Recorded: 5/7/2014 at 3:48:31.0 PM
Fee Amount: $42.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2014 PG: 1037

Prepared by & Return to: Erin Learn, City of Manchester, 208 E. Main St., Manchester, Iowa 52057, Phone: (563)927-3636

AFFIDAVIT RE: DISPOSAL OF CITY PROPERTY

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

IN RE: That portion of Sixth Street lying north of the north line of Main Street and south of the south line of the vacated alley adjacent to the north line of vacated lots 467 to 472, both inclusive, of the Original Town of Manchester, Delaware County, Iowa; and That portion of Fayette Street lying east of the east line of Sixth Street and west of the Maquoketa River in the Original Town of Manchester, Delaware County, Iowa

I, Erin Learn, first being duly sworn, on oath, state:

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

2. That I caused to be published a Notice of Public Hearing on the Sale of City Property for the above described property in the City of Manchester, Iowa, on February 19, 2014, in The Manchester Press and attached hereto is a copy of the proof of publication.

3. That also attached is a copy of Resolution R-018-2014 passed by the City Council on February 24, 2014, which directs the sale of said property to Regional Medical Center of Manchester, Iowa.

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

Dated this 7th day of May, 2014.

Erin Learn, City Clerk

Subscribed and sworn to before me, a Notary Public, by Erin Learn this 7th day of May, 2014.

CITY OF MANCHESTER CITY SEAL MANCHESTER, IOWA

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2014

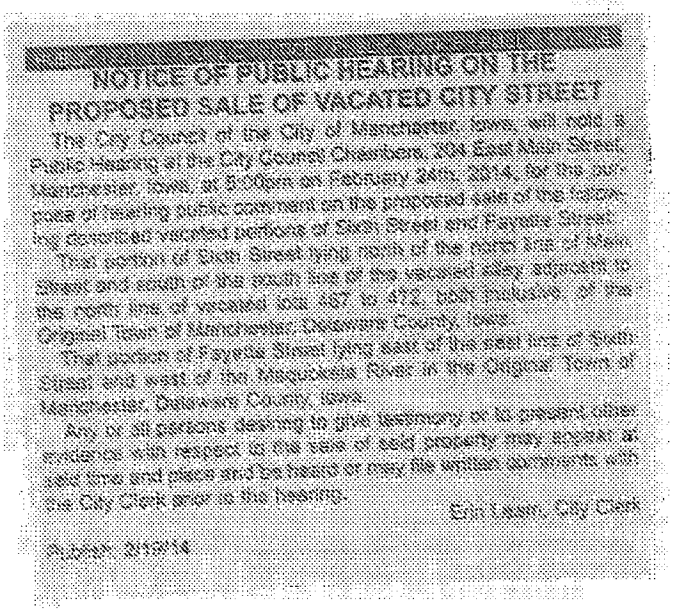
Laura K. Thomas, Notary Public

STATE OF WISCONSIN AFFIDAVIT OF PUBLICATION

Sandi Garfoot

being duly sworn, doth depose and say that he/she is an authorized representative of the MANCHESTER PRESS a weekly newspaper published by News Publishing Co. Inc. at Manchester in Delaware County, Iowa and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

Feb 19, 2014



NOTICE OF PUBLIC HEARING ON THE PROPOSED SALE OF VACATED CITY STREET

The City Council of the City of Manchester, Iowa, will hold a Public Hearing at the City Council Chambers, 104 East Main Street, Manchester, Iowa, at 5:30pm on February 24th, 2014, for the purpose of hearing public comment on the proposed sale of the following described vacated portions of Sixth Street and Fayette Street:

That portion of Sixth Street lying north of the north line of Main Street and south of the south line of the vacated alley adjacent to the north line of vacated lots 427 to 432, both inclusive, in the Original Town of Manchester, Delaware County, Iowa.

That portion of Fayette Street lying east of the east line of Sixth Street and west of the Maquoketa River in the Original Town of Manchester, Delaware County, Iowa.

Any or all persons desiring to give testimony or to present other evidence with respect to the sale of said property may appear at said time and place and be heard or may file written comments with the City Clerk prior to the hearing.

