

Preparer information: Ardis Myers P.O. Box 144 Macksburg, Iowa

FILED NO. **1021**  
BOOK **2004** PAGE **1021**

**2004 MAR -9 AM 11:53**

**AFFIDAVIT**

STATE OF IOWA

SS:

REC \$ 25<sup>00</sup>  
AUD \$ 5<sup>00</sup>  
R.M.F. \$ 18<sup>00</sup>

COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

MADISON COUNTY

NICKI LUTSLER  
RECORDER  
MADISON COUNTY, IOWA

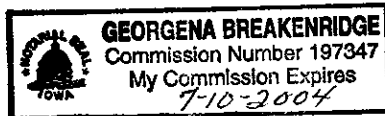
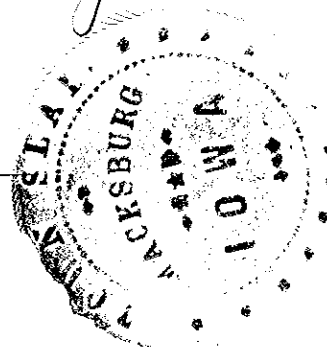
I, Ardis Myers, being first duly sworn on oath, state that I am the City Clerk of Macksburg, Madison County, Iowa. I further state that this Affidavit concerns a portion of Grant Street North of Block Three, West of Parcel 003 to North East Street (P53), of Barkers Second Addition to the City of Macksburg, Madison County, Iowa.

I further state that on January 5, 2004, the City Council of the City of Macksburg, Iowa adopted a Resolution - Vacation and Closing of Street - NO. 010401, a copy of which is attached hereto and marked Exhibit 'A'. Pursuant to said Resolution, Notice of Proposal to Dispose of Real Estate was posted on the 22<sup>nd</sup> day of January, 2004 in three public places, which places have been designated by ordinance of the City of Macksburg, Iowa and Section 362.3 of the Code of Iowa. See copy of Notice attached hereto and marked Exhibit 'B'. On February 2, 2004, an Ordinance vacating said street was passed and adopted in a manner provided by law by the City Council of the City of Macksburg, Iowa. A copy of said ordinance is attached hereto and marked Exhibit 'C'. On February 2, 2004, a Resolution concerning the sale of said parcel of land was adopted by the City of Macksburg, Iowa. See copy of said Resolution attached hereto and marked Exhibit 'D'.

Ardis Myers  
Ardis Myers, City Clerk

Subscribed and sworn to me by the said Ardis Myers on this 2<sup>nd</sup> day of February, 2004.

Georgina Breakenridge  
Notary Public in and for the State of Iowa



✓ Will call: Ardis  
641-768-2349

EXHIBIT 'A'

**RESOLUTION - VACATION AND CLOSING OF STREET**

**010401**

**WHEREAS, THE City of Macksburg, Iowa proposes to pass an ordinance to vacate and close the portion of Grant Street that remains open to the public, West of Parcel 003 to North East Street (P53), in Barker's Second Addition to the City of Macksburg, Madison County, Iowa.**

**WHEREAS, THE City of Macksburg, Iowa proposes to sell tract to adjacent property owner.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Macksburg, Iowa;**

**1. The City of Macksburg, Iowa proposes to pass an ordinance vacating and closing said street as described above.**

**2. The City of Macksburg, Iowa proposes to sell the vacated parcel as set forth above. The consideration for said sale shall be the expenses incurred and amount specified by the City of Macksburg.**

**3. Hearing on said proposal to sell said parcel shall be held on the 2<sup>nd</sup> day of February, at 7:30 P.M. at City Hall, before the Council.**

**4. Notice of such hearing shall be given by posting a notice of the hearing in three (3) public places in the city, which have been designated by ordinance as required by ordinances of the City of Macksburg, Iowa and Section 362.3 of the Code of Iowa.**

**Approved this 5<sup>th</sup> day of January, 2004.**

  
\_\_\_\_\_  
Mayor, City of Macksburg

Attest:

  
\_\_\_\_\_  
Ardis Myers, City Clerk



Posted  
Jan 22, 04

EXHIBIT 'B'

**NOTICE OF PROPOSAL TO DISPOSE OF REAL ESTATE**

Notice is hereby given that the City of Macksburg, Iowa proposes to vacate and close a portion of Grant Street, West of Parcel 003 to North East Street (P53) which is North of Block Three in Barker's Second Addition to the City of Macksburg, Iowa.

Notice is further given that the City of Macksburg, Iowa proposes to sell the real estate to the adjacent property owner. The consideration for said sale shall be the expenses incurred and specified by the City of Macksburg, Iowa.

Notice is further given that a PUBLIC HEARING will be held on MONDAY, FEBRUARY 2, 2004, at 7:30 P.M. in CITY HALL, whereas the City Council will act upon said proposal.

CITY OF MACKSBURG, IOWA

  
\_\_\_\_\_  
Marlin Eivins, Mayor



  
\_\_\_\_\_  
Ardis Myers, City Clerk

EXHIBIT 'C'

ORDINANCE NO. 010104

**AN ORDINANCE VACATING AND CLOSING A PORTION OF GRANT STREET, NORTH OF BLOCK THREE (3) OF BARKER'S SECOND ADDITION, WEST OF PARCEL 003 TO NORTH EAST STREET (P53).**

**BE IT ENACTED** by the City Council of the City of Macksburg, Iowa, Iowa:

**SECTION ONE:** The portion of GRANT STREET between Parcel 003 to North East Street in the City of Macksburg, Iowa is hereby vacated and declared vacated and closed.

**SECTION TWO:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

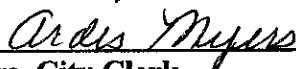
**SECTION THREE:** This ordinance shall be full force and in effect from and after its passage, approval and publication as provided by law.

Passed and approved this 2<sup>nd</sup> day of February, 2004.



Marlin Eivins, Mayor

Attest:



Ardis Myers, City Clerk



EXHIBIT 'D'

**RESOLUTION NO. 020402**

**RESOLUTION CONCERNING THE SALE OF THE PORTION OF GRANT STREET NORTH OF BLOCK THREE (3) OF BARKER'S SECOND ADDITION TO THE CITY OF MACKSBURG. WEST OF PARCEL 003 TO NORTH EAST STREET (P53).**

WHEREAS, on January 5, 2004, the City Council passed a Resolution proposing to vacate a portion of Grant Street North of Block Three (3) of Barker's Second Addition to the City of Macksburg, Iowa; and

WHEREAS, on February 2, 2004 an Ordinance was passed by the City Council of the City of Macksburg to vacate said alley; and

WHEREAS, a hearing on said proposal to sell the vacated street was held on February 2, 2004, at 7:30 P.M. before the City Council; and

WHEREAS, notice of such hearing was given by posting in three (3) public places as required by ordinance of the City of Macksburg and Section 362.3 of the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City of Macksburg, Iowa; that a warranty deed be executed by the City of Macksburg to adjacent property owner, Afton - Macksburg Farmers Co-op Co.

The consideration for said sale shall be the expenses incurred and specified by the City of Macksburg, Iowa.

Passed and approved this 2<sup>nd</sup> day of February, 2004.



Marlin Eivins  
Marlin Eivins, Mayor

Attest:

Ardis Myers  
Ardis Myers, City Clerk