

INDX ✓  
ANNO ✓  
SCAN ✓  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON IOWA

**Recorder's Cover Sheet**

✓ Preparer Information and Return Document to: Marion E. James, 205½ N. Elm Street, Creston,  
IA 50801 (641) 782-6000

Grantor: City of St. Charles, Iowa

Grantees: Larry F. Reynolds and Lucille B. Reynolds

Legal Description: see next page

RESOLUTION SCHEDULING PUBLIC HEARING TO VACATE, CLOSE AND CONVEY  
A PORTION OF VINE STREET AND CERTAIN ALLEYS ADJACENT TO THE  
SCHOOL GROUNDS FORMERLY OWNED BY THE INTERSTATE 35 COMMUNITY  
SCHOOL DISTRICT

AFFIDAVIT OF PUBLICATION OF  
NOTICE OF PUBLIC HEARING TO VACATE, CLOSE AND CONVEY A PORTION  
OF VINE STREET AND CERTAIN ALLEYS, ADJACENT TO THE SCHOOL GROUNDS  
FORMERLY OWNED BY THE INTERSTATE 35 COMMUNITY SCHOOL DISTRICT

RESOLUTION APPROVING CONVEYANCE OF A PORTION OF VINE STREET AND  
CERTAIN ALLEYS ADJACENT TO THE SCHOOL GROUNDS FORMERLY OWNED BY  
THE INTERSTATE 35 COMMUNITY SCHOOL DISTRICT

Resolution 5A-08 setting hearing

passed 5-6-08

RESOLUTION SCHEDULING PUBLIC HEARING TO VACATE,  
CLOSE AND CONVEY A PORTION OF VINE STREET  
AND CERTAIN ALLEYS, ADJACENT TO  
THE SCHOOL GROUNDS FORMERLY OWNED BY THE  
INTERSTATE 35 COMMUNITY SCHOOL DISTRICT

WHEREAS, **Larry F. Reynolds and Lucille B. Reynolds**, husband and wife, are the record holders of title to the following described real estate, to-wit:

**Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and**

**Beginning at a point 66 feet due North of the Northeast corner of Block Four (4) of Hartman and Young's Addition to the Original Plat of St. Charles, Madison County, Iowa, thence running West 16 rods and 10 feet to a point 66 feet due North of the Northwest corner of said Block Four (4) of said Hartman & Young's Addition, thence due North 20 rods and 5½ feet, thence East 16 rods and 10 feet running parallel with the North side of Vine Street in St. Charles, Iowa, thence South 20 rods and 5½ feet to the place of beginning, containing 2 acres, more or less;**

WHEREAS, the foregoing real estate was formerly used as a public school facility by the Interstate 35 Community School District, a predecessor in the chain of title;

WHEREAS, the school grounds included a portion of Vine Street lying between Lumber Street and Cross Street and the alleys located in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa;

WHEREAS, the foregoing portion of Vine Street and the alleys located within Block 4 are no longer used for any public purpose and are being maintained by the record holders of title to the adjoining real estate, namely, Larry F. Reynolds and Lucille B. Reynolds.

WHEREAS, Larry F. Reynolds and Lucille B. Reynolds have agreed to pay the costs of publication and will be responsible for the necessary document preparation by their attorney in connection with vacating, closing, and transferring the portion of Vine Street and the alleys located within Block 4 adjoining their real estate;

WHEREAS, the City Council of the Incorporated City of St Charles, Iowa, acting under the authority of Iowa Code Chapter 364 (2008) has authority to vacate, close and transfer the portion of Vine Street and the alleys located within Block 4, all of which are adjacent to the former school property as described above; and

WHEREAS, Iowa Code Chapter 364 (2008), as amended, provides that a City may not dispose of real property by gift except to a governmental body for a public purpose;

WHEREAS, the fair market value of said property does not exceed the cost of the legal fees necessary to complete said disposition; and