Erin Eastin, City Clerk

Published: 2/19/14

SIGNED Sandi Garfoot

DATED 2-19-14

Diane S Baumgartner

Notary Public, State of Wisconsin

My Commission Expires 9/21/14

of. Lines 19 # of Weeks Published 1

DIANE S BAUMGARTNER NOTARY PUBLIC STATE OF WISCONSIN

Printers Fee $ 12.90

Proof of Publication $ 1.00

Total $ 13.90

RESOLUTION R-018-2014
RESOLUTION APPROVING THE SALE OF CERTAIN REAL ESTATE

WHEREAS, the City of Manchester, Iowa is the owner of real estate described as:

> That portion of Sixth Street lying north of the north line of Main Street and south of the south line of the vacated alley adjacent to the north line of vacated lots 467 to 472, both inclusive, of the Original Town of Manchester, Delaware County, Iowa; and That portion of Fayette Street lying east of the east line of Sixth Street and west of the Maquoketa River in the Original Town of Manchester, Delaware County, Iowa,

and,

WHEREAS, the City Council of the City of Manchester, Iowa has determined it is in the best interest of the City to sell said property, and,

WHEREAS, notice was published in The Manchester Press, Manchester, Iowa on February 19th, 2014, and a public hearing was held February 24th, 2014 on the proposed sale.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. It is found that the City of Manchester, Iowa has no present use or use in the foreseeable future for the land above described.

2. The Council sells the property to Regional Medical Center of Manchester, Iowa pursuant to the Agreement for Sale of Real Estate as attached hereto.

3. That the City Clerk and Mayor are authorized to do all things necessary to complete the sale transfer of the following described real estate:

   That portion of Sixth Street lying north of the north line of Main Street and south of the south line of the vacated alley adjacent to the north line of vacated lots 467 to 472, both inclusive, of the Original Town of Manchester, Delaware County, Iowa; and That portion of Fayette Street lying east of the east line of Sixth Street and west of the Maquoketa River in the Original Town of Manchester, Delaware County, Iowa,

   for a valuable consideration, and to in all ways necessary confirm the action of this Council.

Passed and approved February 24th, 2014.

Milt L. Kramer, Mayor

ATTEST:

Erin Learn, City Clerk

CITY OF MANCHESTER CITY SEAL MANCHESTER, IOWA

AGREEMENT FOR SALE OF REAL ESTATE

THE UNDERSIGNED state and agree as follows:

1. That the City of Manchester, Iowa, is an Iowa municipal corporation whose address is 208 East Main, Manchester, IA 52057.

2. That the Regional Medical Center of Manchester, Iowa, is located at 709 W. Main, P.O. Box 359, Manchester, IA 52057.

3. That the City of Manchester, Iowa, has previously vacated real estate by ordinance as shown on Exhibit "A", a copy of which is attached hereto.

4. That the Manchester Regional Medical Center seeks to purchase the property referred to on Exhibit "A" from the City of Manchester, Iowa.

5. That the City of Manchester, Iowa, shall sell the real estate shown on Exhibit "A" and identified as R.O.W. Vacation Area on Exhibit "B" to the Manchester Regional Medical Center for the terms and conditions set forth below:
   a. Manchester Regional Medical Center shall pay the sum of $8,784.82.
   b. The City of Manchester shall retain an easement on all property shown on Exhibit "A" for purposes of water utilities.
   c. Manchester Regional Medical Center shall accept the sewer mains located on and underneath the above-described property as a private sewer main. The City of Manchester, Iowa, shall have no further obligation to maintain any sewer main or sewer lines located on or underneath the above-described property.
   d. The City of Manchester, Iowa, and Manchester Regional Medical Center shall share equally in the cost of relocating a 12" water main from its current location as shown on Exhibit "B" to the location shown on Exhibit "C". The City of Manchester, Iowa, shall provide inspection services for the installation and testing of the new water main at no cost to Manchester Regional Medical Center.
   e. Manchester Regional Medical Center shall grant an easement to the City of Manchester, Iowa for a water main to be located as shown on Exhibit "C".
   f. The City shall transfer said real estate by quit claim deed.
   g. No representation as to marketability of title to the subject property is made by the City of Manchester, Iowa.
   h. Manchester Regional Medical Center accepts the property in its current condition and the property is purchased "as is".
   i. Closing shall take place at City Hall in Manchester, Iowa, on or before the 1st day of May, 2014.
   j. The City of Manchester, Iowa shall provide for the preparation of the documents for transfer of the property and other documentation necessary to carry out the terms of this agreement.

6. Attached to this agreement and by this reference made a part hereof is a Right of Way survey of the property subject to sale pursuant to the terms of this agreement.

7. This agreement, entered into between the City of Manchester, Iowa, and Regional Medical Center of Manchester, Iowa, is subject to approval by the City Council for the City of Manchester, Iowa, following a public hearing.

CITY OF MANCHESTER, IOWA

BY: _____

REGIONAL MEDICAL CENTER OF MANCHESTER, IOWA

BY: _____

EXHIBIT 'A'

ORDINANCE 008-2013
An Ordinance Vacating a Portion of Sixth Street and Fayette Street

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

SECTION 1. That the following described portions of Sixth Street and Fayette Street by Regional Medical Center at 709 West Main Street in the City of Manchester, Iowa, are hereby vacated:

That portion of Sixth Street lying north of the north line of Main Street and south of the south line of the vacated alley adjacent to the north line of vacated lots 467 to 472, both inclusive, of the Original Town of Manchester, Delaware County, Iowa.

