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MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

Prepared By: VE Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267

STATE OF IOWA)
) SS
COUNTY OF MADISON)

CERTIFICATION

The undersigned, being the duly appointed and acting City Clerk of the City of Earlham, Iowa, does hereby certify that the attached documents are true and authentic copies of Resolution No. 02-04 Resolution Proposing The Release Of An Easement Interest In Real Estate passed by the City Council of the City of Earlham, Iowa on February 9, 2004, and Resolution No. 07-04 Resolution Releasing An Easement Interest In Real Estate passed by the City Council of the City of Earlham, Iowa on the 8th day of March, 2004.

Dated this 5 day of May, 2004, at Earlham, Iowa.

Marilyn Sesker
City Clerk
City of Earlham, Iowa.

(CITY SEAL)

Subscribed and sworn to before me and in my presence by the said Marilyn Sesker this 5 day of May, 2004.

TOWN SEAL

CARLA J. VASEY (SEAL)
MY COMMISSION NO. 126535 EXPIRES 06/20/04
NOTARY

Carla J. Vasey
Notary Public in and for the State of Iowa.

RESOLUTION NO. 02-04

RESOLUTION PROPOSING THE RELEASE OF AN EASEMENT INTEREST IN REAL ESTATE.

WHEREAS, the City of Earlham, Iowa, is the owner of a sidewalk easement and right-of-way over, on, through, across and within the following described real estate, to-wit:

Commencing at the Southwest Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 9 feet and 3 inches to the point of beginning; thence North 6 feet, thence East 98 feet, thence South 6 feet, thence West 98 feet to the point of beginning; and
Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 15 feet and 3 inches, thence West 19 feet, thence South 15 feet and 3 inches, thence East to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence West 19 feet, thence North 9 feet and 3 inches to the point of beginning; thence West 38 feet, thence North 6 feet, thence East 38 feet, thence South 6 feet to the point of beginning.

WHEREAS, said easement was recorded on May 14, 1998, in Book 62, Page 455, in the Office of the Recorder of Madison County, Iowa.

WHEREAS, the easement is no longer necessary and should, therefore, be released and abandoned; and

WHEREAS, before said easement can be released and abandoned, 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 release and abandon its easement for sidewalk and right-of-way over, on, through, across and within the following described real estate, to-wit:

Commencing at the Southwest Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 9 feet and 3 inches to the point of beginning; thence North 6 feet, thence East 98 feet, thence South 6 feet, thence West 98 feet to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 15 feet and 3 inches, thence West 19 feet, thence South 15 feet and 3 inches, thence East to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence West 19 feet, thence North 9 feet and 3 inches to the point of beginning; thence West 38 feet, thence North 6 feet, thence East 38 feet, thence South 6 feet to the point of beginning.

2. That said easement was recorded on May 14, 1998, in Book 62, Page 455, in the Office of the Recorder of Madison County, Iowa.

3. That before said easement can be released and abandoned, it is necessary that a public hearing be held on said proposal pursuant to Section 364.7, Code of Iowa.

BE IT FURTHER RESOLVED that a public hearing be held on said proposal on March 8, 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 resolution and of the date, time and place of hearing thereon pursuant to Section 362.3, Code of Iowa.

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

Richard Rothert, Mayor

ATTEST:

Marilyn Sesker, City Clerk

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 26th day of February, 2004.

Cost: 35.51

Deborah Kiewiet

Deborah Kiewiet

STATE OF IOWA, MADISON COUNTY, ss:

Subscribed and sworn to before me by Deborah Kiewiet on this 20th day of April, 2004.

CARLA J. VASEY MY COMMISSION NO. 165535 EXPIRES 05/20 IOWA NOTARIAL SEAL

Carla J Vasey

Notary Public

Earlham City Council

NOTICE OF HEARING ON PROPOSAL TO RELEASE AN EASEMENT INTEREST IN 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 resolution proposing that the City of Earlham release and abandon a sidewalk easement and right-of-way over, on, through, across and within the following described real estate, to wit:

Commencing at the Southwest Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 9 feet and 3 inches to the point of beginning; thence North 6 feet, thence East 98 feet, thence South 6 feet, thence West 98 feet to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 15 feet and 3 inches, thence West 19 feet, thence South 15 feet and 3 inches, thence East to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence West 19 feet, thence North 9 feet and 3 inches to the point of beginning; thence West 38 feet, thence North 6 feet, thence East 38 feet, thence South 6 feet to the point of beginning.

Said public hearing will be held at City Hall in the City of Earlham, Iowa on the 8th day of March, 2004, at 7:00 o'clock P.M.

This Notice is published by order of the City Council.

Marilyn Sesker,
City Clerk

RESOLUTION NO. 07-04

RESOLUTION RELEASING AN EASEMENT INTEREST IN REAL ESTATE.

WHEREAS, the City of Earlham, Iowa, is the grantee of an easement for sidewalk right-of-way over, on, through, across, and within the following described real estate, to-wit:

Commencing at the Southwest Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 9 feet and 3 inches to the point of beginning; thence North 6 feet, thence East 98 feet, thence South 6 feet, thence West 98 feet to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 15 feet and 3 inches, thence West 19 feet, thence South 15 feet and 3 inches, thence East to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence West 19 feet, thence North 9 feet and 3 inches to the point of beginning; thence West 38 feet, thence North 6 feet, thence East 38 feet, thence South 6 feet to the point of beginning.

WHEREAS, said easement was recorded on May 14, 1998, in Book 62, Page 455, in the Office of the Recorder of Madison County, Iowa.

WHEREAS, the easement is no longer necessary or useful to the City or to the public and should, therefore, be released and abandoned; and

WHEREAS, on February 9, 2004 the City Council of the City of Earlham proposed that the above described easement be released and abandoned. The proposal to release and abandon said easement was set forth in a resolution adopted on February 9, 2004 as required by Section 364.7(1), Code of Iowa; and

WHEREAS, public hearing has been held on the proposal to release and abandon said easement, and notice of the public hearing has been published as required by law; and

WHEREAS, it is the final determination of the City Council of Earlham, Iowa to release and abandon said easement.

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

1. That the City of Earlham, Iowa does hereby release and abandon its easement for sidewalk purposes and right-of-way over, on, through, across, and within the following described real estate, to-wit:

> Commencing at the Southwest Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 9 feet and 3 inches to the point of beginning; thence North 6 feet, thence East 98 feet, thence South 6 feet, thence West 98 feet to the point of beginning; and
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> Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 15 feet and 3 inches, thence West 19 feet, thence South 15 feet and 3 inches, thence East to the point of beginning; and
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> Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence West 19 feet, thence North 9 feet and 3 inches to the point of beginning; thence West 38 feet, thence North 6 feet, thence East 38 feet, thence South 6 feet to the point of beginning.

2. The Mayor of the City of Earlham, Iowa is hereby authorized and directed to execute an instrument of release on behalf of the City releasing and abandoning said easement, and the City Clerk is hereby authorized and directed to attest the Mayor's execution of said release.

3. The instrument of release now having been signed by the Mayor and the Mayor's signature having been attested to by the City Clerk, said instrument of release as so executed is hereby approved by the Council.

PASSED AND APPROVED this 8th day of March, 2004.

Richard Rothert, Mayor

ATTEST:

Marilyn Sesker, City Clerk