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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

(X) William D. Werger 401 East Main St. Manchester, IA 52057 (563) 927-5920
Preparer Information &
return to

AFFIDAVIT

IN RE: **Parcel P in the SW ¼ - SW ¼ of Section 29, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa, according to plat recorded in Book 2006, Page 191.**

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

The undersigned, Erin Rempe, first being duly sworn, states that she is the city clerk for the city of Manchester and on the 30th day of December she caused to be published a Notice of Public Hearing on the Proposed Vacation of a Portion of North 7th Street and West Fayette Street and for Sale of Said Real Estate in the City of Manchester, Iowa. Attached hereto is a copy of the proof of publication. Also attached are copies of the ~~Resolutions~~ Ordinance #001-2004 and R-004-2004 Resolution passed by the City Council on January 12, 2004 vacating said property and directing sale of said property to Delaware County Memorial Hospital.

Dated this 13 day of March, 2006.

Erin Rempe, City Clerk

Erin Rempe

CITY OF MANCHESTER IOWA SEAL

Subscribed and sworn to before me, a Notary Public, by Erin Rempe this 13 day of March, 2006.

Laura K. Thomas

Notary Public In And For The State Of Iowa

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-08

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 on Proposed Vacation a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 30th day of December A.D. 2003, and the last on the 30th day of December A.D. 2003

Publication fee, $ 12.60

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 30th day of December A.D. 2003

Witness my hand and seal the date last above written.

Lori Schulte Trenkamp Notary Public

NOTARIAL SEAL IOWA
LORI SCHULTE TRENKAMP
COMMISSION NO. 719071
MY COMM. EXPIRES 10/7/05

NOTICE OF PUBLIC HEARING ON THE PROPOSED VACATION OF A PORTION OF NORTH 7th STREET AND WEST FAYETTE STREET AND FOR THE SALE OF SAID REAL ESTATE IN THE CITY OF MANCHESTER, IOWA

YOU ARE HEREBY NOTIFIED that the City Council of the City of Manchester, Iowa, will hold a Public Hearing pursuant to Section 364.7 of the Code of Iowa on the 12th day of January, 2004, at 5:00 p.m. in the Council Chambers of the City Hall at 204 East Main Street, Manchester, Iowa, on the proposal to vacate of a portion of North 7th Street and West Fayette Street, described as follows:

Beginning at the Southeast Corner of Lot 466, Original town of Manchester, Delaware County, Iowa; Thence **North 89°-26'-24" (Assumed Bearing) East 66.00 feet,** along the North Right-of-Way line of West Fayette Street and the Easterly extension thereof to the Southwest Corner of Lot 467; Thence **South 00°-54'-13" East 278.00 feet,** along the East Right-of-Way line of North Seventh Street and the Northerly extension thereof; Thence **South 89°-26'-24" West 21.00 feet;** Thence **North 00°-54'-13" West 221.34 feet;** Thence **North 45°-33'-26" West 80.12 feet,** to the North Right-of-Way Line of West Fayette Street; Thence **North 89°-26'-24" East 11.31 feet** along said North Right-of-Way line to the Point of Beginning. Containing **7433.33 Square Feet (0.171 Acres),** Subject to any easements of record, and for the proposed sale and conveyance of said property by the City of Manchester, Iowa, to Regional Medical Center for the sum of $2,973.00 plus all recording and publication costs. The City of Manchester, Iowa, will retain a utility easement on this property.

Any interested person may appear and present comment upon the proposal.

CITY OF MANCHESTER, IOWA
By: /S/ Erin Rempe, City Clerk

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ORDINANCE 001-2004

AN ORDINANCE VACATING A PORTION OF NORTH 7TH STREET AND WEST FAYETTE 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 following described portion of North 7th Street and West Fayette Street located in the City of Manchester, Iowa, is hereby vacated and closed from public use:

> Beginning at the Southeast Corner of Lot 466, Original town of Manchester, Delaware County, Iowa; Thence **North 89°-26'-24" (Assumed Bearing) East 66.00 feet**, along the North Right-of-Way line of West Fayette Street and the Easterly extension thereof to the Southwest Corner of Lot 467; Thence **South 00°-54'-13" East 278.00 feet**, along the East Right-of-Way line of North Seventh Street and the Northerly extension thereof; Thence **South 89°-26'-24" West 21.00 feet**; Thence **North 00°-54'-13" West 221.34 feet**; Thence **North 45°-33'-26" West 80.12 feet**, to the North Right-of-Way Line of West Fayette Street; Thence **North 89°-26'-24" East 11.31 feet** along said North Right-of-Way line to the Point of Beginning. Containing **7433.33 Square Feet (0.171 Acres)**, Subject to any easements of record; and,

