

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

Prepared by: James E. Nervig, Attorney at Law, 550 - 39th Street, Suite 200, Des Moines, Iowa 50312 (515) 274-1450
Return to: James E. Nervig, Attorney at Law, 550 - 39th Street, Suite 200, Des Moines, Iowa 50312

RELEASE OF EASEMENT

For One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the City of Winterset does hereby forever Release the Utility Easement concerning real estate described as follows:

The platted Utility Easement covering the North twenty (20) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

Dated this 7th day of June, 2004.

CITY OF WINTERSET, IOWA

By: Jerry L. Schwertfeger
Jerry L. Schwertfeger, Its Mayor

ATTEST:

By: Mark J. Nitchals
Mark J. Nitchals, Its City Administrator

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 7th day of June, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jerry L. Schwertfeger and Mark J. Nitchals, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Administrator, respectively, of the City of Winterset, Iowa; that the instrument was signed on behalf of the corporation, by authority of its City Council, and that Jerry L. Schwertfeger and Mark J. Nitchals, as such officers, acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Cindy M. Bush
Notary Public in and for said State

✓ City of Winterset
Mark Nitchals

CERTIFICATION

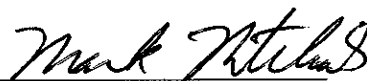
The undersigned, the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of the City Clerk of the City of Winterset:

1. Resolution of the City of Winterset, Iowa, proposing the release of a public utility easement and setting public hearing on the proposal;
2. Notice of Hearing on proposed release of a public utility easement in Winterset, Iowa;
3. Resolution approving execution of release of public utility easement; and
4. Affidavit of Publication with enclosure from the Madisonian Newspaper.

The undersigned does further certify the Notice of Hearing was duly and timely served personally by certified mail, return receipt, through the United States Postal Service upon the persons or parties indicated on the Notice who constitute all adjoining landowners, utility companies whose facilities adjoin the street right-of-way in the area of the easement, and the Madison County Auditor.

The undersigned does further certify that the Notice of Hearing was duly and timely published in the Madisonian, a newspaper of general circulation within the City of Winterset, Iowa, and Madison County, Iowa in accordance with the Affidavit attached hereto.

Dated on this 8th day of June, 2004, at Winterset, Iowa.

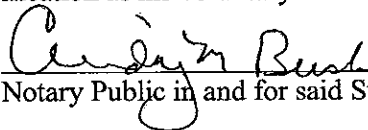


Mark J. Nitchals
City Administrator
City of Winterset, Iowa

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 8th day of June, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mark J. Nitchals, to me personally known, and who, being by me duly sworn, did say that he is the City Administrator of the City of Winterset, Iowa, and that he signed and executed the foregoing Certification as his voluntary act and deed.





Notary Public in and for said State

RESOLUTION OF CITY OF WINTERSET, IOWA
PROPOSING THE RELEASE OF A PUBLIC UTILITY EASEMENT
AND SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City of Winterset proposes to release a public utility easement legally described as follows:

The platted Utility Easement covering the North twenty (20) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

WHEREAS, Iowa Code Section 364.7 requires a public hearing on the proposal prior to being placed on final passage;

WHEREAS, Iowa Code Section 364.7 requires Notice to be made on the time, date and place of such public hearing.

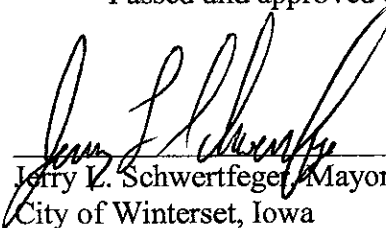
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa, that the Proposal is hereby made to release a public utility easement legally described as follows:

The platted Utility Easement covering the North twenty (20) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 7th day of June, 2004, at 7:00 o'clock P.M., Central Daylight Time, at the City Hall in Winterset, Iowa.


BE IT FURTHER RESOLVED that the City Administrator be and is hereby authorized and directed to give Notice of such public hearing as by law required.

Passed and approved on this 17th day of May, 2004, at Winterset, Iowa.



