

CERTIFICATION

The undersigned, being 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 the Clerk of the City of Winterset:

- 1. Resolution of the City of Winterset, Iowa proposing to vacate public utility easements and setting public hearing on the proposal;
- 2. Notice of hearing on the proposed vacation of the public utility easements by the City of Winterset, Iowa;
- 3. Resolution approving the vacation of the public utility easement within the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Iowa; and,
- 4. The Affidavit of publication from the Madisonian.

The undersigned further certifies the Resolution described above were duly passed by the City Council and approved by the Mayor on the date shown thereon.

The undersigned further certifies that notice of hearing was duly and timely published by the Madisonian in accordance with the Affidavit attached hereto.

Dated on this 27th day of October, 1995 at Winterset, Iowa.



Mark J. Nitchals

Mark J. Nitchals
City Administrator
City of Winterset, Iowa

COMPUTER
RECORDED
COMPALED

REC \$ 35.00
ADD \$
R.M.F. \$ 1.00

FILED NO. 1192

BOOK 43 PAGE 224

95 OCT 27 PM 3:51

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

RESOLUTION NO. 95-101

RESOLUTION OF THE CITY OF WINTERSET, IOWA
PROPOSING THE VACATION OF A PORTION OF THE PUBLIC
UTILITY EASEMENT UPON LOTS 3 AND 4 OF THE HELEN McCALL HUNTOON,
PLAT NO. 1, TO THE CITY OF WINTERSET, MADISON COUNTY, IOWA

WHEREAS, the Helen McCall Huntoon Addition, to the City of Winterset, Madison County, Iowa is a subdivision within and forming a part of the City of Winterset, Iowa;

WHEREAS, the Subdividers conveyed to the City and dedicated to the public as part of this Subdivision public utility easements;

WHEREAS, the City finds that a portion of these public utility easements dedicated to the City by the subdivider is of no benefit to the public;

WHEREAS, these public utility easements are described as follows:

PARCEL NO. 1

The East Fifteen (15) feet of Lot Three (3) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Four (4) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

WHEREAS, the adjoining proprietor to parcel number 1 described above is the Madison County, Iowa;

WHEREAS, the adjoining proprietor to parcel number 2 described above is Madison County, Iowa;

WHEREAS, Iowa Code Section 354.23 requires a public hearing on this proposal prior to being placed on final passage;

WHEREAS, the City believes that notice should be made of the time, date and place of such public hearing.

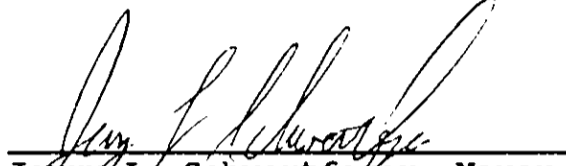
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINTERSET, IOWA that the proposal is hereby made to vacate that portion of the public utility easements which are described above.

BE IT FURTHER RESOLVED that a public hearing for the City Council on this proposal shall be held on the 21st day of August, 1995 at 7:30 o'clock P.M., Central Daylight Savings Time, at the City Hall in Winterset, Iowa.

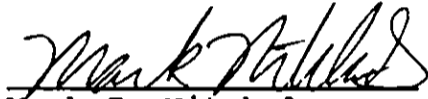
Page -2-

BE IT FURTHER RESOLVED that the City Administrator be and is hereby authorized and directed to give notice of said public hearing as required by law.

PASSED AND APPROVED on this 7th day of August, 1995 at Winterset, Iowa.


Jerry L. Schwertfeger, Mayor
City of Winterset, Iowa

ATTEST:


Mark J. Nitchals,
City Administrator
City of Winterset, Iowa

NOTICE OF HEARING ON PROPOSED VACATION OF A
PORTION OF A PUBLIC UTILITY EASEMENT UPON
LOTS 3 AND 4 OF THE HELEN MCCALL HUNTOON ADDITION, PLAT NO. 1,
TO THE CITY OF WINTERSET, MADISON COUNTY, IOWA

TO: MADISON COUNTY BOARD OF SUPERVISORS, MADISON COUNTY COURTHOUSE,
WINTERSET, IA 50273

YOU ARE HEREBY NOTIFIED that a public hearing for the City Council of Winterset, Iowa will be held on the 21st day of August, 1995 at 7:30 o'clock P.M., Central Daylight Savings Time, at the City Hall in Winterset, Madison County, Iowa on the proposed vacation of that portion of the public utility easements upon and across the real estate legally described as:

PARCEL NO. 1

The East Fifteen (15) feet of Lot Three (3) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Four (4) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, 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.