That portion of Fayette Street lying east of the east line of Sixth Street and west of the Maquoketa River in the Original Town of Manchester, Delaware County, Iowa.

SECTION 2. The City Council may, by separate resolution and following hearing, convey the vacated portion of the streets 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 27th day of January, 2014, and approved this 27th day of January, 2014.

_____
Milt L. Kramer, Mayor

ATTEST:

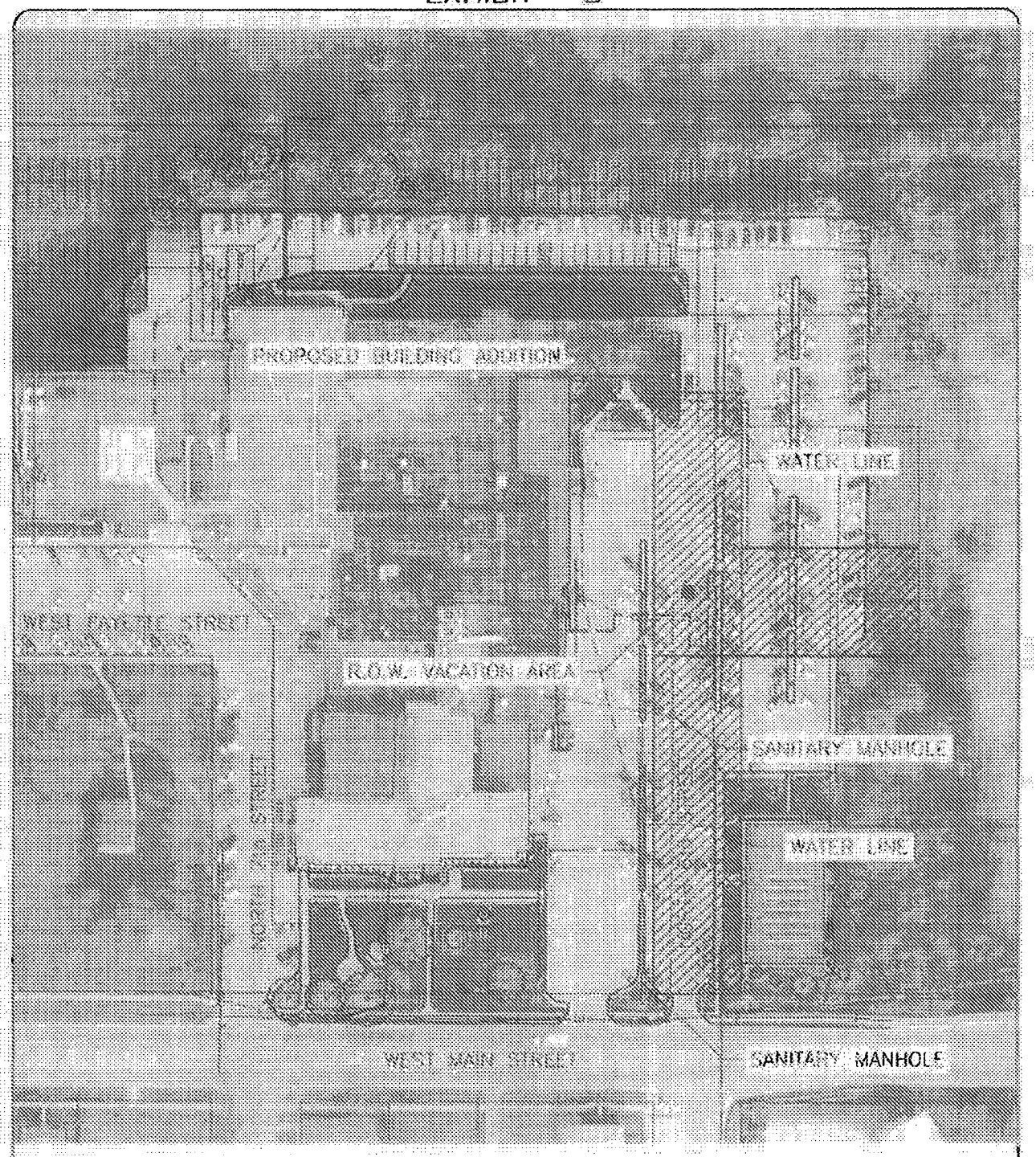
_____
Erin Learn, City Clerk

Public Hearing:	December 9, 2013
1st Consideration & Adoption:	December 23, 2013
2nd Consideration & Adoption:	January 13, 2014
3rd Consideration & Final Adoption:	January 27, 2014

I, Erin Learn, City Clerk of the City of Manchester, Iowa, do hereby certify that Ordinance 008-2013 was duly published on the 5th day of February, 2014 in The Manchester Press, as provided by law, a copy of said being hereby attached and by this reference incorporated herein.

