



Document 2007 371

Book 2007 Page 371 Type 06 024 Pages 9

Date 1/29/2007 Time 10:27 AM

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LISA SMITH, COUNTY RECORDER
MADISON IOWA

Prepared by: Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731

✓ Return to: Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731

AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

I, Mark Nitchals, being first duly sworn on oath, state that I am the City Administrator for the City of Winterset, Madison County, Iowa. I further state that this Affidavit concerns the chain of title to the following described real estate:

Beginning at the NE corner of Lot 6 in Block 5 of West Addition to the Town of Winterset, Madison County, Iowa, thence East 8 feet, 3 inches, thence South 72 feet, thence West 8 feet, 3 inches, thence North 72 feet to the place of beginning.

I further state that the following are attached hereto:

- 1) Ordinance No. 280 enacted by the City Council of the City of Winterset, Iowa, vacating the alley located in Block Five (5) of West Addition to the City of Winterset, Iowa.
- 2) Resolution of the City Council proposing to sell said alley, adopted on August 22, 1977.

- 3) Resolution On Sale of Vacated Alley adopted on September 19, 1977.
- 4) Resolution Approving Sale of Real Estate adopted on September 19, 1977.

I further state that a Quit Claim Deed to the above described real estate was issued to Wayne Paullin. Said Quit Claim Deed has been lost and is not on record in the Office of the Madison County Recorder. Therefore, attached hereto is a Resolution passed by the City Council of the City of Winterset, Iowa, dated January 22, 2007, authorizing the execution of new Quit Claim Deed by the City of Winterset.



Mark Nitchals
Mark Nitchals

Subscribed and sworn to before me on this 22 day of January, 2007.

Cindy M. Bush
Notary Public in and for the State of Iowa



Vacating alley located in Block 5, of West Addition by Wayne Paullin.

The application of Wayne Paullin to vacate an alley running north/south in Block 5 of West Addition along with all owners of real estate in said block being parties to the application, was considered by the Council, and thereafter Ordinance No.280 vacating said alley was read.

AN ORDINANCE VACATING THE ALLEY LOCATED IN BLOCK 5, OF WEST ADDITION, WAS READ BEFORE THE CITY COUNCIL.

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A motion was made by Council Member Young and seconded by Council Member McNamara that the rules prescribed by Section 380.3 of the Code of Iowa, providing that an ordinance be fully and distinctly read before the City Council on three different days be dispensed with and that Ordinance No. 280 BE PLACED ON ITS PASSAGE.

On roll call the members of the City Council voted as follows:

AYES: Rex Dorrell, Lee Jordan, Patrick C. McNamara, Don K. Young

NAYS: NONE

ABSENT: C. Jean Bristow

A motion was made by Council Member Young and seconded by Council Member Dorrell that Ordinance No. 280 be now passed and adopted.

On roll call the members of the City Council voted as follows:

AYES: Rex Dorrell, Lee Jordan, Patrick C. McNamara, Don K. Young

NAYS: NONE

ABSENT: C. Jean Bristow

A form of Resolution submitted by CIRALG covering approval of Amendments to Article VI, Section 1, as amended, of the Articles of Agreement of CIRALG, was studied by the Council.

On motion by Council Member McNamara, seconded by Council Member Dorrell, the following Resolution was adopted:

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ORDINANCE NO. 280

AN ORDINANCE VACATING ALLEY LOCATED IN BLOCK FIVE (5) OF THE WEST ADDITION TO THE CITY OF WINTERSSET IOWA.

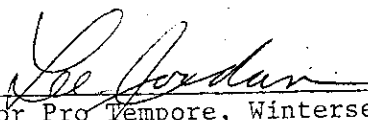
BE IT ORDAINED by the City Council of the City of Winterset, Iowa:

SECTION 1. The following described alley located in Block five (5) of the West Addition to the City of Winterset, Iowa is hereby vacated as a public right of way: Commencing at the Northwest Corner of Lot Ten (10) of Block Five (5) in the West Addition to the Town of Winterset, Madison County, Iowa, thence South 198 feet to the Southwest Corner of Lot Eight (8) of said block, thence West 16½ feet to the Southeast Corner of Lot Seven (7) of said block, thence North 198 feet to the Northeast Corner of Lot Five (5) of said block, thence East to the point of beginning.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

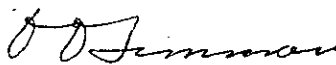
SECTION 111. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 27th day of June, 1977.