WHEREAS, vacating the portion of Vine Street and the alleys lying within Block 4 that are adjacent to the former school property as described above and transferring the same to the adjoining property owners is not a gift;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Incorporated City of St. Charles, Madison County, Iowa, that the following portion of Vine Street and the alleys lying within Block 4 of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa, be vacated, closed, and conveyed to Larry F. Reynolds and Lucille B. Reynolds, husband and wife, subject to the payment of publication costs, described as follows:

The portion of Vine Street lying East of Lumber Street and West of Cross Street, which is bounded on the North by the following described real estate, to-wit: Beginning at a point 66 feet due North of the Northeast corner of Block Four (4) of Hartman and Young's Addition to the Original Plat of St. Charles, Madison County, Iowa, thence running West 16 rods and 10 feet to a point 66 feet due North of the Northwest corner of said Block Four (4) of said Hartman & Young's Addition, thence due North 20 rods and 5½ feet, thence East 16 rods and 10 feet running parallel with the North side of Vine Street in St. Charles, Iowa, thence South 20 rods and 5½ feet to the place of beginning, containing 2 acres, more or less; and which is bounded on the South by Lots One (1), Two (2), Three (3), and Four (4), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and

An alley running East and West and lying between Lumber Street and Cross Street, which is bounded on the North by Lots One (1), Two (2), Three (3), and Four (4) and is bounded on the South by Lots Five (5), Six (6), Seven (7), and Eight (8), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and

An alley running North and South and lying between Vine Street and Market Street, which is bounded on the West by Lots Three (3), and Six (6) and bounded on the East by Lots Two (2) and Seven (7), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa.

BE IT FURTHER RESOLVED, that the City Council of the Incorporated City of St. Charles, Madison County, Iowa, shall meet at 7:00 o'clock p.m., in the Council Chambers of the City Hall at St. Charles, Iowa, on the 3rd day of June, 2008, to hear objections, if any there may be, and if no objections are made, that the Council shall then proceed to consider vacating and closing the aforescribed real estate located within the City of St Charles, Madison County,

Iowa, and transferring it as set forth above, in consideration of the payment of the publication costs and will be responsible for the necessary documentation preparation by their attorney to vacate, close and transfer said real estate.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to give notice of this hearing, not more than twenty (20) days and not less than four (4) days prior thereto for such vacating, closing and conveyance of the above real estate to Larry F. Reynolds and Lucille B. Reynolds, husband and wife.

This Resolution was offered by Lee Gray, and seconded by Ron Kindley, who moved its adoption.

On roll call, the following voted:

Aye: S. Brown, L. Gray, M. Johnson, R. Kindley, D. Smith

Nay: none

Absent: none

Abstained: \_\_\_\_\_

WHEREUPON, the mayor declared said resolution passed this 6<sup>th</sup> day of May, 2008.

Dated at St Charles, Madison County, Iowa, this 6<sup>th</sup> day of May, 2008.

CITY COUNCIL OF ST. CHARLES, IOWA

Joan Brown  
Joan Brown, Mayor

ATTEST:

Sharon James  
Sharon James, City Clerk

CERTIFICATE

STATE OF IOWA, COUNTY OF MADISON, ss:

We, the duly elected, qualified and acting Mayor of the City of St. Charles, Iowa, and the duly appointed, qualified, and acting City Clerk of the City of St. Charles, Iowa, do hereby certify that the above and foregoing Resolution is a true and exact copy of said Resolution passed and adopted by Council of the City of St. Charles, Iowa, at a regular meeting thereof on the 6<sup>th</sup> day of May, 2008.

Joan Brown  
Joan Brown, Mayor

Sharon James  
Sharon James, City Clerk

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of May, 2008.

