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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

CITY OF DELHI
RESOLUTION 2019-16
Recorder's Cover Sheet

Preparer Information:
Justin Vorwald
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City of Delhi
311 Franklin Street
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Legal Description: See Page 2

Document or instrument number if applicable: N/A

RESOLUTION NO. 2019 - 15

A Resolution Providing for the vacation and disposal of a portion of Market Street, 4th Street, and South Street in Delhi, Iowa.

WHEREAS, the portion of the following streets have been platted for decades and never used:

That unvacated portion of 4th Street lying North of Lexington Street in the City of Delhi, Iowa,

That portion of South Street lying south of lots 7, 8, 9, 10, 11, and 12 in Block 19 in the City of Delhi, Iowa,

That portion of Market St lying between 5th Street and 4th Street in the City of Delhi, Iowa, according to plat recorded in Book A L.D., pages 128-129, and

WHEREAS, there are no plans for development of these streets, and

WHEREAS, the City has received a request from the adjacent property owners to vacate said streets and convey the property to them, and

WHEREAS, the City has informed all adjacent property owners of their right to purchase the portion of the vacated streets adjacent to their properties', and

WHEREAS, each of the below adjacent property owners have agreed to pay six dollars ($6) per linear foot for one-half (1/2) the width of the vacated street received, plus the cost of this proceeding and of any conveyance of the property to them, and

WHEREAS, a Notice of Public Hearing on the vacation of said streets was published in the Delaware Co. Leader on the 1 day of October, 2019 and a subsequent public hearing was held on the 14th day of October, 2019, and

WHEREAS, the City Council has determined it would be in the best interest of the City to vacate said streets and to convey it to the adjacent property owners:

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

1. The following described portion of Market Street within the City is hereby vacated:

   a. *That portion of Market St lying South of Lot Seven (7), Block Eight (8) and North of Lot Eight (8), Block Sixteen (16) in Delhi, Iowa, according to plat recorded in Book A L.D., pages 128-129.*

b. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Jeffrey P. & Angie L. Freiburger*. This vacation and conveyance is done to correct an earlier resolution which contained an incorrect legal description.

2. The following described portion of Market Street within the City is hereby vacated:

c. *That South half of the portion of Market St lying North of Lots One (1) and Two (2), Block Sixteen (16); and North half of the portion of Market St lying South of the South Eighty-two (82) feet of Lots Ten (10), Eleven (11), and Twelve (12), Block Eight (8), in Delhi, Iowa, according to plat recorded in Book A L.D., pages 128-129.*

d. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Bruce B & Kimberly S. McMurrin.*

3. The following described portion of Market Street within the City is hereby vacated:

e. *That South half of the portion of Market St lying North of Lots Three (3) and Four (4), Block Sixteen (16) in Delhi, Iowa, according to plat recorded in Book A L.D., pages 128-129.*

f. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Rebecca J. Sellers.*

4. The following described portion of Market Street within the City is hereby vacated:

g. *That South half of the portion of Market St lying North of Lot Five (5), Block Sixteen (16); and North half of the portion of Market St lying South of Lots Eight (8) and Nine (9), Block Eight (8), in Delhi, Iowa, according to plat recorded in Book A L.D., pages 128-129.*

h. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Attachment Technologies, Inc.*

5. The following described portion of South Street within the City is hereby

vacated:

a. *That portion of South Street lying south of lots 7, 8, 9, 10, 11, and 12 in Block 19 in the City of Delhi, Iowa.*

b. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Alex Davis.*

6. The following described portion of 4th Street within the City is hereby vacated:

a. *That East half of the portion of 4th Street lying West of the South nine (9) rods, fifteen (15) feet and nine (9) inches of Out Lot Twenty One (21) in Out Lots to Delhi, according the plat recorded in Book A. L.D., 238.*

b. The Mayor and City Clerk are hereby authorized and directed to convey said property to *James R. Woolf and Jean Mary Woolf.*

7. The following described portion of 4th Street within the City is hereby vacated:

a. *That East half of the portion of 4th Street lying West of:*

All that part of Out Lots Nine (9) and Sixteen (16) of Delhi, Iowa, according to the plat recorded in Book A L.D., Page 238, described as commencing at a point eighty eight and one-half (88 ½) feet North of Southeast corner of said Out Lot Sixteen (16), (which corner is also the Northeast corner of said Out Lot Nine (9)), thence North one hundred thirty one and ninety-four one-hundredths (13.94) feet to the Northeast corner of said Out Lot Sixteen (16), thence West three hundred ninety-six (396) feet to the Northwest corner of said Out Lot Sixteen (16), thence South two hundred thirty six and ninety-four one-hundredths (236.94) feet to a point sixteen and one-half (16 ½) feet South of the Northwest corner of Out Lot Nine (9), thence East one hundred ninety six (196) feet, thence North one hundred five (105) feet, thence East two hundred (200) feet to point of beginning.

b. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Thomas J. Soens.*

8. The following described portion of 4th Street within the City is hereby vacated:

a. *That West half of the portion of 4th Street lying East of Out Lot Seventeen (17), except the South eight (8) rods thereof, and Out Lot 20, and the South one and one-half (1 ½) acres*

of Out Lot Twenty Nine (29), all in Out Lots to Delhi, Iowa, according the plat recorded in Book A. L.D., 238.

b. The Mayor and City Clerk are hereby authorized and directed to convey said property to *Amber F. Nieman.*

9. The following described portion of 4th Street within the City is hereby vacated:

a. *That West half of the portion of 4th Street lying East of Out Lot Eight (8), and the South Eight (8) rods of Out Lot seventeen (17)*

AND

That East half of the portion of 4th Street lying West of Out Lot Nine (9), except the North one (1) rod thereof, the same being a part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section Seventeen (17), Township Eighty-eight (88) North, Range Four (4), West of the 5th P.M., Delaware County, Iowa.

b. The city is presently retaining this portion of property even though the street is being vacated as the city has been unable to provide notice to the adjoining landowner, James Schnittjer, of its availability.

BE IT FURTHER RESOLVED, that consideration for said transfer shall be the cost to the City of undertaking these proceedings including publication fees and legal fees plus six dollars ($6) per linear foot for one-half (1/2) the width of the vacated street received and that the property has no additional value.

PASSED AND APPROVED this 14th day of October, 2019.

City of Delhi

By: _____
Greg Preussner, Mayor

Attest: _____
Lori Tucker, City Clerk

CERTIFICATION

THE UNDERSIGNED, Lori Tucker, the duly appointed and acting City Clerk of the City of Delhi, Iowa, certifies that the foregoing is a true and exact copy of Resolution No. 2019 - 16 duly adopted by the Delhi City Council at its regular meeting on the 14th day of October, 2019.

Dated this 14th day of October, 2019.

Lori Tucker

Lori Tucker, City Clerk