

REC. \$ 46.00
AD. \$ 5.00
R.M.F. \$ 1.00

COMM. 1
RECORDED ✓
INDEXED ✓

FILED NO. 1408
BOOK 60 PAGE 589

95 NOV 15 AM 11:24

MICHELLE UTGLER
RECORDER
MADISON COUNTY, IOWA

DEED (WITHOUT WARRANTY)

KNOW ALL MEN BY THESE PRESENTS:

That the CITY OF EARLHAM, IOWA, in consideration of the sum of Four Hundred Dollars in hand paid does hereby convey unto NORMAN D. MCINTYRE the following described real estate situated in Madison County, Iowa, to-wit:

The alley described as commencing at the Southwest Corner of Lot One (1) in Block Eight (8) of Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest Corner of Lot Two (2), thence West along the South side of Academy Street, now known as Northwest Fourth Street, to the Northeast Corner of Lot Three (3), thence South to the Southeast Corner of Lot Four (4), thence East along the North side of Center Street, now known as Northwest Third Street, to the point of beginning, all in Block Eight (8) of Wilson's Addition to the City of Earlham, Madison County, Iowa.

Exempt from transfer tax, declaration of value and groundwater hazard statement filing requirements.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular and plural number, and as feminine or masculine gender, according to the context.

Signed this 13th day of November, 1995.

CITY OF EARLHAM, IOWA



By Claire Waugh
Claire Waugh, Mayor

By Marilyn Sesker
Marilyn Sesker, City Clerk

STATE OF IOWA :
 : SS
MADISON COUNTY :

On this 13th day of November, 1995, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Claire Waugh and Marilyn Sesker, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Earlham, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council as contained in Ordinance No. 164 of the Earlham Code of Ordinances passed by the City Council under Roll Call No. 1 of the City Council on the 5th day of November, 1973, and approved on the 6th day of November, 1973, and that Claire Waugh and Marilyn Sesker acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Samuel H. Braland
Notary Public in and for the
State of Iowa.

ENTERED FOR TAXATION
THIS 15 DAY OF Nov 1995

AUDITORS FEE \$ 300

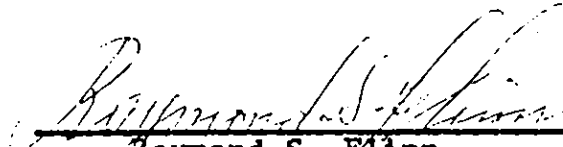
John Welch
AUDITOR
Debbie Cookman
DEPUTY AUDITOR

Council Minutes
City of Earlham

CERTIFICATION

We, the undersigned, being the Mayor and the Clerk of the City of Earlham, Iowa, do hereby certify that the above and foregoing Ordinance No. 164 is a true and exact copy of said Ordinance, that said Ordinance was passed and adopted by the City Council of the City of Earlham, Iowa at a meeting thereof on the 5th day of November, 1973.

Dated this 6th day of November, 1973.



Raymond S. Flinn
Mayor of Earlham

ATTEST:



Carolyn Treadway
City Clerk

No Seal

(CITY SEAL)



COUNCIL MINUTES

It was moved by Councilman Jones and seconded by Councilman Love that the Ordinance entitled: "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY DESCRIBED AS: Commencing at the Southwest corner of Lot One (1) Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest corner of Lot Two (2), thence West along the South side of Academy Street to the Northeast corner of Lot Three (3), thence South to the Southeast corner of Lot Four (4), thence East along the North side of Center Street to the point of beginning, all in Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa," be now read by the City Clerk. The Mayor put the question on the motion, and the roll being called, the following named Councilmen voted:

Ayes: Conrad, Jones, Love, Myers, Schardein
Absent: None
Nays: None

WHEREUPON, the Mayor declared the motion duly carried and said ordinance was read by the City Clerk, and duly considered by the Council.

It was moved by Councilman Myers and seconded by Councilman Conrad that the rule requiring said Ordinance to be read on three different days be dispensed with. The Mayor put the question on the motion, and the roll being called, the following named Councilmen voted:

Ayes: Conrad, Jones, Love, Myers, Schardein
Absent: None
Nays: None

WHEREUPON, the Mayor declared the motion duly carried.

#2 Council Minutes
City of Earlham

It was moved by Councilman Schardein and seconded by Councilman Jones that the Ordinance entitled: "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY DESCRIBED AS: Commencing at the Southwest corner of Lot One (1) Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest corner of Lot Two (2), thence West along the South side of Academy Street to the Northeast corner of Lot Three (3), thence South to the Southeast corner of Lot Four (4), thence East along the North side of Center Street to the point of beginning, all in Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa," be now put upon its final passage and adoption. The Mayor put the question on the final passage and adoption of said Ordinance and the roll being called, the following named Councilmen voted:

Ayes: Conrad, Jones, Love, Myers, Schardein

Absent: None

Nays: None

WHEREUPON, the Mayor declared said Ordinance duly adopted, and the Clerk designated said Ordinance as No. 164.

