Book 2014 Page 273

Document 2014 273 Type 06 010 Pages 5
Date 2/04/2014 Time 8:45:27AM
Rec Amt $27.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Eco City of Delhi
P.O. Box 225
Delhi IA 52223-0225

Prepared by: John D. Freund, 1005 Main Street, Suite 200, Dubuque, IA 52001; (563) 587-8050
Return to: Thomas Hanson, 401 E. Main Street, Manchester, IA 52057

AFFIDAVIT OF ANGIE BILLINGS

RE: Lot A of Hankins Lakeside Estates First Subdivision and Lot C of Freiburger's Subdivision, of Section 17, Township Eighty-Eight North, Range Four West of the Fifth Principal Meridian, City of Delhi, Delaware County, Iowa, according to the recorded plat thereof, subject to easements and restrictions of record (hereinafter the "Real Estate").

STATE OF IOWA)
COUNTY OF DELAWARE) ss.

The undersigned, upon being duly sworn on oath, states the following:

1. My name is Angie Billings. I am the City Clerk for the City of Delhi, Iowa. I know from my own personal knowledge that the contents of this Affidavit are true and correct.

2. On August 20, 2013, I caused to be published a Notice of a Public Hearing of the City Council of the City of Delhi, Iowa, on the Matter of Intent to Dispose of Real Estate by Sealed Bid Procedure, which notice was published in accordance with the laws of the State of Iowa. Said notice provided for public hearing to be on August 24, 2013 at 8:00 a.m. at the Delhi City Hall, 316 Franklin Street, Delhi, Iowa 52223, by which sealed bids for the Real Estate would be received by the City of Delhi until 4:00 p.m. on August 30, 2013, with the City of Delhi, Iowa accepting no bids less than $67,500.00. Attached hereto is a copy of the proof of publication of such notice.

3. The City of Delhi received from Randy Harbach a Sealed Bid Form with a bid of $68,500.00 for the Real Estate, along with a cashier's check in the amount of $6,850.00.

4. On September 14, 2013, the City Council passed Resolution No. 10-2013, Disposing of Real Estate to Randy Harbach, as Highest Bidder in Sealed Bid Procedure. Attached hereto is a copy of said resolution.

5. The City of Delhi and Randy Harbach are now prepared to close on the sale of the Real Estate.

6. I make this affidavit to provide written evidence of compliance with laws regarding public notice and disposition of real estate by the City of Delhi via written bid procedure.

Further affiant sayeth not.

Angie Billings

Subscribed and sworn to before me this 31st day of January, 2014 by Angie Billings.

Notary Public

CYNTHIA L. ORR
Commission Number 171430
MY COMMISSION EXPIRES
OCTOBER 6, 2014

CITY OF DELHI INCORPORATED 1852 DELHI IOWA

JE

Notarization

State of Iowa, Delaware County, ss

I, Mary Helle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning August 20, 2013, and ending June, 20___.

PRINTERS FEES: $ 38.87

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 27th day of August, 2013.

Cathy S Harris
Notary Public

CATHY S. HARRIS
Commission Number 731078
My Commission Expires
October 19, 2014

Legal Notice—City of Delhi

NOTICE OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF DELHI, IOWA, ON THE MATTER OF INTENT TO DISPOSE OF REAL ESTATE BY SEALED BID PROCEDURE

PUBLIC NOTICE is hereby given that the City Council of the City of Delhi, Iowa, will hold a public hearing on the 24th day of August, 2013, at 8:00 a.m. at the Delhi City Hall, 316 Franklin, Delhi, Iowa 52223, at which such meeting the City Council proposes to take action regarding the sale of certain real property owned by the City of Delhi, Iowa, and legally described as Lot A of Hankins Lakeside Estates First Subdivision and Lot C of Freiburger's Subdivision, of Section 17, Township Eighty-Eight North, Range Four West of the Fifth Principal Meridian, City of Delhi, Delaware County, Iowa, according to the recorded plat thereof, subject to easements and restrictions of record (hereinafter the "Real Estate"), which sale shall be by sealed bid auction with such sealed bids being due to the City Clerk by no later than 4:00 p.m. on the 30th day of August, 2013, and subject to the following conditions:

1. That the said sale shall be by sealed bids and said bids shall be received by the City Clerk until 4:00 p.m., August 30, 2013, at the city offices of Delhi, Iowa;
2. That said sale shall be to the highest bidder for cash, but in no event shall the sale price be less than $67,500.00 and bids shall not be conditioned upon the tile being merchantable;
3. Bidders must furnish certified check for ten percent (10%) of the purchase price on a cashier's check, payable to the City of Delhi, Iowa, as a guarantee of good faith and said amount shall be forfeited to the City by the successful bidder if he/she/it fails to pay for said real estate when Quit Claim Deed is tendered by the City;
4. Conveyance shall be by Quit Claim Deed and no abstract of title will be furnished;
5. The City reserves the right to reject any and all bids;
6. That the City shall reserve unto itself all existing easements for waterlines, sewer lines, and for utilities, together with right of ingress and egress to repair, inspect, and maintain the same;
7. That all sealed bids shall included a sealed bid form as provided by the City of Delhi, Iowa, and obtainable from the City Clerk at City Hall, 316 Franklin, Delhi, Iowa 52223.

At the meeting, the City Council will receive oral and written objections from any resident or property owner of said City to the above action. After all objections, having been received and considered, the City Council may at this meeting or any adjournment thereof, take additional action for the sale of said Real Estate.

By order of the City Council said hearing and appeals therefrom shall be held in accordance with and governed by the provisions of the Code of Iowa.

This notice is given by order of the City of Delhi, Iowa, as provided by the Code of Iowa.

Dated this 8th day of August, 2013.

Angie Billings, City Clerk

Prepared by and return to: Angie Billings, City of Delhi, Iowa, 316 Franklin, Delhi, IA 52223 (563) 922-2588

RESOLUTION NO. 10-2013

DISPOSING OF REAL ESTATE TO Randy Harbach**, AS HIGHEST BIDDER IN SEALED BID PROCEDURE**

WHEREAS, The City of Delhi, Iowa (hereinafter "City") is the owner of the following-described real estate:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

(hereinafter the "Real Estate");

WHEREAS, Randy Harbach has submitted the highest sealed bid pursuant to the sealed bid procedure noted in Resolution No. 10-2013 of the City of Delhi, Iowa; and

WHEREAS, the City Council has determined that it would be in the best interests of the City to accept such bid and convey the Real Estate to Randy Harbach at a purchase price of $ 68,500 ^{00}, being the highest sealed bid submitted.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELHI, IOWA:

Section 1. The City Council of the City of Delhi, Iowa approves the sale of the Real Estate to Randy Harbach.

Section 2. The Mayor is hereby authorized and directed to execute a quit claim deed to convey the Real Estate to Randy Harbach on behalf of the City of Delhi, Iowa.

Section 3. The Mayor is hereby authorized and directed to sign this Resolution.

Passed, approved, and adopted this 14th day of September, 2013.

Terry Harbach

Terry Harbach, Mayor

Attest:

Angie Billings

Angie Billings, City Clerk