_____
Erin Learn, City Clerk

EXHIBIT 'B'



RMC – R.O.W. Vacation

1/29/2014

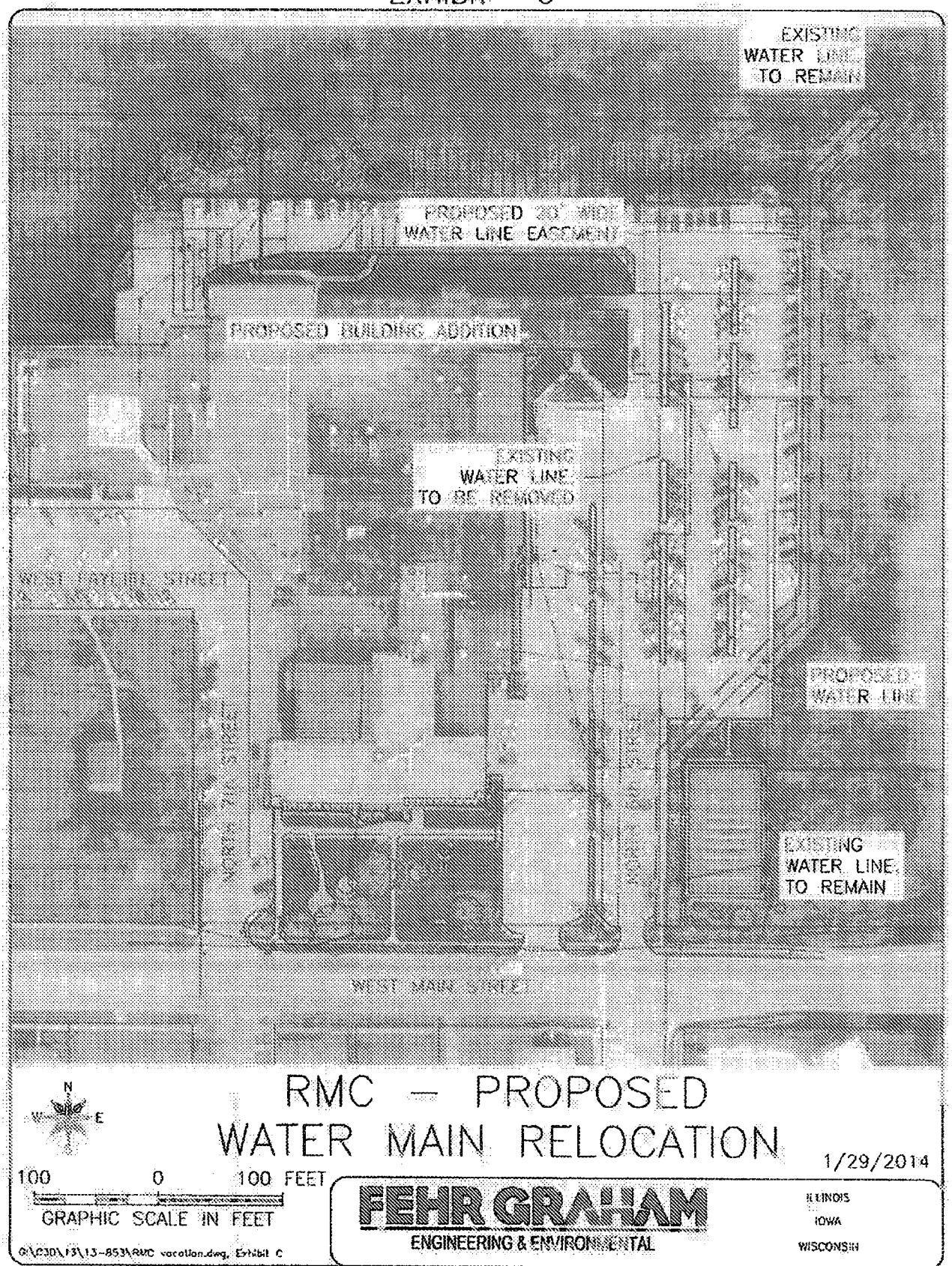
G:\C30\13\13-853\RMC vacation.dwg, Exhibit B

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EXHIBIT 'C'



RMC – PROPOSED WATER MAIN RELOCATION

1/29/2014

G:\c030\13\13-853\RMC vacation.dwg, Exhibit C

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