Mayor Pro Tempore, Winterset, Iowa

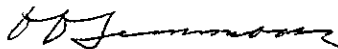
ATTEST:



City Clerk, Winterset, Iowa

C E R T I F I C A T E

I, O. D. Simmons, the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, hereby certify that the foregoing Ordinance No. 280 was passed and adopted by the City Council in a called meeting held on the 27th day of June, 1977, and published in the Winterset Madisionian, a weekly newspaper of general circulation on the 29th day of June, 1977, as shown by the publisher's affidavit on file in the office of the City Clerk.



A motion was made by Council Member Jordan and seconded by Council Member Dorrell that the following Resolution be adopted:

The Council voted as follows:

AYES: C. Jean Bristow, Rex Dorrell, Lee Jordan,

Patrick C. McNamara, Don K. Young

NAYS: None

RESOLUTION ON THE PROPOSED SALE OF VACATED ALLEY
(Block 5, West Addition)

WHEREAS, the City of Winterset, Iowa, has passed and adopted an Ordinance No 280 vacating the North-South Alley located in Block five (5) of the West Addition to the City of Winterset, Iowa, and

WHEREAS, the Council now proposes to sell said vacated alley which is legally described as:

Commencing at the Northwest Corner of Lot Ten (10) of Block Five (5) in the West Addition to the Town of Winterset, Madison County, Iowa, thence South 198 feet to the Southwest Corner of Lot Eight (8) of said Block, thence West 16½ feet to the Southeast Corner of Lot Seven (7) of said block, thence North 198 feet to the Northeast Corner of Lot Five (5) of said block, thence East to the point of beginning,

WHEREAS, the Council believes that the sale of said real estate will not interfere with the free access of any abutting property to the public streets of this City, and

WHEREAS, the Council finds that the sale of this property should be subject to the easement rights of Roscoe F. Tyer and Mary F. Tyer and the City of Winterset, Iowa, and their successors and assigns, and

WHEREAS, the Council believes that the property should be sold by public auction and the conveyance to the Buyer made by Quit Claim Deed without furnishing any abstract thereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa, that the City does propose to sell the vacated alley described above, which real estate is subject to easements in favor of Roscoe F. Tyer and Mary F. Tyer and the City of Winterset, Iowa, for utility purposes.

BE IT FURTHER RESOLVED that the Council of the City of Winterset, Iowa, purposes that said property be sold by public auction to the highest,

responsible bidder and that said bidder shall be tendered a Quit Claim Deed for said premises. The purchase price shall be due to the City upon tender of the Quit Claim Deed.

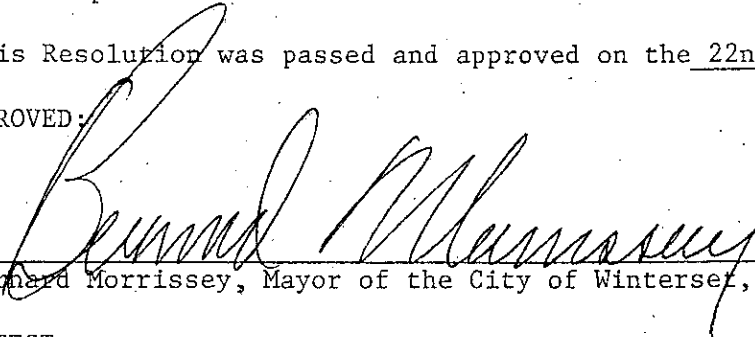
BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that a public hearing on this proposed sale of real estate to the highest, responsible bidder shall be held on the 19th day of September, 1977, at 7:30 o'clock P. M. before the Council in its chambers in the City Hall in the City of Winterset, Iowa, at which time all interested parties and citizens may appear to offer their objections to this proposed sale.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the Council will hold an open, public auction of said real estate described above in its chambers in the City Hall in the City of Winterset, Iowa, on the 19th day of September, 1977, at 7:30 o'clock P.M. Said property shall be sold to the highest, responsible bidder and the City shall reserve the right to reject any and all bids thereon. The City shall tender a Quit Claim Deed to the person or persons whose bid is accepted by the City and said bidder shall pay the purchase price in full upon tender of said Deed.

