

RESOLUTION NO. 04-01

RESOLUTION PROPOSING AN EXCHANGE OF REAL ESTATE

WHEREAS, the City of Earlham, Iowa, is the owner of certain real estate described as Parcel "A", Parcel "B", and Parcel "C" which are more fully described on the attachment entitled Plat of Survey attached hereto and by this reference incorporated herein.

WHEREAS, the Earlham, Iowa branch of the Farmers Cooperative Company has proposed that the City dispose of Parcel "A", Parcel "B", and Parcel "C" in a proposed real estate exchange transaction between the City of Earlham and the Earlham branch of the Farmers Cooperative Company; and

WHEREAS, the terms of the proposed exchange provide that the City of Earlham convey Parcel "A", Parcel "B", and Parcel "C" to the Farmers Cooperative Company. In exchange, the Farmers Cooperative Company will convey adjacent real estate described as Parcel 1, Parcel 2, Parcel 3, and Parcel 4 to the City of Earlham. Parcel 1, Parcel 2, Parcel 3, and Parcel 4 are more fully described on the document entitled Acquisition Plat which is attached hereto and by this reference incorporated herein. No cash will be paid by either party to the other; and

WHEREAS, the City Council of the City of Earlham is undertaking a street improvement project which involves the land proposed to be exchanged, and believes that the disposition of Parcel "A", Parcel "B", and Parcel "C" as part of the exchange described herein is in the best interest of the City; and

WHEREAS, before said real estate can be disposed of, it is necessary that a public hearing be held on the proposal pursuant to Section 364.7, Code of Iowa;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

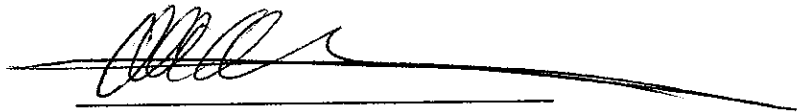
1. That the City of Earlham, Iowa proposes to dispose of Parcel "A", Parcel "B", and Parcel "C" which are more fully described on the attachment entitled Plat of Survey attached hereto and by this reference incorporated herein.
2. That the proposed disposition is part of a proposed real estate exchange transaction between the City of Earlham, Iowa and the Earlham branch office of the Farmers Cooperative Company.

3. That the terms of the proposed exchange are described above in this resolution, and it is the opinion of the City Council that the proposed disposition and exchange is advantageous to and benefits the City and the public.

BE IT FURTHER RESOLVED that a public hearing be held on this proposal on February 9, 2004 at 7:00 o'clock P.M., at City Hall, City of Earlham, Iowa;

BE IT FURTHER RESOLVED that the City Clerk publish notice of this proposal and of the date, time and place of hearing thereon pursuant to Section 362.3, Code of Iowa.

PASSED AND APPROVED this 12th day of January, 2004.



Andrew Arnburg, Mayor Pro Tem

ATTEST:


Marilyn Sesker, City Clerk

Plat of Survey

PARCEL "A" DESCRIPTION

A part of the W½ of the SW¼ of Section 6, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of Lot 2, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa; thence South 88°52'50" West, 165.07 feet to the West line of said Block 16; thence North 0°07'13" West along said West line to the Northwest Corner of Lot 11 of said Block 16, 233.40 feet to the Point of Beginning; thence South 0°07'13" East along the West line of said Block 16, 18.63 feet; thence North 75°09'53" West 55.89 feet; thence North 0°07'13" West, 18.63 feet; thence South 75°09'53" East, 55.89 feet to the Point of Beginning and containing 1,006 S.F.

PARCEL "B" DESCRIPTION

A part of Lot 11, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of Lot 2 of said Block 16; thence South 88°52'50" West, 165.07 feet to the West line of said Block 16; thence North 0°07'13" West along said West line, 122.32 feet to the Southwest Corner of said Lot 11 and being the Point of Beginning; thence North 0°07'13" West along the West line of said Lot 11, 25.17 feet; thence South 75°09'53" East, 91.57 feet to the South line of said Lot 11; thence South 88°52'50" West along said South line, 88.48 feet to the Point of Beginning and containing 1,114 S.F.