Linda K. Dutton  
Notary Public



AFFIDAVIT OF PUBLICATION

**NOTICE OF PUBLIC HEARING**

**To Vacate, Close And Convey A Portion Of Vine Street And  
Certain Alleys, Adjacent To The School Grounds Formerly Owned  
By The Interstate 35 Community School District**

Public Notice is hereby given that the Incorporated City of St. Charles, Iowa, will hold a public hearing on the 3rd day of June, 2008, at 7:00 o'clock p.m., in the Council Chambers, City Hall, St. Charles, Iowa, at which meeting the Council will consider vacating and closing a portion of Vine Street and the alleys in Block 4 of Hartman and Young's Addition, that lies adjacent to the school grounds formerly owned by the Interstate 35 Community School District, and is more particularly described as follows, to-wit:

The portion of Vine Street lying East of Lumber Street and West of Cross Street, which is bounded on the North by the following described real estate, to-wit: Beginning at a point 66 feet due North of the Northeast corner of Block Four (4) of Hartman and Young's Addition to the Original Plat of St. Charles, Madison County, Iowa, thence running West 16 rods and 10 feet to a point 66 feet due North of the Northwest corner of said Block Four (4) of said Hartman & Young's Addition, thence due North 20 rods and 5 1/2 feet, thence East 16 rods and 10 feet running parallel with the North side of Vine Street in St. Charles, Iowa, thence South 20 rods and 5 1/2 feet to the place of beginning, containing 2 acres, more or less; and which is bounded on the South by Lots One (1), Two (2), Three (3), and Four (4), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and

An alley running East and West and lying between Lumber Street and Cross Street, which is bounded on the North by Lots One (1), Two (2), Three (3), and Four (4) and is bounded on the South by Lots Five (5), Six (6), Seven (7), and Eight (8), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and

An alley running North and South and lying between Vine Street and Market Street, which is bounded on the West by Lots Three (3), and Six (6) and bounded on the East by Lots Two (2) and Seven (7), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa.

The Council will then consider transferring the above real estate to Larry F. Reynolds and Lucille B. Reynolds.

As consideration for the conveyance of this real estate, the proposed buyers have agreed to pay the costs of publication and will be responsible for the necessary document preparation by their attorney in connection with vacating, closing and conveying it.

The City Council will first receive all oral and written objections at the date and time of the public hearing from any resident or property owner of the City regarding the above matter. After all objections have been received and considered, the Council will, at this meeting or any adjournment thereof, take additional action to vacate, close, and convey the above described portion of Vine Street and the alleys in Block 4 to the above named adjoining property owners, Larry F. Reynolds and Lucille B. Reynolds.

Dated this 14th day of May, 2008.

Sharon James, City Clerk, City Hall, St. Charles, Iowa

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of general circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof, was correctly published in said paper.

for the period 1 consecutive weeks, the last publication thereof being

on the 14<sup>th</sup> day of MAY, 2008.

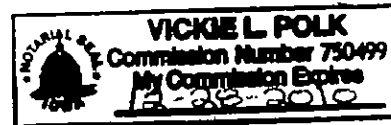
*Ted Gorman*

Subscribed and sworn to before me this

15<sup>th</sup> day of MAY, 2008.

*Vickie L. Polk*

NOTARY PUBLIC  
in and for Madison County



Fee \$ 33.84

Your Order #: \_\_\_\_\_  
Shipping Date: \_\_\_\_\_  
Terms: Net 30 after EOM

Freight:	\$0.00
Sales Tax:	\$0.00
Total Amount:	\$33.84
Amount Applied:	\$0.00
Balance Due:	\$33.84

Resolution 6B-08

RESOLUTION APPROVING CONVEYANCE OF  
A PORTION OF VINE STREET  
AND CERTAIN ALLEYS ADJACENT TO  
THE SCHOOL GROUNDS FORMERLY OWNED BY THE  
INTERSTATE 35 COMMUNITY SCHOOL DISTRICT

WHEREAS, the Council for the City of St. Charles, Iowa, has proposed to convey the real estate described herein to the adjoining property owners, **Larry F. Reynolds and Lucille B. Reynolds**, for the reasons set forth in the Resolution Scheduling Public Hearing to Vacate, Close and Convey a Portion of Vine Street and certain alleys adjacent to the school grounds formerly owned by the Interstate 35 Community School District located in the City of St. Charles, Madison, County, Iowa, passed on May 6, 2008;