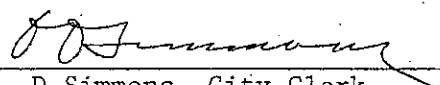
BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the City Clerk is hereby directed to publish notice of said hearing on the proposed sale of real estate and the time, date and terms and conditions of the proposed sale of real estate in the Winterset Madisonian, a local newspaper of general circulation within the county, and that such published notice shall be in compliance with Chapter 362 of the Code of Iowa.

This Resolution was passed and approved on the 22nd day of August, 1977.

APPROVED:


Bernard Morrissey, Mayor of the City of Winterset, Iowa

ATTEST:


O. D. Simmons, City Clerk

This being the time and date fixed by the City Council for a hearing on the proposed sale of a vacated alley running north-south in Block 5 of the West Addition, the Mayor declared the hearing opened to hear objections, if any, and to consider any written objections to said sale.

No written testimony was presented and no oral testimony was given.

A motion was made by Council Member Young, seconded by Council Member Jordan that the following Resolution be adopted:

RESOLUTION ON SALE OF VACATED ALLEY

WHEREAS, the City of Winterset, Iowa, has adopted a Resolution proposing to sell the vacated alley legally described as:

Commencing at the Northwest Corner of Lot Ten (10) of Block Five (5) in the West Addition to the Town of Winterset, Madison County, Iowa, thence South 198 feet to the Southwest Corner of Lot Eight (8) of said Block, thence West 16½ feet to the Southeast Corner of Lot Seven (7) of said block, thence North 198 feet to the Northeast Corner of Lot Five (5) of said Block, thence East to the point of beginning.

WHEREAS, a hearing on said proposal to sell the premises was held on the 19th day of September, 1977, at 7:30 o'clock P. M. before the Council in its chambers, and,

WHEREAS, Notice of such hearing was given by publication in the Winterset Madisionian, which publication was in compliance with Chaper 362 of the Code of Iowa.

WHEREAS, the Council finds that any objections to proposed sale, if any, should now be overruled and the premises described above should be sold.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa, that any and all objections to the sale of the real estate described above are hereby overruled.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the sale of said premises is hereby allowed and authorized.

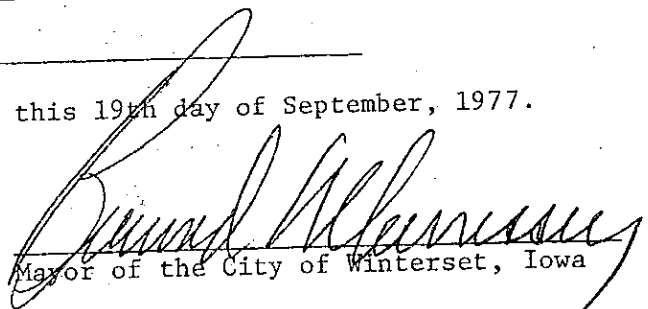
On roll call the Council voted as follows:

AYES: C. Jean Bristow, Rex Dorrell, Lee Jordan,

Patrick C. McNamara, Don K. Young

NAYS: None

This Resolution was passed and approved this 19th day of September, 1977.


Mayor of the City of Winterset, Iowa

Attest:

Mark J. Nichols
City Clerk, Winterset, Iowa

The Mayor then called for bids on said alley.

Wayne Paullin	\$10.00
Otis Huddleson	5.00
Frank Binder	5.00
Gailen Ham	5.00
Charlotte Paull	5.00

A motion was made by Council Member Young, seconded by Council Member Jordan that the following Resolution be adopted:

RESOLUTION ON APPROVING SALE OF REAL ESTATE

WHEREAS, the City of Winterset, Iowa, has duly held a public auction for the sale of the real estate legally described as:

Commencing at the Northwest Corner of Lot Ten (10) of Block Five (5) in the West Addition to the Town of Winterset, Madison County, Iowa, thence South 198 feet to the Southwest Corner of Lot Eight (8) of said Block, thence West 16½ feet to the Southeast Corner of Lot Seven (7) of said Block, thence North 198 feet to the Northeast Corner of Lot Five (5) of said Block, thence East to the point of beginning.

