

FILED NO. 4355

BOOK 45 PAGE 64

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MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

COMPUTER   
RECORDED   
COMPARED

Mark Nitchals, 101 E. Jefferson Winterset IA 50273 (515) 462-1422

REC & 25<sup>00</sup>  
AUD & \_\_\_\_\_  
R.M.F. \$ 1.00

CERTIFICATION OF CITY COUNCIL PROCEEDINGS  
COVERING THE SALE OF CERTAIN REAL ESTATE

The undersigned, being the duly appointed and acting City Clerk/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 the City Clerk of the City of Winterset:

1. Excerpt from the minutes of the Winterset City Council meeting held on April 20, 1981 when the City Council adopted Resolution No. 81-20 setting date for public hearing and setting forth proposed terms for the sale of certain City owned real estate.
2. The Affidavit of Publication from the Winterset Madisonian covering publication of the notice of hearing, said notice published on May 13, 1981.
3. Excerpt from the minutes of the Winterset City Council meeting held on May 18, 1981 when a public hearing on the proposed sale of City owned real estate was held, and when the City Council adopted Resolution No. 81-24 setting terms for the sale of real estate.
4. Excerpt of the minutes of the Winterset City Council meeting held on February 16, 1982 when the City Council adopted Resolution No. 82-22 approving the sale of real estate.

Dated this 6th day of May, 1998 at Winterset, Iowa.



*Mark Nitchals*  
 \_\_\_\_\_  
 Mark Nitchals  
 City Administrator  
 City of Winterset, Iowa

The Council then considered the selling of the present street department garage. The City Attorney reported that state law requires that a public hearing be held by the City Council before the City sells the real estate. He advised the Council to propose a Resolution which will outline the terms of the sale and then hold a public hearing on the proposed Resolution. This proposed Resolution could then be adopted as proposed, or revised and adopted after the hearing. After further discussion, Councilman Cole introduced the following Resolution and moved that it be adopted. Councilman Harrell seconded the motion to adopt the Resolution. The matter was discussed and on roll call, the Council voted as follows:

AYES: Eldon Cole, Rex Dorrell, Howard Harrell, Lee Jordan  
Patrick McNamara

NAYS: NONE

Whereupon, the Mayor declared that Resolution 81-20 was duly adopted.

RESOLUTION 81-20

RESOLUTION SETTING DATE FOR PUBLIC HEARING  
AND SETTING FORTH PROPOSED TERMS FOR  
SALE OF STREET DEPARTMENT GARAGE

WHEREAS, the City of Winterset owns certain real estate presently being used as the Street Department garage, said real estate being described as:

The North Twenty-six (26) feet and Four (4) inches of the South Half of Lot One (1), and the North Twenty-six (26) feet and four (4) inches of the South Half of the East One-third of Lot Two (2), all in Block Seventeen (17) of the Original Town of Winterset, Iowa.

WHEREAS, the City will construct a new Street Department Garage within the next several months and will no longer need the present Street Department Garage building, and

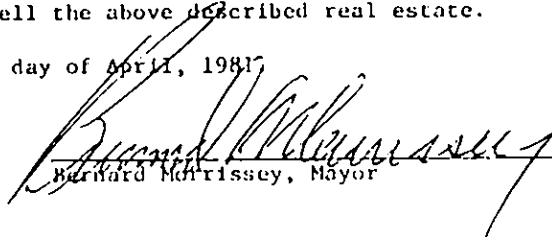
WHEREAS, Section 364.7 of the 1981 Code of Iowa requires that the City shall conduct a public hearing on the proposed sale of real estate,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset that the City does hereby propose to sell the above described real estate, terms of the proposed sale being as follows:

1. Sealed bids for purchase of the real estate will be opened and considered on June 1, 1981.
2. Down payment of 20% when real estate contract is executed balance upon tender of deed
3. Possession date on or before September 1, 1981
4. City reserves right to reject all bids.

BE IT FURTHER RESOLVED that a public hearing will be held on May 18, 1981 at 7:30 P. M. on the proposal to sell the above described real estate.

PASSED and APPROVED this 20th day of April, 1981

  
Bernard Morrissey, Mayor

ATTEST:

  
Mark Nitchals, City Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF IOWA )  
Madison County ) ss.

John Gorman BEING DULY SWORN

SAYS HE IS publisher OF THE

WINTERSET MADISONIAN, a once weekly newspaper of general circulation, published in Winterset, Iowa, and that the notice, a copy of which is annexed and made part hereof, was correctly published in said newspaper

for the period of one consecutive weeks

the last publication thereof being on the 13th day of

May, 19 81

John Gorman

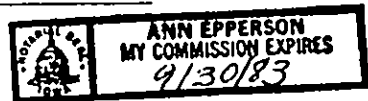
Subscribed and sworn to before me this 20th day of

May, 19 81

Ann Epperson

NOTARY PUBLIC  
In and for Madison County

Fee \$ 10.04



### PUBLIC NOTICE

The City Council of the City of Winterset, Iowa, proposes to sell the following described real estate:

The North Twenty-six (26) feet and Four (4) inches of the South Half (S½) of Lot One (1), and the North Twenty-six (26) feet and Four (4) inches of the South Half (S½) of the East One-third of Lot Two (2), all in Block Seventeen (17) of the Original Town of Winterset, Madison County, Iowa

This real estate, having a street address of 116 N. 2nd Street, is presently used as the Street Dept. Garage. The City Council proposes this sale because a new Street Dept. Garage will be constructed. This real estate will then no longer be needed for a public purpose.