WHEREAS, Chapter 364 of the Code of Iowa (2008), as amended, provides that a City may not dispose of real property by gift except to a governmental body for a public purpose;

WHEREAS, Larry F. Reynolds and Lucille B. Reynolds, the adjoining property owners, shall pay publication costs and will be responsible for the necessary documentation preparation by their attorney necessary to effectuate said transfer;

WHEREAS, the City Council expressly finds that the fair market value of said property does not exceed the cost of publications and legal fees necessary to complete said disposition; and

WHEREAS, the vacating of the portion of Vine Street and certain alleys adjacent to the school grounds formerly owned by the Interstate 35 Community School District and transferring the same to the adjoining property owners is not a gift;

WHEREAS, Notice of the proposed conveyance and the terms and conditions thereof have been served upon the public, and the time of hearing has now passed, and no objections have been made; and

WHEREAS, the Council for the City of St. Charles, Iowa, finds that the transfer, as proposed in said Resolution, is in the best interest of the City of St. Charles, Iowa;

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of St. Charles, Iowa, that the City of St. Charles, Iowa, shall convey the following described portion of Vine Street and certain alleys to the adjoining property owners, Larry F. Reynolds and Lucille B. Reynolds, husband and wife, which is more particularly described as follows:

The portion of Vine Street lying East of Lumber Street and West of Cross Street, which is bounded on the North by the following described real estate, to-wit: Beginning at a point 66 feet due North of the Northeast corner of Block Four (4) of Hartman and Young's Addition to the Original Plat of St. Charles, Madison County, Iowa, thence running West 16 rods and 10 feet to a point 66 feet due North of the Northwest corner of said Block Four (4) of said Hartman & Young's Addition, thence due North 20 rods and 5½ feet, thence East 16 rods and 10 feet running parallel with the North side of Vine Street in St. Charles, Iowa, thence South 20 rods and 5½ feet to the place of beginning, containing 2 acres, more or less; and which is bounded on the South by Lots One (1), Two (2), Three (3), and Four (4), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and

An alley running East and West and lying between Lumber Street and Cross Street, which is bounded on the North by Lots One (1), Two (2), Three (3), and Four (4) and is bounded on the South by Lots Five (5), Six (6), Seven (7), and Eight (8), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa; and

An alley running North and South and lying between Vine Street and Market Street, which is bounded on the West by Lots Three (3), and Six (6) and bounded on the East by Lots Two (2) and Seven (7), in Block Four (4) of Hartman and Young's Addition to the Town of St. Charles, Madison County, Iowa.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute and deliver a Special Warranty Deed in fulfillment of this conveyance upon receipt in full by the City Clerk for the payment of the publication costs incurred in connection herewith.

This Resolution was offered by Dennis Smith, and seconded by Lee Gray, who moved its adoption.

On roll call, the following voted:

Aye: S. Brown, D. Smith, M. Johnson, R. Kindley, L. Gray

Nay: -0-

Absent: -0-

Abstained: -0-

WHEREUPON, the mayor declared said resolution passed this 3rd day of June, 2008.



Dated at St. Charles, Madison County, Iowa, this 3rd day of June, 2008.

CITY COUNCIL OF ST CHARLES, IOWA

Joan Brown  
Joan Brown, Mayor

ATTEST:

Sharon James  
Sharon James, City Clerk

CERTIFICATE

STATE OF IOWA, COUNTY OF MADISON, ss:

We, the duly elected, qualified and acting Mayor of the City of St. Charles, Iowa, and the duly appointed, qualified, and acting City Clerk of the City of St. Charles, Iowa, do hereby certify that the above and foregoing Resolution is a true and exact copy of said Resolution passed and adopted by Council of the City of St. Charles, Iowa, at a regular meeting thereof on the 3rd day of June, 2008.

Joan Brown  
Joan Brown, Mayor

Sharon James  
Sharon James, City Clerk

SUBSCRIBED AND SWORN to before me this 5th day of June, 2008.

Linda K. Dutton  
Notary Public  
in and for the said county and state

