

REC \$ 55<sup>00</sup>  
AUD \$         
R.M.F. \$ 1<sup>00</sup>

COMPUTER ✓  
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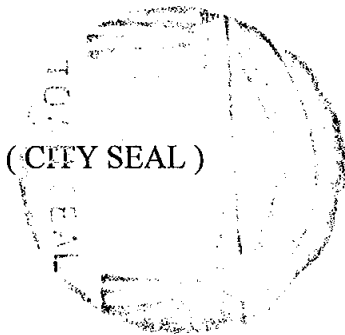
**CERTIFICATION**

MICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

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. 01-23 passed by the City Council of the City of Earlham, Iowa on October 8, 2001, and Resolution No. 01-23A passed by the City Council of the City of Earlham, Iowa on the 12<sup>th</sup> day of November, 2001.

Dated this 7<sup>th</sup> day of February, 2002, at Earlham, Iowa.

Marilyn Sesker  
Marilyn Sesker  
City Clerk  
City of Earlham, Iowa.



Earlham, Iowa, October 8, 2001

The City Council of Earlham, Iowa, met in regular session, in the Council Chambers, City Hall, Earlham, Iowa at 7:00 o'clock P.M., on the above date. There were present Mayor Dan von Rentzell, in the chair, and the following named Council Members:

Richard Rothert, Truman Payne, Vicky Boyle

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Absent: Robert Kruckenberg

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Council Member Boyle introduced the following resolution entitled "RESOLUTION PROPOSING AN EXCHANGE OF REAL ESTATE" and moved that the same be adopted. Council Member Rothert seconded the motion to adopt. The roll was called and the vote was,

Ayes: Boyle, Payne, Rothert

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Nays: None

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Whereupon, the Mayor declared the following resolution duly adopted:

RESOLUTION NO. 01-23

RESOLUTION PROPOSING AN EXCHANGE OF REAL  
ESTATE

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

Parcel "C" being a part of Parcel "A" located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa; thence North 00°00'00" East 438.81 feet along the West line of said Southeast Quarter of the Northeast Quarter to the Point of Beginning; thence South 89°26'13" East 133.28 feet; thence South 00°00'00" East 74.92 feet; thence South 89°26'49" East 525.51 feet; thence North 00°29'03" East 110.86 feet; thence North 89°25'26" West 659.67 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter; thence South 00°00'00" East 36.18 feet to the Point of Beginning, containing 1.451 acres including 0.027 acres of Road right-of-way.

WHEREAS, the Earlham Church of Christ of Earlham, Iowa has proposed that the City dispose of said real estate in a proposed real estate exchange transaction between the City of Earlham and the Earlham Church of Christ; and

WHEREAS, the terms of the proposed exchange provide that the City of Earlham will convey the above described 1.451 acres of real estate to the Earlham Church of Christ. In exchange, the Earlham Church of Christ will convey an adjacent 2.829 acres of real estate to the City of Earlham. The 2.829 acre parcel is generally described as Parcel "B" in the SE¼ NE¼ of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa. No cash will be paid by either party to the other; and

WHEREAS, the City Council of the City of Earlham recognizes the benefit to the City of receiving more land in the exchange than is given up and believes that the proposed disposition 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 the following described real estate, to-wit:

Parcel "C" being a part of Parcel "A" located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa; thence North 00°00'00" East 438.81 feet along the West line of said Southeast Quarter of the Northeast Quarter to the Point of Beginning; thence South 89°26'13" East 133.28 feet; thence South 00°00'00" East 74.92 feet; thence South 89°26'49" East 525.51 feet; thence North 00°29'03" East 110.86 feet; thence North 89°25'26" West 659.67 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter; thence South 00°00'00" East 36.18 feet to the Point of Beginning, containing 1.451 acres including 0.027 acres of Road right-of-way.


2. That the proposed disposition is part of a proposed real estate exchange transaction between the City of Earlham, Iowa and the Earlham Church of Christ of Earlham, Iowa.

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 November 12, 2001 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 8<sup>th</sup> day of October, 2001.

  
Dan von Rentzell, 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 1st day of November, 2001.

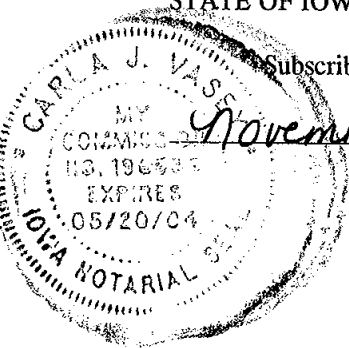
Cost: 21.25

Deborah Kiewiet  
Deborah Kiewiet

STATE OF IOWA, MADISON COUNTY, ss:

Subscribed and sworn to before me by Deborah Kiewiet on this 19 day of November, 2001.

Carla J. Vasey  
Notary Public



## PUBLIC HEARING

### 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 "C" being a part of Parcel "A" located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5th P.M., City of Earlham, Madison County, Iowa, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5th P.M., City of Earlham, Madison County, Iowa; thence North 00 degrees 00' 00" East 438.81 feet along the West line of said Southeast Quarter of the Northeast Quarter to the Point of Beginning; thence South 89 degrees 26' 13" East 133.28 feet; thence South 00 degrees 00' 00" East 74.92 feet; thence South 89 degrees 26' 49" East 525.51 feet; thence North 00 degrees 29' 03" East 110.86 feet; thence North 89 degrees 25' 26" West 659.67 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 00' 00" East 36.18 feet to the Point of Beginning, containing 1.451 acres including 0.027 acres of Road right-of-way.

