

COMPUTER ☒  
RECORDED ☒  
COMPARED ☒  
CERTIFICATION

REC \$ 35<sup>00</sup>  
AUD \$         
R.M.F. \$ 100

FILED NO. 2344  
BOOK 45 PAGE 415  
98 DEC -8 PH 2: 33

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

The undersigned, the duly appointed and acting clerk of the City of Macksburg, 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 Macksburg, Iowa:

1. Resolution on the City of Macksburg, Iowa proposing the vacation and closing of an alley and setting public hearing on the proposal;
2. Notice of Hearing on proposed vacation and closing of an alley in Macksburg, Iowa;
3. Resolution approving vacation and closing of an alley; 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 personally by certified mail, return receipt, 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 the alley right-of-way, 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 Macksburg, Iowa, and Madison County, Iowa in accordance with the Affidavit attached hereto.

Dated on this 16<sup>th</sup> day of NOVEMBER, 1998, at Macksburg, Iowa.

Ardis Myers  
Ardis Myers  
City Clerk  
City of Macksburg, Iowa

RESOLUTION  
OF  
CITY OF MACKSBURG, IOWA  
PROPOSING THE VACATION AND CLOSING OF A PORTION OF  
AN ALLEY AND SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to vacate and close that portion of an Alley legally described as:

The Ten (10) foot Alley running East and West in Block Two (2) of Mack's Addition to the Town of Macksburg, Madison County, Iowa.

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

WHEREAS, Iowa Code Section 306.12 requires Notice to be made on the time, date and place of such public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Macksburg, Iowa that the Proposal is hereby made to vacate and close that portion of an Alley legally described above;

BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 16<sup>th</sup> day of NOVEMBER 1998 at 7:30 o'clock P.M., Central Standard Time, at the City Hall in Macksburg, Iowa.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to give Notice of such public hearing as by law required.

Passed and approved on this 2nd day of NOVEMBER, 1998 at Macksburg, Iowa.

Georgena Breakenridge  
Georgena Breakenridge, Mayor  
City of Macksburg, Iowa

ATTEST:

Ardis Myers  
Ardis Myers, City Clerk  
City of Macksburg, Iowa

NOTICE  
OF  
HEARING ON PROPOSED  
VACATION AND CLOSING OF A PORTION OF  
AN ALLEY IN MACKSBURG, IOWA

TO: ELLEN MARIE THOMPSON, MACKSBURG, IA  
MADISON COUNTY AUDITOR

You are hereby notified that a public hearing, before the City Council of Macksburg, Iowa will be held on the 16<sup>th</sup> day of November 1998, at 7:30 o'clock p.m., Central Standard Time, at the City Hall in Macksburg, Madison County, Iowa on the proposed vacation and closing of that portion of an alley legally described as:

The Ten (10) foot Alley running East and West in Block Two (2) of Mack's Addition to the Town of Macksburg, Madison County, 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, if any, you may have.

You are further notified that any person owning land abutting on the portion of the alley proposed for vacation and closing shall have the right to file with the City of Macksburg, Iowa, in writing, a claim for damages resulting from this vacation and closing at any time on or before the date fixed for hearing above.

Ardis Myers  
Ardis Myers  
City Clerk  
City of Macksburg, Iowa

7 381 385 897

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <u>Madison Co. Auditor</u>	
Street & Number <u>Courthouse</u>	
Post Office, State & ZIP Code <u>Winterset IA 50273</u>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing Date Delivered	
Return Receipt Showing Date, Address	
TOTAL Postage & Fees	2.77
Postmark of Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

<b>SENDER:</b> <ul style="list-style-type: none"><li>Complete items 1 and/or 2 for additional services.</li><li>Complete items 3, 4a, and 4b.</li><li>Print your name and address on the reverse of this form so that we can return this card to you.</li><li>Attach this form to the front of the mailpiece, or on the back if space does not permit.</li><li>Write "Return Receipt Requested" on the mailpiece below the article number.</li><li>The Return Receipt will show to whom the article was delivered and the date delivered.</li></ul>		I also wish to receive the following services (for an extra fee): <ul style="list-style-type: none"><li><input type="checkbox"/> Addressee's Address</li><li><input type="checkbox"/> Restricted Delivery</li></ul> Consult postmaster for fee.
3. Article Addressed to: <u>MADISON COUNTY AUDITOR</u> <u>COURTHOUSE</u> <u>WINTERSET, IA 50273</u>		4a. Article Number <u>2381 385897</u>
4b. Service Type <ul style="list-style-type: none"><li><input type="checkbox"/> Registered</li><li><input type="checkbox"/> Express Mail</li><li><input type="checkbox"/> Return Receipt for Merchandise</li></ul>		<input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD
5. Received By: (Print Name) <u>X</u>		7. Date of Delivery <u>11/4/98</u>
6. Signature: (Addressee or Agent) <u>Ardis Myers</u>		8. Addressee's Address (Only if requested and fee is paid) <u>PO Box 152</u>
PS Form 3811, December 1994		102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