PARCEL "C" DESCRIPTION

A part of Lot 1, Lot 11, and the alley in Block 16, Original Town of Earlham, being an Official Plat, Madison County, Iowa, and described as follows:

Commencing at the Southeast Corner of Lot 2 of said Block 16; thence North 0°29'32" West along the East line of said Lots 1 and 2, 118.27 feet; thence North 75°09'53" West, 18.29 feet to the Point of Beginning; thence Westerly along a curve concave Northerly whose radius is 580.00 feet, whose arc length is 93.20 feet and whose chord bears North 79°46'05" West, 93.10 feet; thence North 75°09'53" West, 93.42 feet; thence North 88°52'50" East, 31.77 feet to the East line of said Lot 11; thence North 0°29'32" West along said East line, 25.16 feet to the Northeast Corner of said Lot 11; thence South 75°09'53" East, 20.74 feet to the Northwest Corner of said Lot 1; thence South 0°29'32" East along the West line of said Lot 1, 26.47 feet; thence South 75°09'53" East, 134.59 feet to the Point of Beginning and containing 1,596 S.F.

Acquisition Plat

PARCEL 1 DESCRIPTION

A part of Lot 10, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Beginning at the Northeast Corner of said Lot 10; thence South $0^{\circ}29'32''$ East along the East line of said Lot 10, 15.90 feet; thence North $75^{\circ}09'53''$ West 57.85 feet to the North line of said Lot 10; thence North $88^{\circ}52'50''$ East along said North line, 55.80 feet to the Point of Beginning and containing 444 S.F.

PARCEL 2 DESCRIPTION

A part of Lot 11, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of said Lot 11, thence North $0^{\circ}07'13''$ West along the West line of said Lot 11, 45.00 feet to the Point of Beginning; thence continuing North $0^{\circ}07'13''$ West along said West line, 31.93 feet; thence South $75^{\circ}09'53''$ East, 116.13 feet; thence South $88^{\circ}52'50''$ West, 112.21 feet to the Point of Beginning and containing 1,791 S.F.

PARCEL 3 DESCRIPTION

A part of Lot 1, Block 16 of the Original Town of Earlham, an Official Plat in the Town of Earlham, Madison County, Iowa and described as follows:

Commencing at the Southeast Corner of said Lot 1; thence North $0^{\circ}29'32''$ West along the East line of said Lot 1 (line also being the West Right-of-Way line of SW Chestnut Avenue), 58.13 feet to the Point of Beginning; thence North $75^{\circ}09'53''$ West, 18.29 feet; thence Easterly along a curve concave Northerly whose radius is 580.00 feet, whose arc length is 17.71 feet and whose chord bears South $85^{\circ}14'48''$ East, 17.71 feet to said East line; thence South $0^{\circ}29'32''$ East along said East line, 3.22 feet to the Point of Beginning and containing 28 S.F.

PARCEL 4 DESCRIPTION

A part of Lot 1, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of said Lot 1; thence North $0^{\circ}29'32''$ West along the West line of said Lot 1, 40.56 feet to the Point of Beginning; thence continuing North $0^{\circ}29'32''$ West along said West line, 29.59 feet; thence South $75^{\circ}09'53''$ East, 152.88 feet to the East line of said Lot 1; thence South $0^{\circ}29'32''$ East along said East line, 16.92 feet; thence Westerly along a curve concave Northerly whose radius is 630.00 feet, whose arc length is 124.30 feet and whose chord bears North $80^{\circ}49'01''$ West, 124.10 feet; thence North $75^{\circ}09'53''$ West, 26.04 feet to the Point of Beginning and containing 3,842 S.F.