The proposed disposition is part of a proposed real estate exchange transaction between the City of Earlham, Iowa and the Earlham Church of Christ of Earlham, Iowa. The terms of the proposed exchange are as follows:

The City of Earlham will convey the above described 1.451 acres of real estate to the Earlham Church of Christ. In exchange, the Earlham Church of Christ will convey an adjacent

EARLHAM ADVC

cent 2.829 acres of real estate to the City of Earlham. The 2.829 acre parcel is generally described as Parcel "B" in the SE 1/4 NE 1/4 of Section 1, Township 77 North, Range 29 West of the 5th P.M., City of Earlham, Madison County, Iowa. 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 12th day of November, 2001 at 7:00 o'clock P.M.

This Notice is published by order of the City Council.

Marilyn Sesker  
City Clerk

Earlham, Iowa, November 12, 2001

The City Council of Earlham, Iowa, met in regular session, in the Council Chambers, City Hall, Earlham, Iowa at 7:00 o'clock P.M., on the above date. There were present Mayor Dan von Rentzell, in the chair, and the following named Council Members:

Doug Waugh, Richard Rother

Truman Payne, Vicki Boyle

Absent Bob Kruckenberg

This is the time and place fixed for a public hearing on the matter of the proposal to dispose of real estate in a real estate exchange transaction. The Mayor opened the hearing and called for any oral objections to the Council's proposal to dispose of the following described real estate in a real estate exchange transaction between the City of Earlham and the Earlham Church of Christ, to-wit:

Parcel "C" being a part of Parcel "A" located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa; thence North 00°00'00" East 438.81 feet along the West line of said Southeast Quarter of the Northeast Quarter to the Point of Beginning; thence South 89°26'13" East 133.28 feet; thence South 00°00'00" East 74.92 feet; thence South 89°26'49" East 525.51 feet; thence North 00°29'03" East 110.86 feet; thence North 89°25'26" West 659.67 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter; thence South 00°00'00" East 36.18 feet to the Point of Beginning, containing 1.451 acres including 0.027 acres of Road right-of-way.

No oral objections were offered and the Clerk reported that no written objections thereto had been filed. The City Council discussed the proposal, and noted that the City would benefit from the proposed exchange by way of receiving more land in the



exchange than would be given up. The Council also recognized other benefits to the City and to the public resulting from the exchange. Thereupon, the Mayor closed the public hearing.

Council Member Borthert introduced the following resolution entitled "RESOLUTION TO EXCHANGE REAL ESTATE" and moved that the same be adopted. Council Member Payne seconded the motion to adopt. The roll was called and the vote was,

Ayes: Borthert, Payne, Boyle  
Waugh  
Nays: None

Whereupon, the Mayor declared the following resolution duly adopted:

RESOLUTION NO. 01-234

#### RESOLUTION TO EXCHANGE REAL ESTATE

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

Parcel "C" being a part of Parcel "A" located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa; thence North 00°00'00" East 438.81 feet along the West line of said Southeast Quarter of the Northeast Quarter to the Point of Beginning; thence South 89°26'13" East 133.28 feet; thence South 00°00'00" East 74.92 feet; thence South 89°26'49" East 525.51 feet; thence North 00°29'03" East 110.86 feet; thence North 89°25'26" West 659.67 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter; thence South 00°00'00" East 36.18 feet to the Point of Beginning, containing 1.451 acres including 0.027 acres of Road right-of-way.

WHEREAS, the Earlham Church of Christ of Earlham, Iowa has proposed that the City dispose of said real estate in a real estate exchange transaction between the City of Earlham and the Earlham Church of Christ; and

WHEREAS, the terms of the proposed exchange provide that the City of Earlham convey the above described 1.451 acres of real estate to the Earlham Church of Christ. In exchange, the Earlham Church of Christ will convey an adjacent 2.829 acres of real estate to the City of Earlham. The 2.829 acre parcel is generally described as Parcel "B" in the SE¼ NE¼ of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa. No cash will be paid by either party to the other; and

WHEREAS, the City Council of the City of Earlham recognizes the benefit to the City and to the public of receiving more land in the exchange than is given up, and believes that the disposition 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 "C" being a part of Parcel "A" located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa, more particularly described as follows:

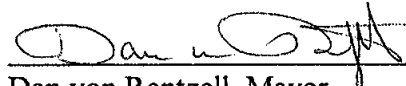
Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., City of Earlham, Madison County, Iowa; thence North 00°00'00" East 438.81 feet along the West line of said Southeast Quarter of the Northeast Quarter to the Point of Beginning; thence South 89°26'13" East 133.28 feet; thence South 00°00'00" East 74.92 feet; thence South 89°26'49" East 525.51 feet; thence North 00°29'03" East 110.86 feet; thence North 89°25'26" West 659.67 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter; thence South 00°00'00" East 36.18 feet to the Point of Beginning, containing 1.451 acres including 0.027 acres of Road right-of-way.

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 Church of Christ of Earlham, Iowa.

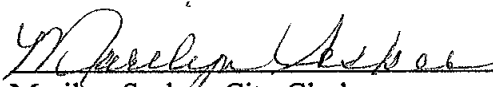
3. That the City of Earlham will convey the above described 1.451 acres of real estate to the Earlham Church of Christ. In exchange, the Earlham Church of Christ will convey an adjacent 2.829 acres of real estate to the City of Earlham. The 2.829 acre parcel is generally described as Parcel "B" in the SE¼ NE¼ of Section 1, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa. 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 "C" to the Earlham Church of Christ, 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 Earlham Church of Christ, Earlham, Iowa.

PASSED AND APPROVED this 12<sup>th</sup> day of November, 2001.

  
Dan von Rentzell, Mayor

ATTEST:

  
Marilyn Sesker, City Clerk