NOTICE  
OF  
HEARING ON PROPOSED  
VACATION AND CLOSING OF A PORTION OF  
AN ALLEY IN MACKSBURG, IOWA

TO: ELLEN MARIE THOMPSON, MACKSBURG, IA  
MADISON COUNTY AUDITOR

You are hereby notified that a public hearing before the City Council of Macksburg, Iowa will be held on the 16<sup>th</sup> day of NOVEMBER 1998, at 7:30 o'clock p.m., Central Standard Time, at the City Hall in Macksburg, Madison County, Iowa on the proposed vacation and closing of that portion of an alley legally described as:

The Ten (10) foot Alley running East and West in Block Two (2) of Mack's Addition to the Town of Macksburg, Madison County, 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, if any, you may have.

You are further notified that any person owning land abutting on the portion of the alley proposed for vacation and closing shall have the right to file with the City of Macksburg, Iowa, in writing, a claim for damages resulting from this vacation and closing at any time on or before the date fixed for hearing above.

Ardis Myers  
Ardis Myers  
City Clerk  
City of Macksburg, Iowa

Z 381 385 898

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <u>Ellen Marie Thompson</u>	
Street & Number <u>Macksburg IA 50155</u>	
Post Office, State, & ZIP Code <u>Macksburg IA 50155</u>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery	
Return Receipt Showing to Whom Delivered	
Return Receipt Showing to Whom Delivered	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	

<b>SENDER:</b> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to:		4a. Article Number
<u>ELLEN MARIE THOMPSON</u> <u>MACKSBURG, IA 50155</u>		<u>2381385898</u>
4b. Service Type		7. Date of Delivery
<input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise		<input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)
<u>Georgena Breckenridge</u> <u>205 W South ST</u> <u>Macksburg, IA 50155-1013</u>		
6. Signature (Addressee or Agent)		
<u>Georgena Breckenridge</u>		
PS Form 3811, December 1994		102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

**AFFIDAVIT OF PUBLICATION**

STATE OF IOWA  
SS.  
Madison County

TED 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 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 4th day of November, 1998.

Ted Gorman  
Subscribed and sworn to before me this  
4th day of November, 1998.

Raye De Lynne Cook  
NOTARY PUBLIC  
In and for Madison County

Fee \$ 12.04



**NOTICE OF HEARING**

**On Proposed Vacation And Closing Of A Portion  
Of An Alley In Macksburg, Iowa**

TO: ANY INTERESTED PERSON  
You are hereby notified that a public hearing before the City Council of Macksburg, Iowa will be held on the 16th day of November, 1998, at 7:30 o'clock p.m., Central Standard Time, at the City Hall in Macksburg, Madison County, Iowa, on the proposed vacation and closing of that portion of an alley legally described as:  
The Ten (10) foot Alley running East and West in Block Two (2) of Mack's Addition to the Town of Macksburg, Madison County, 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, if any, you may have.  
You are further notified that any person owning land abutting on the portion of the alley proposed for vacation and closing shall have the right to file with the City of Macksburg, Iowa, in writing, a claim for damages resulting from this vacation and closing at any time on or before the date fixed for hearing above.

Ardis Myers  
City Clerk  
City of Macksburg, Iowa. 24c

RESOLUTION  
APPROVING  
VACATION AND CLOSING OF A PORTION OF  
AN ALLEY IN MACKSBURG, IOWA

WHEREAS, the City Council of Macksburg, Iowa has proposed the vacation and closing of that portion of an alley legally described as:

The Ten (10) foot Alley running East and West in Block Two (2) of Mack's Addition to the Town of Macksburg, Madison County, Iowa.

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

WHEREAS, the City Clerk has published Notice of the hearing in the Madisonian, which is a newspaper of general circulation within Madison County, Iowa at least four (4) days but not more than twenty (20) days prior to the date of hearing and has delivered Notice of hearing to the adjoining land owners, utility companies whose facilities adjoin the street right-of-way, and the Madison County Auditor by certified mail, return receipt, as shown by the returns of service and Affidavit of Publication on file with the City Clerk;

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 and closing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the portion of an alley legally described as:

The Ten (10) foot Alley running East and West in Block Two (2) of Mack's Addition to the Town of Macksburg, Madison County, Iowa,

within Macksburg, Madison County, Iowa be and is hereby closed and vacated.

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

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BE IT FURTHER RESOLVED that the City Clerk 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 16<sup>th</sup> day of NOVEMBER 1998.

Georgena Breakenridge  
Georgena Breakenridge, Mayor  
City of Macksburg, Iowa

ATTEST:

Ardis Myers  
Ardis Myers  
City Clerk  
City of Macksburg, Iowa