Mark J. Nitchals
City Administrator
City of Winterset, Iowa

5.

RESOLUTION NO. 95-102RESOLUTION APPROVING VACATION OF A PORTION OF THE
PUBLIC UTILITY EASEMENTS IN LOTS 3 AND 4 OF THE HELEN MCCALL
HUNTOON ADDITION, PLAT NO. 1
TO THE CITY OF WINTERSSET, MADISON COUNTY, IOWA

WHEREAS, the City Council of Winterset, Iowa has proposed the vacation of that portion of the public utility easements upon and across the real estate legally described as:

PARCEL NO. 1

The East Fifteen (15) feet of Lot Three (3) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Four (4) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

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

WHEREAS, the City Administrator has published notice of the hearing in the Madisonian, which is a newspaper of general circulation within Madison County, Iowa at least three (3) days nor more than twenty (20) days prior to the date of hearing as shown by the Affidavit of publication on file with the City Administrator;

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

WHEREAS, the Madison County, Iowa who owns Lot Three (3) and Four (4) of Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa which is subject to these easements expressly approves the vacation of the public utility easements as proposed;

WHEREAS, the City Council concludes that the public utility easements as described above are deemed to be of no benefit to the public.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the portion of the public utility easements legally described as:

PARCEL NO. 1

The East Fifteen (15) feet of Lot Three (3) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

Page -2-

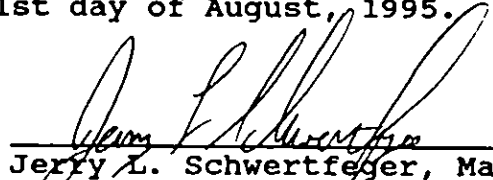
PARCEL NO. 2

The West Fifteen (15) feet of Lot Four (4) of the Helen McCall Huntoon Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa.

within Winterset, Madison County, Iowa be and is hereby vacated.

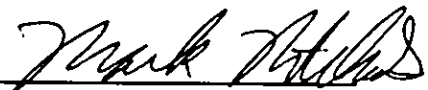
BE IT FURTHER RESOLVED that the City Administrator shall file a true copy of these proceedings with the Madison County Recorder as provided by Iowa Code Section 354.23.

PASSED AND APPROVED on this 21st day of August, 1995.



Jerry L. Schwertfeger, Mayor
City of Winterset, Iowa

ATTEST:



Mark J. Nitchals
City Administrator
City of Winterset, Iowa

AFFIDAVIT OF PUBLICATION

STATE OF IOWA
Madison County SS.

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 9th day
of August, 1995

Ted Gorman

Subscribed and sworn to before me this 9th day of
August, 1995

Raye De Lynne Cook
NOTARY PUBLIC
in and for Madison County



Fee \$10.69

NOTICE OF HEARING

**On Proposed Vacation Of A Portion Of A Public
Utility Easement Upon Lots 3 And 4 Of The Helen
McCall Huntoon, Plat No. 1, To The City Of
Winterset, Madison County, Iowa**

TO: ANY INTERESTED PERSON
YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of Win-
terset, Iowa will be held on the 21st day of August, 1995 at 7:30 o'clock P.M., Central
Daylight Savings Time, at the City Hall in Winterset, Madison County, Iowa on the
proposed vacation of that portion of the public utility easements upon and across
the real estate legally described as:

PARCEL NO. 1

The East Fifteen (15) feet of Lot Three (3) of the Helen McCall Huntoon Addition,
Plat No. 1, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Four (4) of the Helen McCall Huntoon Addition,
Plat No. 1, to the City of Winterset, 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.

Mark J. Nitchals
City Administrator
City of Winterset, Iowa
11

117