PROOF OF PUBLICATION

STATE OF IOWA, MADISON COUNTY, ss:

I, Deborah Kiewiet, being duly sworn and say that I am Publisher of the Earlham Advocate, a weekly newspaper, printed in Earlham, in said County and State, and that the notice of which the attached is a printed copy was published in said newspaper for one week, publication being on the

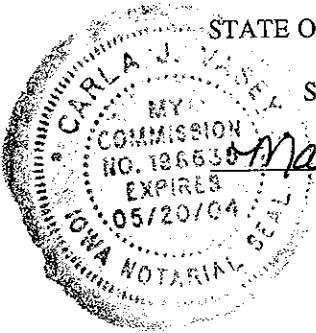
29th day of January, 2004.
Cost: 37.19

Deborah Kiewiet
Deborah Kiewiet

STATE OF IOWA, MADISON COUNTY, ss:

Subscribed and sworn to before me by Deborah Kiewiet on this 2nd day of

March, 2004.



Carla J. Vasey
Notary Public

165.07 feet to the West line of said Block 16; thence North 0 degrees 07'13" West along said West line to the Northwest Corner of Lot 11 of said Block 16, 233.40 feet to the Point of Beginning; thence South 0 degrees 07'13" East along the West line of said Block 16, 18.63 feet; thence North 75 degrees 09'53" West 55.89 feet; thence North 0 degrees 07'13" West, 18.63 feet; thence South 75 degrees 09'53" East, 55.89 feet to the Point of Beginning and containing 1,006 S.F.

thence South 75 degrees 09'53" East, 134.59 feet to the Point of Beginning and containing 1,596 S.F.

The proposed disposition is part of a proposed real estate exchange transaction between the City of Earlham, Iowa and the Earlham, Iowa branch office of the Farmers Cooperative Company. The terms of the proposed exchange are as follows:

The City of Earlham will convey Parcel "A", Parcel "B", and Parcel "C" to the Farmers Cooperative Company. In exchange, the Farmers Cooperative Company will convey approximately 0.14 acres of adjacent real estate to the City of Earlham. No cash will be paid by either party to the other.

The public hearing will be held at City Hall in the City of Earlham, Iowa on the 9th day of February, 2004, at 7:00 o'clock P.M.

This Notice is published by order of the City Council.

Marilyn Sesker
City Clerk

PARCEL "B" DESCRIPTION

A part of Lot 11, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of Lot 2 of said Block 16; thence South 88 degrees 52'50" West, 165.07 feet to the West line of said Block 16; thence North 0 degrees 07'13" West along said West line, 122.32 feet to the Southwest Corner of said Lot 11 and being the Point of Beginning; thence North 0 degrees 07'13" West along the West line of said Lot 11, 25.17 feet; thence South 75 degrees 09'53" East, 91.57 feet to the South line of said Lot 11; thence South 88 degrees 52'50" West along said South line, 88.48 feet to the Point of Beginning and containing 1,114 S.F.

PARCEL "C" DESCRIPTION

A part of Lot 1, Lot 11, and the alley in Block 16, Original Town of Earlham, being an Official Plat, Madison County, Iowa, and described as follows:

Commencing at the Southeast Corner of Lot 2 of said Block 16; thence North 0 degrees 29'32" West along the East line of said Lots 1 and 2, 118.27 feet; thence North 75 degrees 09'53" West, 18.29 feet to the Point of Beginning; thence Westerly along a curve concave Northerly whose radius is 580.00 feet, whose arc length is 93.20 feet and whose chord bears North 79 degrees 46'05" West, 93.10 feet; thence North 75 degrees 09'53" West, 93.42 feet; thence North 88 degrees 52'50" East, 31.77 feet to the East line of said Lot 11; thence North 0 degrees 29'32" West along said East line, 25.16 feet to the Northeast Corner of said Lot 11; thence South 75 degrees 09'53" East, 20.74 feet to the Northwest Corner of said Lot 1; thence South 0 degrees 29'32" East along the West line of said Lot 1, 26.47 feet;

Earlham City Council

NOTICE OF HEARING ON PROPOSAL TO DISPOSE OF REAL ESTATE

Notice is hereby given that a public hearing will be held by the City Council of the City of Earlham, Iowa on a proposal that the City of Earlham, Iowa dispose of the following described real estate, to-wit:

Parcel "A", Parcel "B", and Parcel "C" which are more fully described as follows:

PARCEL "A" DESCRIPTION

A part of the W¹/₂ of the SW¹/₄ of Section 6, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of Lot 2, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa; thence South 88 degrees 52'50" West,

RESOLUTION NO. 04-05

RESOLUTION TO EXCHANGE REAL ESTATE

WHEREAS, the City of Earlham, Iowa is the owner of the following described real estate, to-wit:

Parcel "A", Parcel "B", and Parcel "C" which are more fully described on the attachment entitled Plat of Survey attached hereto and by this reference incorporated herein.

