Roger Lemon
386 2nd Ave. SE
Earlyf, IA
52046

DELAWARE COUNTY IOWA
FILED
2001 MY 16 PM 2:05
BOOK 2001 PAGE 1858
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$10.00

Prepared by Karen K. Cole, City Clerk 208 E Main Street, Manchester, Iowa 52057 563-927-3636

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

STATE OF IOWA)
COUNTY OF DELAWARE) ss.

RE: Portion of vacated alley commencing at a point ten feet south of Southwest corner of Lot 14 thence West along a line being ten feet South of Lot Thirteen (13) to the Bailey Drive (Access Road) ROW, thence South ten feet along said street row, thence East three hundred feet, thence North ten feet, thence West a distance of two hundred sixty four feet to the point of beginning, all in A. Love's Addition, City of Manchester, Delaware County, Iowa

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

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

2. Notice of Public Hearing for the Sale or Disposition of Real Estate as published on April 10, 2001 and Resolution R-058-2001 Resolution Directing the Sale of An Interest in Real Property Following the Public Hearing

3. Ordinance vacating that part of alley and related publication notices were recorded on November 17, 1988 File No. 213-1084 with the Delaware County Recorder

4. 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

CITY OF MANCHESTER IOWA SEAL

Dated at Manchester, Iowa, this 15th day of May, 2001.

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 15th day of May, 2001.

Loretta J. Welcher

Loretta J. Welcher, Notary #705592
Term expires 9-26-2003

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 10 day of April A.D. 2001, and the last on the 10 day of April A.D. 2001

Publication fee, $ 11.22

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 10 day of April A.D. 2001

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 16th day of April, 2001, at 4:15 o'clock p.m., in the City Council Chambers, 204 E. Main Street, Manchester, Iowa to consider a proposal for the sale or transfer of the following described real estate to the adjoining property owner, Roger M. and Darlene M. Simon, for the sum of $450.00 and all publication costs incurred by the City:

Portion of the vacated alley commencing at a point ten feet south of Southwest corner of Lot 14 thence West along a line being ten feet south of Lot Thirteen (13) to the Bailey Drive (Access Road) ROW, thence South ten (10) feet along said street row, thence East three hundred (300) feet, thence North ten (10) feet, thence West a distance of two hundred sixty four (264.0) feet to the point of beginning, all in A. Love's Addition, City of Manchester, Delaware County, Iowa. Said vacated alley is further described as being the south one half of vacated lying South of E. Main Street and East of 100 block of Bailey Drive in the City of 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 Cole, City Clerk
P087

RESOLUTION R-058-2001
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 portion of the vacated alley commencing at a point ten feet south of Southwest corner of Lot 14 thence West along a line being ten feet south of Lot Thirteen (13) to the Bailey Drive (Access Road) ROW, thence South ten (10) feet along said street row, thence East three hundred (300) feet, thence North ten (10) feet, thence West a distance of two hundred sixty four (264.0) feet to the point of beginning, all in A. Love's Addition, City of Manchester, Delaware County, Iowa.

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA that the following described property: Portion of the vacated alley commencing at a point ten feet south of Southwest corner of Lot 14 thence West along a line being ten feet south of Lot Thirteen (13) to the Bailey Drive (Access Road) ROW, thence South ten (10) feet along said street row, thence East three hundred (300) feet, thence North ten (10) feet, thence West a distance of two hundred sixty four (264.0) feet to the point of beginning, all in A. Love's Addition, City of Manchester, Delaware County, Iowa. Said vacated alley is further described as being the south one half of vacated lying South of E. Main Street and East of 100 block of Bailey Drive in the City of Manchester, Iowa.

be sold for the sum of Four Hundred Fifty Dollars and publication costs incurred by the City as a result of the vacation and transfer of property.

The City acknowledges that MCI Associates did pay the sum of $450.00 on May 18, 1989 to the City of Manchester for the above described property, however the deed was never recorded and evidently has been lost by MCI Associates. MCI Associates has sold the property adjacent to this previously described vacated alley to Roger M & Darlene M. Simon and prior to issuance of a new deed, the City of Manchester has held a Public Hearing on the proposed transfer of the portion of vacated alley as described above to Roger M. & Darlene M. Simon. It is hereby noted that only the publication costs will now be due from Roger M. & Darlene M. Simon. All parties now represent to the City that Roger M. and Darlene Simon are the proper persons to take title to the property.

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 16th day of April, 2001.

Milt K. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk