

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

✓ Mark Nitchals
City of Winterset
124 W. Court Avenue
Winterset IA 50273

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

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 Clerk of the City of Winterset.

1. Resolution on the City of Winterset, Iowa proposing to vacate a portion of a public utility easement and setting public hearing on the proposal;
2. Notice of Hearing on proposal to vacate a portion of a public utility easement;
3. Resolution approving vacation of a portion of a 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 by certified mail, 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 or are in the public utility 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 12th day of July 2005, at Winterset, Iowa.



Mark Nitchals
Mark Nitchals, City Administrator

RESOLUTION 2005-68

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

WHEREAS, the City proposes to vacate that portion of a public utility easement legally described as:

A portion of an existing public utility easement across Lot 1, Watts and Corkrean Addition, Plat No. 2, City of Winterset, Madison Count, Iowa, described as the West 10.00 feet of the East 46.59 feet of said Lot 1.

WHEREAS, Iowa Code Section 306.11 requires a public hearing on the proposal prior to being placed on final passage;

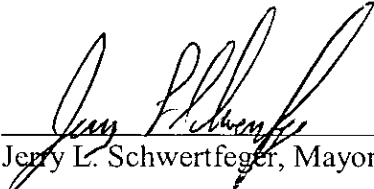
NOW, THEREFORE, BE IT RESOLVED by the City Council of Winterset, Iowa that the Proposal is hereby made to vacate that portion of a public utility easement legally described as:

A portion of an existing public utility easement across Lot 1, Watts and Corkrean Addition, Plat No. 2, City of Winterset, Madison Count, Iowa, described as the West 10.00 feet of the East 46.59 feet of said Lot 1.

BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 20th day of June 2005 at 7:00 o'clock P.M., 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 6th day of June, 2005.



Jerry L. Schwertfeger, Mayor

ATTEST:



Mark Nitchals, City Administrator

NOTICE OF HEARING ON PROPOSAL TO
VACATE A PORTION OF A PUBLIC UTILITY EASEMENT
IN THE CITY OF WINTERSET, IOWA

TO: ADJOINING PROPERTY OWNERS & ANY INTERESTED PERSONS:

You are hereby notified that the City Council of the City of Winterset, Iowa will hold a public hearing on a proposal to vacate a portion of a public utility easement legally described as:

A portion of an existing public utility easement across Lot 1, Watts and Corkrean Addition, Plat No. 2, City of Winterset, Madison Count, Iowa, described as the West 10.00 feet of the East 46.59 feet of said Lot 1.

The public hearing on this proposal will be held on the 20th day of June 2005, at 7:00 o'clock p.m. at the City Hall, 124 W. Court Avenue, Winterset, 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.

Mark Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION 2005-71

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

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

A portion of an existing public utility easement across Lot 1, Watts and Corkrean Addition, Plat No. 2, City of Winterset, Madison Count, Iowa, described as the West 10.00 feet of the East 46.59 feet of said Lot 1.

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

WHEREAS, the City Administrator has published Notice of the hearing in the Winterset 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 and has delivered Notice of hearing to the adjoining land owners and the utility companies whose facilities adjoin or are in the public utility easement by certified mail;

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

WHEREAS, no adjoining landowner has filed any claim in writing for damages resulting from the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that a public utility easement legally described as:

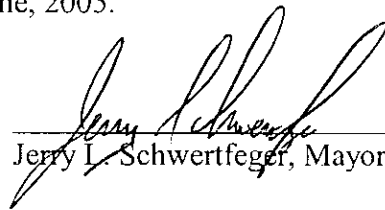
A portion of an existing public utility easement across Lot 1, Watts and Corkrean Addition, Plat No. 2, City of Winterset, Madison Count, Iowa, described as the West 10.00 feet of the East 46.59 feet of said Lot 1.

be and is hereby vacated.

BE IT FURTHER RESOLVED AND ORDERED that no damage claims are allowed.


BE IT FURTHER RESOLVED that the City Administrator shall 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 20th day of June, 2005.



Jerry L. Schwertfeger, Mayor

ATTEST:



Mark Nitchals, City Administrator

STATE OF IOWA
SS.
Madison County

AFFIDAVIT OF PUBLICATION

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper 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 paper.

**NOTICE OF HEARING ON PROPOSAL TO
VACATE A PORTION OF A PUBLIC UTILITY
EASEMENT IN THE CITY OF WINTERSET, IOWA**

TO: ADJOINING PROPERTY OWNERS & ANY INTERESTED PERSONS:

You are hereby notified that the City Council of the City of Winterset, Iowa will hold a public hearing on a proposal to vacate a portion of a public utility easement legally described as:

A portion of an existing public utility easement across Lot 1, Watts and Corkreañ Addition, Plat No. 2, City of Winterset, Madison Count, Iowa, described as the West 10.00 feet of the East 46.59 feet of said Lot 1.

The public hearing on this proposal will be held on the 20th day of June 2005, at 7:00 o'clock p.m. at the City Hall, 124 W. Court Avenue, Winterset, 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.

Mark Nitchals, City Administrator, City of Winterset, Iowa 55

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

on the 15th day of June, 20 05.

Ted Gorman

Subscribed and sworn to before me this

16th day of June, 20 05.

Pamela S. Shady

NOTARY PUBLIC
in and for Madison County



Fee \$ 11.97