WHEREAS, at said auction Wayne Paullin, Otis Huddleson, Frank Binder, Gailen Ham, and Charlotte Paull submitted a bid in the sum of \$30.00, which the Council finds to be the highest, responsible bid made at said auction, and

WHEREAS, the Council finds that said bid should now be accepted and the property described above be sold to the said Wayne Paullin, Otis Huddleson, Frank Binder, Gailen Ham and Charlotte Paull by Quit Claim Deed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa, that the bid of Wayne Paullin, Otis Huddleson, Frank Binder, Gailen Ham and Charlotte Paull for the property described above be and is hereby accepted.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the Mayor and the City Clerk are hereby authorized to execute the necessary Quit Claim Deed and tender the same to the said Wayne Paullin, Otis Huddleson, Frank Binder, Gailen Ham and Charlotte Paull.

BE IT FURTHER RESOLVED by the City of Winterset, Iowa, that the Mayor or his designee shall receive for and on behalf of the City of Winterset, Iowa, upon his tender of said Deed the full purchase price for said property.

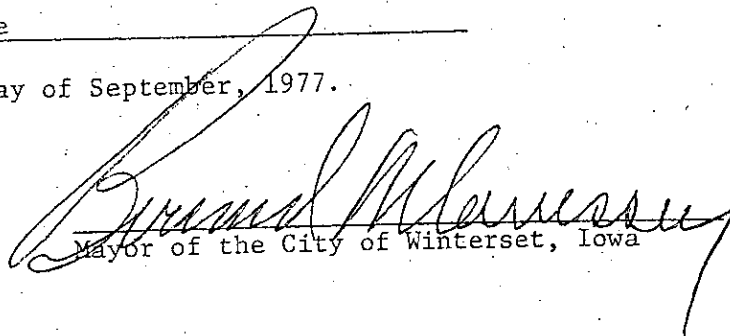
On roll call the members of the City Council voted:

AYES: C. Jean Bristow, Rex Dorrell, Lee Jordan,

Patrick C. McNamara, Don K. Young

NAYS: None

PASSED AND APPROVED on the 19th day of September, 1977.


Mayor of the City of Winterset, Iowa

Attest:

Mark J. Nichols
City Clerk, Winterset, Iowa

RESOLUTION

No. 2007-08

Be it resolved by the City Council of the City of Winterset, Iowa, as follows:

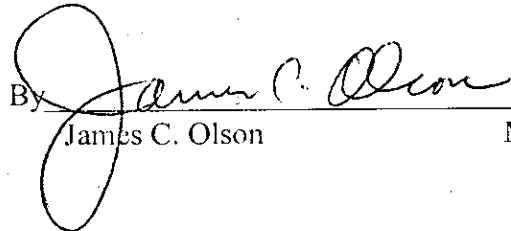
1. The Mayor and the City Administrator are hereby authorized and directed to execute and deliver a Quit Claim Deed to Wildwood Estates Corporation for the following described real estate:

Beginning at the NE corner of Lot 6 in Block 5 of West Addition to the Town of Winterset, Madison County, Iowa, thence East 8 feet, 3 inches, thence South 72 feet, thence West 8 feet, 3 inches, thence North 72 feet to the place of beginning.

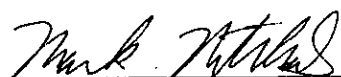
This Quit Claim Deed is to replace a Quit Claim Deed originally issued to Wayne Paullin in 1977. Said Deed has been lost and is not of record in the Office of the Recorder of Madison County, Iowa. The above described real estate has been conveyed by the Estate of Edward Wayne Paullin to Wildwood Estates Corporation. Therefore, the new Quit Claim Deed should be to Wildwood Estates Corporation as grantee.

Passed and adopted this 22nd day of January, 2007, City of Winterset, Iowa.

CITY OF WINTERSET, IOWA

By  _____
James C. Olson Mayor

ATTEST:

 _____
Mark Nitchals City Administrator