Jerry L. Schwertfege, Mayor
City of Winterset, Iowa

ATTEST:



Mark J. Nitchals
City Administrator
City of Winterset, Iowa

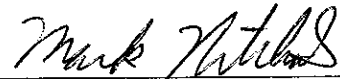
NOTICE OF HEARING ON PROPOSED
RELEASE OF PUBLIC UTILITY EASEMENT
IN THE CITY OF WINTERSSET, IOWA

TO: ANY INTERESTED PERSON

You are hereby notified that a public hearing before the City Council of Winterset, Iowa will be held on the 7th day of June, 2004, at 7:00 o'clock p.m., Central Daylight Time, at the City Hall in Winterset, Madison County, Iowa, on the proposed release of a public utility easement legally described as follows:

The platted Utility Easement covering the North twenty (20) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

Any interested person is invited to appear and be heard at the public hearing on the time, date and place described above to offer objections or comments to the City Council on the proposal, if any, you may have.



Mark J. Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION OF CITY OF WINTERSET, IOWA
APPROVING THE RELEASE OF A PUBLIC UTILITY EASEMENT
IN WINTERSET, IOWA

WHEREAS, the City Council of the City of Winterset, Iowa has proposed to release a public utility easement legally described as follows:

The platted Utility Easement covering the North twenty (20) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

WHEREAS, the Council has fixed Notice of public hearing on the proposal;

WHEREAS, the City Administrator has published Notice of the hearing in the Madisonian, which is a newspaper of general circulation within Madison County, Iowa not less than four (4) nor more than twenty (20) days prior to the date of hearing, as shown by the Affidavit of Publication on file with the City Administrator;

WHEREAS, the public hearing has been held and all interested persons have been heard on the proposal;

WHEREAS, no objections have been made to the proposed release of easement;
and

WHEREAS, it is the determination of the City Council that there is no present public need, and no anticipated public need in the future, for the said public utility easement and that the same now should be released.

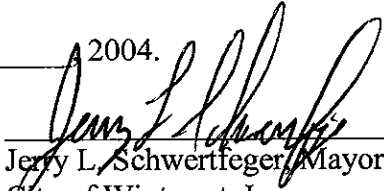
NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the release of the public utility easement legally described as follows:

The platted Utility Easement covering the North twenty-five (25) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to sign and execute on behalf of the City a Release of Easement in the form attached hereto, and that the City Administrator is hereby authorized and directed to attest to the Mayor's signature.

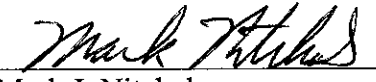
BE IT FURTHER RESOLVED that the City Administrator is authorized and directed to file a true copy of these proceedings with the Madison County Recorder and a true copy of this Resolution with the Madison County Auditor.

Passed and Approved on this 7th day of June 2004.



Jerry L. Schwertfeger, Mayor
City of Winterset, Iowa

ATTEST:



Mark J. Nitchals
City Administrator
City of Winterset, Iowa

NOTICE OF HEARING

**On Proposed Release Of Public Utility
Easement In The City Of Winterset, Iowa**

You are hereby notified that a public hearing before the City Council of Winterset, Iowa will be held on the 7th day of June, 2004, at 7:00 o'clock p.m., Central Daylight Time, at the City Hall in Winterset, Madison County, Iowa, on the proposed release of a public utility easement legally described as follows:

The platted Utility Easement covering the North twenty (20) feet, except the East ten (10) feet thereof, of Lot Five (5) of the Replat of Lots, 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

Any interested person is invited to appear and be heard at the public hearing on the time, date and place described above to offer objections or comments to the City Council on the proposal, if any, you may have. 52ae

AFFIDAVIT OF PUBLICATION

TED GORMAN BEING DULY SWORN SAYS HE IS PUBLISHER OF THE WINTERSET MADISONIAN, a once weekly newspaper 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 newspaper

for the period of One consecutive weeks, the last publication thereof being

on the 26 day of May, 2004

Ted Gorman
Subscribed and sworn to before me this

26 day of May, 2004

Shirley Lattig
NOTARY PUBLIC
In and for Madison County

Fee \$ 9.49