Pursuant to Section 364.7 of the Code of Iowa (1981), a PUBLIC HEARING will be held on Monday, May 18, 1981 at 7:30 PM at the Winterset City Hall. The purpose of the Hearing is to discuss the sale of the above described real estate and the proposed terms of the sale.

Mark Nitchals  
City Clerk

This being the time and place set for a public hearing on the proposed sale of City owned real estate, the Mayor asked for any comments from the public to now be expressed. No members of the public had any comments to express on this matter. After discussing the terms of the sale, Councilman Jordan introduced the following Resolution and moved its adoption. Motion to adopt was seconded by Councilman McNamara. Roll call vote:

AYES: Rex Dorrell, Howard Harrell, Lee Jordan, Patrick McNamara

NAYS: NONE

Absent and not voting: Eldon Cole

Whereupon, the Mayor declared the following Resolution duly adopted.

RESOLUTION 81-24

RESOLUTION SETTING TERMS FOR SALE OF REAL ESTATE  
AND FIXING DATE FOR SALE THEREOF

WHEREAS, the City of Winterset now owns real estate legally described as:

The North Twenty-six (26) feet and Four (4) inches of the South Half of Lot One (1), and the North Twenty-six (26) feet and four (4) inches of the South Half of the East One-third of Lot Two (2), all in Block Seventeen (17) of the Original Town of Winterset, Iowa.

presently being used as the Street Department Garage, and

WHEREAS, the City will construct a new Street Department Garage within the next several months and will then no longer need the present Street Department Garage and

WHEREAS, the City Council, after legal published notice, has conducted a public hearing on the sale of the above described real estate, as required by Section 364.7 of the 1981 Code of Iowa,

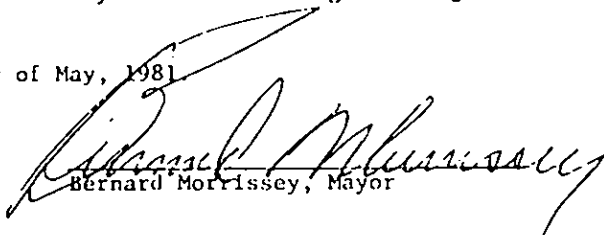
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa, that the City does hereby propose to sell the above described real estate, the terms of the sale hereby adopted as follows:

1. Sealed bids for purchase of the real estate will be opened and considered at the June 15th, 1981 Council meeting.
2. Down payment of 20% of purchase price when real estate contract is executed, balance due upon tender of deed.
3. Possession date on or before Sept. 1, 1981.

BE IT FURTHER RESOLVED that the Clerk is hereby directed to publish notice of bid opening set for June 15, 1981.

BE IT FURTHER RESOLVED that the Council hereby reserves the right to reject any and all bids received.

PASSED and APPROVED this 18th day of May, 1981

  
Bernard Morrissey, Mayor

ATTEST:

  
Mark Nitchals, City Clerk

The Council then considered the sale of the old street department garage. Two bids had been submitted for the sale of this building. One from the Winterset Community School District was matching a counter offer from the City in the amount of \$11,700. The other offer was from Marshall Harpole for \$11,820. The City Attorney explained that the City would owe Marcy Baker a commission because Mr. Baker obtained a ready, willing and able buyer for the City's asking price of \$11,700. He stated that the City could sell it to either party they chose. The Council spent a considerable amount of time discussing the matter. Councilman Ward introduced Resolution 82-22 and moved for it's adoption. Motion to adopt was seconded by Councilman Cole. Roll call vote:

AYES: Cole, Harrell, Ward

NAYS: Callison

ABSTAINED: Thompson

Whereupon the Mayor declared that the following resolution was duly adopted.

RESOLUTION 82-22  
RESOLUTION APPROVING SALE OF REAL ESTATE

WHEREAS, the City of Winterset proposes to sell the following described real estate

The North Twenty-six (26) feet and Four (4) inches of the South Half of Lot One (1), and the North Twenty-six (26) feet and four inches (4) of the South Half of the West one-third of Lot Two (2), all in Block Seventeen (17) of the Original Town of Winterset, Iowa.

and,

WHEREAS, this real estate having street address of 116 North Second Street had formerly been used as a street department garage, and,

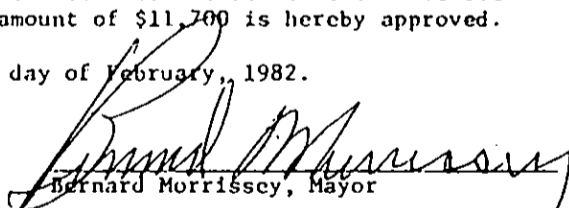
WHEREAS, the City has constructed a new street department garage and no longer needs the old location, and,

WHEREAS, pursuant to Section 364.7 of the 1981 Code of Iowa, a public hearing was held on May 18, 1981 to discuss the sale of the above described real estate, and

WHEREAS, the City has received an offer of \$11,700 from the Winterset Community School District to purchase said real estate,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa, that the sale of the above described real estate to the Winterset Community School District, in the amount of \$11,700 is hereby approved.

PASSED and APPROVED this 16th day of February, 1982.

  
Bernard Morrissey, Mayor

ATTEST:

  
Mark Nitchals, City Clerk