WHEREAS, the Earlham branch office of the Farmers Cooperative Company has proposed that the City dispose of Parcel "A", Parcel "B", and Parcel "C" in a proposed real estate transaction between the City of Earlham and the Earlham branch of the Farmers Cooperative Company; and

WHEREAS, the terms of the proposed exchange provide that the City of Earlham convey Parcel "A", Parcel "B", and Parcel "C" to the Farmers Cooperative Company. In exchange, the Farmers Cooperative Company will convey adjacent real estate described as Parcel 1, Parcel 2, Parcel 3, and Parcel 4 to the City of Earlham. Parcel 1, Parcel 2, Parcel 3, and Parcel 4 are more fully described on the document entitled Acquisition Plat which is attached hereto and by this reference incorporated herein. No cash will be paid by either party to the other; and

WHEREAS, the City Council of the City of Earlham is undertaking a street improvement project which involves the land proposed to be exchanged, and believes that the disposition of Parcel "A", Parcel "B", Parcel "C" as part of the exchange described herein is in the best interest of the City; and

WHEREAS, it is the final determination of the City Council of Earlham, Iowa to dispose of the above described real estate in the exchange described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

1. That the City of Earlham, Iowa hereby disposes of the following described real estate, to-wit:

Parcel "A", Parcel "B", and Parcel "C" which are more fully described on the attachment entitled Plat of Survey attached hereto and by this reference incorporated herein.

2. That the disposition of the above described real estate is part of a real estate exchange transaction between the City of Earlham, Iowa and the Earlham branch office of the Farmers Cooperative Company.


3. That the City of Earlham will convey Parcel "A", Parcel "B", and Parcel "C" to the Farmers Cooperative Company. In exchange, the Farmers Cooperative Company will convey adjacent real estate described as Parcel 1, Parcel 2, Parcel 3, and Parcel 4 to the City of Earlham. Parcel 1, Parcel 2, Parcel 3, and Parcel 4 are more fully described on the attachment entitled Acquisition Plat which is attached hereto and by this reference incorporated herein. No cash will be paid by either party to the other.

4. That the Mayor of the City of Earlham, Iowa is hereby authorized and directed to execute and deliver the deed of conveyance of Parcel "A", "Parcel "B", and Parcel "C" to the Farmers Cooperative Company, and the City Clerk is hereby authorized and directed to attest to the Mayor's execution of said deed. The Mayor and City Clerk are authorized and directed to receive and record the deed of conveyance of the acquired property from the Farmers Cooperative Company.

PASSED AND APPROVED this 9th day of February, 2004.


Richard Rothert, Mayor

ATTEST:


Marilyn Sesker, City Clerk

Plat of Survey

PARCEL "A" DESCRIPTION

A part of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 6, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of Lot 2, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa; thence South 88°52'50" West, 165.07 feet to the West line of said Block 16; thence North 0°07'13" West along said West line to the Northwest Corner of Lot 11 of said Block 16, 233.40 feet to the Point of Beginning; thence South 0°07'13" East along the West line of said Block 16, 18.63 feet; thence North 75°09'53" West 55.89 feet; thence North 0°07'13" West, 18.63 feet; thence South 75°09'53" East, 55.89 feet to the Point of Beginning and containing 1,006 S.F.