"ORDINANCE NO. 164"

"AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY DESCRIBED AS:

Commencing at the Southwest corner of Lot One (1) Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest corner of Lot Two (2), thence West along the South side of Academy Street to the Northeast corner of Lot Three (3), thence South to the Southeast corner of Lot Four (4), thence East along the North side of Center Street to the point of beginning, all in Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa."

#3 Council Minutes
City of Earlham

Be It Enacted by the Council of the City of Earlham,
Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to vacate and sell the described alley and thereby relieve the City of Earlham, Iowa, of the responsibility for their maintenance and supervision.

SECTION 2. FACTS FOUND. The Council of the City of Earlham, Iowa, hereby makes the following findings:

1. The described alley is not needed for the use of the public, and, therefore, its maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the alley reasonable access to their property.

3. Notice of the intended vacation, including the date on which the council will first consider the vacating ordinance, has been posted at least twice along the described alley not more than twenty-one days nor less than ten days prior to the date set for the hearing.

4. The City Clerk has published notice of the proposed sale once each week for two consecutive weeks in a newspaper published in and having general circulation in the city. The last of these publications appeared not less than ten days before the meeting of the council at which this ordinance was to be considered.

5. The City Clerk has given notice by certified mail, to all property owners abutting property owners not less than ten days prior to the date set for hearing.

SECTION 3. VACATION. The alley described as: Commencing at the Southwest corner of Lot One (1) Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest corner of Lot Two (2), thence West along the South side of Academy Street to the Northeast corner of Lot Three (3), thence South to the Southeast corner of Lot Four (4), thence East along the North side of Center Street, to the point of beginning, all in Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, is hereby declared vacated.

#4 Council Minutes
City of Earlham

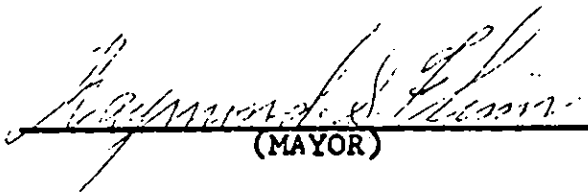
SECTION 4. SALE. On behalf of the city, the mayor shall contract to sell and shall deed the above described property to Norman D. McIntyre and Velma J. McIntyre, husband and wife, as joint tenants, not as tenants in common, with full right of survivorship, for the sum of \$400.00. The City Clerk shall co-sign all such contracts and deeds.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SAVING CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council this 5th day of ~~October~~^{November}, 1973, and approved this 6th day of ~~October~~^{November}, 1973.



(MAYOR)

Attest;



(CITY CLERK)

(CITY SEAL)

Recorded in the records of the City this 8th day of November, 1973, and officially published on the 15th day of November, 1973.



(CITY CLERK)

To Earlham

CERTIFICATE OF POSTING NOTICE

I, Carolyn Treadway, being the duly appointed, qualified and acting City Clerk of the City of Earlham, do hereby certify that I did post Notice of Hearing on an Ordinance to Vacate and Sell the Alley in Block 8 of Wilson's Addition to the City of Earlham, at two locations along said alley, not more than 21 days or less than 10 days prior to the date set for the hearing.

Carolyn Treadway
Carolyn Treadway, Clerk

y SEAL

No Seal

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice of Hearing on a n Ordinance to vacate and to sell:

Commencing at the Southwest corner of Lot One (1) Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest corner of Lot Two (2), thence West along the South side of Academy Street to the Northeast corner of Lot Three (3), thence South to the Southeast corner of Lot Four (4), thence East along the North side of Center Street to the point of beginning, all in Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa.

Notice is hereby given that in the Council Chambers of the City Hall at 7:00 P.M. on the day of 5th, month of November, A.D., 1973, the City Council of the City of Earlham, Madison County, Iowa, will hold a hearing on the proposed Ordinance to vacate the following described alley, to-wit:

Commencing at the Southwest corner of Lot One (1) Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa, thence due North to the Northwest corner of Lot Two (2), thence West along the South side of Academy Street to the Northeast corner of Lot Three (3), thence South to the Southeast corner of Lot Four (4), thence East along the North side of Center Street to the point of beginning, a ll in Block Eight (8) Wilson's Addition to the City of Earlham, Madison County, Iowa,

and to sell the same to Norman D. McIntyre and Velma J. McIntyre for the sum of \$400.00.

That at said time and place any interested person may appear and make such objections as are authorized by statute.

By order of the City Council of the City of Ea rlham, Iowa.

Carolyn Treadway
City Clerk