Recorded: 1/17/2017 at 2:33:10.0 PM
Fee Amount: $17.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2017 PG: 191

Entered for taxation 18th day
of January AD 2017
Carla K. Bates, Auditor
By P. Hilkebrand, Deputy

Recorder's Cover Sheet

TITLE OF DOCUMENT: Resolution Approving Sale/Disposition of Real Estate

Preparer Information:
(name, address, phone number)

James T. Peters

PO Box 774 Independence, IA 50644

319-334-9992

Taxpayer Information:
(name, address)

Jeannie Wessels

520 3rd St

Delaware, IA 52036

Return Address:
(name, address)

Jeannie Wessels

520 3rd St

Delaware, IA 52036

Grantor(s):

City of Delaware

401 7th St

Delaware, IA 52036

Grantee(s):

Jeannie Wessels

520 3rd St

Delaware, IA 52036

Legal description:
(or page number location)

See Page 2

RESOLUTION APPROVING SALE/ DISPOSITION OF
REAL ESTATE AND GRANTING SET BACK VARIANCE

CITY OF DELAWARE, IOWA

WHEREAS, the City Council has previously scheduled a public hearing for the sale of real estate and has provided notice of the public hearing as required by law: and;

WHEREAS, the City owns real estate is legally described as:

Monroe Street lying between Third Street and Second Street in the City of Delaware, Delaware County, Iowa.

WHEREAS, the City Council has determined that the City would benefit from the disposition of said real estate;

WHEREAS, the City Council previously held a public hearing for the sale and disposition of the above described property and has been advised that the sale as considered by the City was based upon a misunderstanding that the sale to Jeannie Wessels of the South HALF of the street would address encroachments of buildings placed upon the property by Ms. Wessels;

WHEREAS, the City Council has determined following review of recorded surveys on file with the Delaware County Recorder that to address the encroachment Ms. Wessels would require the South 38 feet of said street.

WHEREAS, The City Council further reviewed the set back requirements as established by City Code and determined that the building located adjacent to the property being sold would be in violation of the Code. The Council determined that under the circumstances of this case, and the nature of the surrounding property, a variance should be granted permitting the building adjacent to Monroe Street to be located not less than 3 feet from the property line.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELAWARE, IOWA:

1. The City shall sell a portion of Monroe Street to Jeannie Wessels on the following terms:

The City shall transfer their interest by Quitclaim Deed

The Purchaser shall pay the sum of $2,500.00.

The Purchaser and the City shall execute a Waiver of all claims they may have against each other or their officers, and agents which they may have at the time of closing. Said release shall be prepared by the City Attorney James T. Peters.

Purchaser
Jeannie Wessels

Property
South 38 feet of Monroe Street lying between Third Street and Second Street, City of Delaware, Delaware County Iowa as may be more particularly described by survey recorded in the office of the Delaware County Recorder in Book 2013 at page 1228.

2. The City Council further grants a variance permitting structures located adjacent to the property being sold, to be placed within 3 feet of the boundary line.

3. The Council directed the Mayor and Clerk to take action to proceed with the sale pursuant the terms refered to above.

Passed this 14th day of January, 2017

Harlan Bond, Mayor

Attest:

Erin Learn, City Clerk