SECTION 2. The City Council may, by separate resolution and following hearing, convey the vacated portion of the 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 12th day of January, 2004, and approved this 12th day of January, 2004.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

Public Hearing:
1st Consideration & Adoption: Waived
2nd Consideration & Adoption: Waived
3rd Consideration & Final Adoption: January 12th, 2004

I, Erin Rempe, City Clerk of the City of Manchester, Iowa, do hereby certify that Ordinance 001-2004 was duly published on the 3rd day of February, 2004 in The Manchester Press, as provided by law, a copy of said being hereby attached and by this reference incorporated herein.

Erin Rempe, City Clerk

RESOLUTION R-004-2004

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 the vacated portion of North 7th Street and West Fayette Street further described as:

Beginning at the Southeast Corner of Lot 466, Original town of Manchester, Delaware County, Iowa; Thence **North 89°-26'-24" (Assumed Bearing) East 66.00 feet**, along the North Right-of-Way line of West Fayette Street and the Easterly extension thereof to the Southwest Corner of Lot 467; Thence **South 00°-54'-13" East 278.00 feet**, along the East Right-of-Way line of North Seventh Street and the Northerly extension thereof; Thence **South 89°-26'-24" West 21.00 feet**; Thence **North 00°-54'-13" West 221.34 feet**; Thence **North 45°-33'-26" West 80.12 feet**, to the North Right-of-Way Line of West Fayette Street; Thence **North 89°-26'-24" East 11.31 feet** along said North Right-of-Way line to the Point of Beginning. Containing **7433.33 Square Feet (0.171 Acres)**, Subject to any easements of record, all in the City of Manchester, Delaware County, Iowa.

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA that the following described vacated portion of North 7th Street and West Fayette Street:

Beginning at the Southeast Corner of Lot 466, Original town of Manchester, Delaware County, Iowa; Thence **North 89°-26'-24" (Assumed Bearing) East 66.00 feet**, along the North Right-of-Way line of West Fayette Street and the Easterly extension thereof to the Southwest Corner of Lot 467; Thence **South 00°-54'-13" East 278.00 feet**, along the East Right-of-Way line of North Seventh Street and the Northerly extension thereof; Thence **South 89°-26'-24" West 21.00 feet**; Thence **North 00°-54'-13" West 221.34 feet**; Thence **North 45°-33'-26" West 80.12 feet**, to the North Right-of-Way Line of West Fayette Street; Thence **North 89°-26'-24" East 11.31 feet** along said North Right-of-Way line to the Point of Beginning. Containing **7433.33 Square Feet (0.171 Acres)**, Subject to any easements of record, all in the City of Manchester, Delaware County, Iowa.

be sold to Regional Medical Center for the sum of $2,973.00 plus all recording and publication costs incurred by the City as a result of the vacation and transfer of property, and a Quit Claim Deed issued as follows:

1) The vacated portion of North 7th Street and West Fayette Street more specifically described as:
Beginning at the Southeast Corner of Lot 466, Original town of Manchester, Delaware County, Iowa; Thence **North 89°-26'-24" (Assumed Bearing) East 66.00 feet**, along the North Right-of-Way line of West Fayette Street and the Easterly extension thereof to the Southwest Corner of Lot 467; Thence **South 00°-54'-13" East 278.00 feet**, along the East Right-of-Way line of North Seventh Street and the Northerly extension thereof; Thence **South 89°-26'-24" West 21.00 feet**; Thence **North 00°-54'-13" West 221.34 feet**; Thence **North 45°-33'-26" West 80.12 feet**, to the North Right-of-Way Line of West Fayette Street; Thence **North 89°-26'-24" East 11.31 feet** along said North Right-of-Way line to the Point of Beginning. Containing **7433.33 Square Feet (0.171 Acres)**, Subject to any easements of record, all in the City of Manchester, Delaware County, Iowa. The City retains all utility easements of record.

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

PASSED AND ADOPTED this 12th day of January, 2004.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk