


MICHELLE UTSLER, COUNTY RECORDER
MADISON IOWA

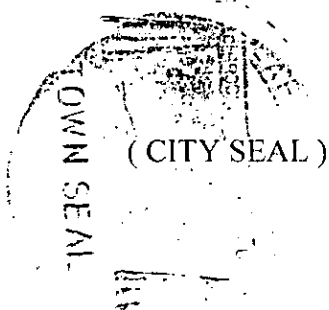
CERTIFICATION

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

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. 02-06 passed by the City Council of the City of Earlham, Iowa on February 11, 2002, and Resolution No. 02-10 passed by the City Council of the City of Earlham, Iowa on the 11th day of March, 2002.

Dated this 11 day of March, 2002 at Earlham, Iowa.


Marilyn Sesker
City Clerk
City of Earlham, Iowa.



Prepared by & Return To:
Samuel H. Braland
P.O. Box 370
Earlham, Ia 50072

Earlham, Iowa, February 11, 2002

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:

Mary Waugh Bill Hunter

Jeff Beisner Audrey Arubury

Absent: Thomas Payne

Council Member Beisner introduced the following resolution entitled "RESOLUTION PROPOSING THE RELEASE OF AN EASEMENT INTEREST IN REAL ESTATE" and moved that the same be adopted. Council Member Hunter seconded the motion to adopt. The roll was called and the vote was,

Ayes: Beisner Hunter

Waugh
Arubury - Arubury
Nays: none

Whereupon, the Mayor declared the following resolution duly adopted.

RESOLUTION NO. 02-06

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

WHEREAS, the City of Earlham, Iowa, is the owner of a temporary ingress/egree and turn around easement over and on the following described real estate, to-wit:

A part of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, to-wit:

Commencing at the Southwest Corner of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, thence North 00°12'22" West 110.00 feet along the West line of said Lot 10 to the Point of Beginning. Thence continuing North 00°12'22" West 90.00 feet; thence South 89°52'22" East 90.00 feet; thence South 00°12'22" East 90.00 feet; thence North 89°52'12" West 90.00 feet to the Point of Beginning.

WHEREAS, said easement was recorded on March 19, 1996 in Book 60, Page 790, 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 ingress/egress and turn around purposes over and on the following described real estate, to-wit:

A part of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, to-wit:

Commencing at the Southwest Corner of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, thence North 00°12'22" West 110.00 feet along the West line of said Lot 10 to the Point of Beginning. Thence continuing North 00°12'22" West 90.00 feet; thence South 89°52'22" East 90.00 feet; thence South 00°12'22" East 90.00 feet; thence North 89°52'12" West 90.00 feet to the Point of Beginning.

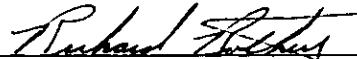
2. That said easement was recorded on March 19, 1996 in Book 60, Page 790, in the Office of the Recorder of Madison County, Iowa.

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 11, 2002, 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 11th day of February, 2002.


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

28th day of February, 2002.

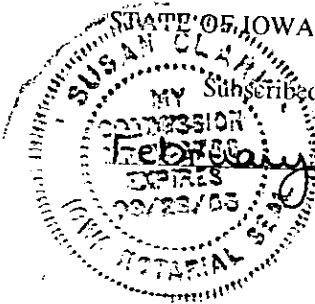
Cost: 11.91

Deborah Kiewiet

Deborah Kiewiet

STATE OF IOWA, MADISON COUNTY, ss:

MY Subscribed and sworn to before me by Deborah Kiewiet on this 28th day of February, 2002.



Susan Clark

Notary Public

PUBLIC NOTICE

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 an ingress/egress and turn around easement over and on the following described real estate, to-wit:

A part of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, to-wit:

Commencing at the Southwest Corner of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, thence North 00 degrees 12'22" West 110.00 feet along the West line of said Lot 10 to the Point of Beginning. Thence continuing North 00 degrees 12'22" West 90.00 feet; thence South 89 degrees 52'22" East 90.00 feet; thence South 00 degrees 12'22" East 90.00 feet; thence North 89 degrees 52'12" West 90.00 feet to the Point of Beginning.

Said public hearing will be held at City Hall in the City of Earlham, Iowa on the 11th day of March, 2002, at 7:00 o'clock P.M.

This Notice is published by order of the City Council.

Marilyn Sesker,
City Clerk

Earlham, Iowa, March 11, 2002

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 Richard Rothert, in the chair, and the following named Council Members:

Donald Joseph, Wm. Hunter, Truman
Paape, Jeff Beisner, Andrew Aruburg

Absent: none

This is the time and place fixed for a public hearing on the matter of the proposal to release an easement interest in real estate and abandon said easement. The Mayor opened the hearing and called for any oral objections to the Council's proposal to release and abandon its temporary ingress/egress and turn around easement over and on the following described real estate, to-wit:

A part of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, to-wit:

Commencing at the Southwest Corner of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, thence North 00°12'22" West 110.00 feet along the West line of said Lot 10 to the Point of Beginning. Thence continuing North 00°12'22" West 90.00 feet; thence South 89°52'22" East 90.00 feet; thence South 00°12'22" East 90.00 feet; thence North 89°52'12" West 90.00 feet to the Point of Beginning.

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 easement was no longer useful or necessary to the City due to the installation of streets and development of the area surrounding the easement. The Council concluded that the City should, therefore, release and abandon the easement.

Council Member Whitler introduced the following resolution entitled "RESOLUTION RELEASING AN EASEMENT INTEREST IN REAL ESTATE" and moved that the same be adopted. Council Member Beisner seconded the motion to adopt. The roll was called and the vote was,

Ayes: Whitler, Beisner

Wesley Paque

Nays: none

Abstain: Drumrey

Whereupon, the Mayor declared the following resolution duly adopted.

RESOLUTION NO. 02-10

RESOLUTION RELEASING AN EASEMENT INTEREST IN REAL ESTATE.

WHEREAS, the City of Earlham, Iowa, is the grantee of an easement for ingress/egress and turn around purposes over and on the following described real estate, to-wit:

A part of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, to-wit:

Commencing at the Southwest Corner of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, thence North 00°12'22" West 110.00 feet along the West line of said Lot 10 to the Point of Beginning. Thence continuing North 00°12'22" West 90.00 feet; thence South 89°52'22" East 90.00 feet; thence South 00°12'22" East 90.00 feet; thence North 89°52'12" West 90.00 feet to the Point of Beginning.

WHEREAS, said easement was recorded on March 19, 1996 in Book 60, Page 790, 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 11, 2002 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 11, 2002 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:

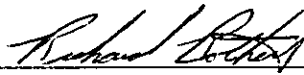
1. That the City of Earlham, Iowa does hereby release and abandon its easement for temporary ingress/egress and turn around purposes over and on the following described real estate, to-wit:

A part of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, to-wit:

Commencing at the Southwest Corner of Lot 10 of Clearview Third Addition to the City of Earlham, Madison County, Iowa, thence North 00°12'22" West 110.00 feet along the West line of said Lot 10 to the Point of Beginning. Thence continuing North 00°12'22" West 90.00 feet; thence South 89°52'22" East 90.00 feet; thence South 00°12'22" East 90.00 feet; thence North 89°52'12" West 90.00 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.

PASSED AND APPROVED this 11th day of March, 2002.


Richard Rothert, Mayor

ATTEST:


Marilyn Sesker, City Clerk