PARCEL "B" DESCRIPTION

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Commencing at the Southwest Corner of Lot 2 of said Block 16; thence South 88°52'50" West, 165.07 feet to the West line of said Block 16; thence North 0°07'13" West along said West line, 122.32 feet to the Southwest Corner of said Lot 11 and being the Point of Beginning; thence North 0°07'13" West along the West line of said Lot 11, 25.17 feet; thence South 75°09'53" East, 91.57 feet to the South line of said Lot 11; thence South 88°52'50" West along said South line, 88.48 feet to the Point of Beginning and containing 1,114 S.F.

PARCEL "C" DESCRIPTION

A part of Lot 1, Lot 11, and the alley in Block 16, Original Town of Earlham, being an Official Plat, Madison County, Iowa, and described as follows:

Commencing at the Southeast Corner of Lot 2 of said Block 16; thence North 0°29'32" West along the East line of said Lots 1 and 2, 118.27 feet; thence North 75°09'53" West, 18.29 feet to the Point of Beginning; thence Westerly along a curve concave Northerly whose radius is 580.00 feet, whose arc length is 93.20 feet and whose chord bears North 79°46'05" West, 93.10 feet; thence North 75°09'53" West, 93.42 feet; thence North 88°52'50" East, 31.77 feet to the East line of said Lot 11; thence North 0°29'32" West along said East line, 25.16 feet to the Northeast Corner of said Lot 11; thence South 75°09'53" East, 20.74 feet to the Northwest Corner of said Lot 1; thence South 0°29'32" East along the West line of said Lot 1, 26.47 feet; thence South 75°09'53" East, 134.59 feet to the Point of Beginning and containing 1,596 S.F.

Acquisition Plat

PARCEL 1 DESCRIPTION

A part of Lot 10, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Beginning at the Northeast Corner of said Lot 10; thence South $0^{\circ}29'32''$ East along the East line of said Lot 10, 15.90 feet; thence North $75^{\circ}09'53''$ West 57.85 feet to the North line of said Lot 10; thence North $88^{\circ}52'50''$ East along said North line, 55.80 feet to the Point of Beginning and containing 444 S.F.

PARCEL 2 DESCRIPTION

A part of Lot 11, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of said Lot 11, thence North $0^{\circ}07'13''$ West along the West line of said Lot 11, 45.00 feet to the Point of Beginning; thence continuing North $0^{\circ}07'13''$ West along said West line, 31.93 feet; thence South $75^{\circ}09'53''$ East, 116.13 feet; thence South $88^{\circ}52'50''$ West, 112.21 feet to the Point of Beginning and containing 1,791 S.F.

PARCEL 3 DESCRIPTION

A part of Lot 1, Block 16 of the Original Town of Earlham, an Official Plat in the Town of Earlham, Madison County, Iowa and described as follows:

Commencing at the Southeast Corner of said Lot 1; thence North $0^{\circ}29'32''$ West along the East line of said Lot 1 (line also being the West Right-of-Way line of SW Chestnut Avenue), 58.13 feet to the Point of Beginning; thence North $75^{\circ}09'53''$ West, 18.29 feet; thence Easterly along a curve concave Northerly whose radius is 580.00 feet, whose arc length is 17.71 feet and whose chord bears South $85^{\circ}14'48''$ East, 17.71 feet to said East line; thence South $0^{\circ}29'32''$ East along said East line, 3.22 feet to the Point of Beginning and containing 28 S.F.

PARCEL 4 DESCRIPTION

A part of Lot 1, Block 16 of the Original Town of Earlham, being an Official Plat, Madison County, Iowa and described as follows:

Commencing at the Southwest Corner of said Lot 1; thence North $0^{\circ}29'32''$ West along the West line of said Lot 1, 40.56 feet to the Point of Beginning; thence continuing North $0^{\circ}29'32''$ West along said West line, 29.59 feet; thence South $75^{\circ}09'53''$ East, 152.88 feet to the East line of said Lot 1; thence South $0^{\circ}29'32''$ East along said East line, 16.92 feet; thence Westerly along a curve concave Northerly whose radius is 630.00 feet, whose arc length is 124.30 feet and whose chord bears North $80^{\circ}49'01''$ West, 124.10 feet; thence North $75^{\circ}09'53''$ West, 26.04 feet to the Point of Beginning and containing 3,842 S.F.