds issued as follows:

1) The North ½ of a vacated street lying north of Ludland Drive and East of Franklin Street more specifically described as:

   The North one half of the East 8.62 chains (568.9) feet) of Hansel Street (formerly known as Iowa Street) in the Henry Acers' Addition to Manchester as recorded in Book 1 of Plats, Page 1 and in the Subdivision of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section Twenty (20), Township Eighty Nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book A of Plats, Page 22, in the Office of the Delaware County Recorder to Walter F. Croskey and Genevieve J. Croskey – The intent being to transfer all of Hansel Street (formerly known as Iowa Street) lying East of the east Line of North Franklin Street and north of Ludley's First Addition as recorded in Book 3 of Plats, Page 190 in the Office of Delaware County Recorder. The City retains all utility easements of records.

2) All of the City's interest in Lots 1,2,3, and 5 of Ludley's First Addition as recorded in Book 3 of Plats, Page 190 in the Office of the Delaware County Recorder to Manchester Park Limited Partnership. The City retains all utility easements of record.

3) All of the City's interest in Lot 4 of Ludley's First Addition as recorded in Book 3 of Plats, Page 190 in the Office of the Delaware County Recorder to Eastern Iowa Regional Housing Authority. The City retains all utility easements of record.

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 6th day of November, 2000.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk