

REC 85⁰⁰
AUD 8
R.M.F. 8 1⁰⁰

FILED NO. 806

BOOK 61 PAGE 883

97 AUG 25 PM 4:10

CHECKED ✓
RECORDED ✓
INDEXED ✓

NICHELLE UTBLER
RECORDER
MADISON COUNTY, IOWA

Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, IA 50072
(515) 758-2267

CERTIFICATION

STATE OF IOWA :
 : SS
MADISON COUNTY :

I, Marilyn Sesker, the City Clerk of Earlham, Iowa do hereby certify that attached is a true and complete copy of the corporate records of said Municipality showing the following proceedings:

1. Resolution No. 97-7, Resolution Proposing The Vacation And Sale Of One Certain Public Street Located Between Lot 1 Of C. K. Ledlie's Subdivision Division No. 1 And Lot 10 In Block 2 Of B. F. Allen's Addition In The City Of Earlham, Madison County, Iowa. Adopted by the City Council on May 12, 1997.

2. Notice Of Hearing On Proposal To Vacate And Sell Portion Of Public Street. Published in the Earlham Advocate on May 29, 1997.

3. Ordinance No. 289, An Ordinance Vacating Part Of N.E. Second Street In The City Of Earlham, Madison County, Iowa. Adopted by the City Council on June 9, 1997.

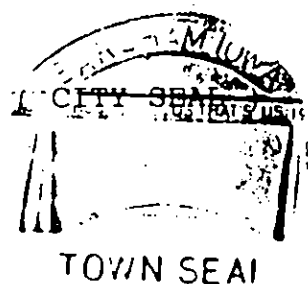
4. Resolution No. 97-8, Resolution To Sell Part Of N.E. Second Street In The City Of Earlham, Madison County, Iowa And Fixing A Time For Taking Of Bids Therefor. Adopted by the City Council on June 9, 1997.

5. Notice Of Sale Of Real Estate And Of The Taking Of Bids For Such Property. Published in the Earlham Advocate on June 26, 1997 and on July 3, 1997.

6. Resolution No. 97-9, Resolution Fixing A Time And Place For Taking Final Action On Bids For Real Estate. Adopted by the City Council on July 14, 1997.

7. Resolution No. 97-10, Resolution To Sell And Convey Certain Real Estate Owned By The City Of Earlham, Iowa And Accepting A Bid Therefor. Adopted by the City Council on July 21, 1997.

I certify that the foregoing proceedings were adopted by the City Council of Earlham, Iowa on the dates indicated, and that all notices were published as shown by the proofs of publication attached hereto.

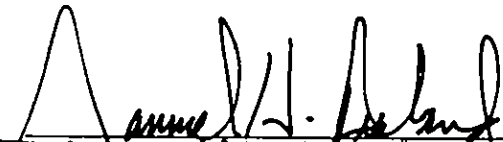


TOWN SEAL

Marilyn Sesker
Marilyn Sesker, City Clerk
City of Earlham, Iowa.

#2. Certification.

Subscribed and sworn to before me and in my presence by the said Marilyn Sesker this 21st day of August, 1997.



Notary Public in and for the
State of Iowa.



Council Member Beisner introduced the following resolution entitled "RESOLUTION PROPOSING THE VACATION AND SALE OF ONE CERTAIN PUBLIC STREET LOCATED BETWEEN LOT 1 OF C. K. LEDLIE'S SUBDIVISION DIVISION NO. 1 AND LOT 10 IN BLOCK 2 OF B. F. ALLEN'S ADDITION IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA", and moved its adoption. Council Member Fenster seconded the motion to adopt. The Mayor put the question on the motion, and the roll was called and the vote was,

Ayes: Beisner, Fenster, Payne

Abstain: Boyle

Nays: None

Whereupon, the Mayor declared the following resolution duly adopted.

RESOLUTION NO. 97-7

RESOLUTION PROPOSING THE VACATION AND SALE OF ONE CERTAIN PUBLIC STREET LOCATED BETWEEN LOT 1 OF C. K. LEDLIE'S SUBDIVISION DIVISION NO. 1 AND LOT 10 IN BLOCK 2 OF B. F. ALLEN'S ADDITION IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA.

WHEREAS, the City of Earlham is the owner of one certain public street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa. Said street is legally described as follows, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

WHEREAS, the City Council of the City of Earlham proposes that the above described street be vacated; and

WHEREAS, the City of Earlham Planning & Zoning Commission has studied the proposal to vacate said street and has recommended to the Council that said street be vacated; and

WHEREAS, if said street is vacated, the City Council further proposes that the street be sold at a later date on a bid basis or at auction or at private sale and that the sale price be not less than \$10,000.00; and

WHEREAS, before said street can be vacated it is necessary that a public hearing be held on the proposal to vacate pursuant to Chapter 138 of the Earlham Code of Ordinances and Section 354.23, Code of Iowa; and

WHEREAS, before said street can be sold it is necessary that a public hearing be held on the proposal to sell pursuant to Chapter 138 of the Earlham Code of Ordinances and Section 364.7, Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

That under the authority of Chapter 138 of the Earlham Code of Ordinances and Section 354.23, Code of Iowa, the City of Earlham, Iowa, proposes to vacate one certain public street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa, and that said street is legally described as follows, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:


Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North $89^{\circ}43'02''$ East along the North line of said Lot 10, 149.90 feet; thence North $0^{\circ}10'22''$ East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South $89^{\circ}59'47''$ West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North $0^{\circ}03'44''$ East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South $89^{\circ}35'08''$ West along the South line of said Lot 1, 129.92 feet; thence South $0^{\circ}06'36''$ West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

That under the authority of Chapter 138 of the Earlham Code of Ordinances and Section 364.7, Code of Iowa, the City of Earlham, Iowa, proposes to sell said street on a bid basis or at auction or at private sale, and the sale price shall be not less than \$10,000.00.

BE IT FURTHER RESOLVED that public hearings be held on June 9, 1997 on the proposal to vacate said street and on the proposal to sell said street, at 4:00 o'clock P.M., at City Hall, City of Earlham, Iowa; and

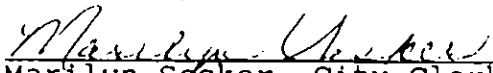
BE IT FURTHER RESOLVED that the City Clerk shall publish notice of this resolution and of the date, time and place of hearing on the proposals contained therein as provided in Section 362.3, Code of Iowa.

PASSED AND APPROVED this 12th day of May, 1997.



Dan von Rentzell, Mayor
City of Earlham, Iowa.

ATTEST:



Marilyn Sesker, City Clerk
City of Earlham, Iowa.

NOTICE OF HEARING
ON PROPOSAL TO VACATE AND SELL
PORTION OF PUBLIC STREET

NOTICE IS HEREBY GIVEN that the Earlham City Council has adopted a resolution proposing to vacate one certain public street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa. Said street is legally described as follows, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North $89^{\circ}43'02''$ East along the North line of said Lot 10, 149.90 feet; thence North $0^{\circ}10'22''$ East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South $89^{\circ}59'47''$ West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North $0^{\circ}03'44''$ East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South $89^{\circ}35'08''$ West along the South line of said Lot 1, 129.92 feet; thence South $0^{\circ}06'36''$ West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

The City Council will hold a public hearing on the proposal to vacate said street at City Hall, in the City of Earlham, Iowa, on June 9, 1997, at 4:00 o'clock P.M. Comments for or against the proposed vacation will be received at the public hearing. After the public hearing, the City Council will make a final determination on whether or not to vacate the street. If it is determined that the street should be vacated, the City Council will vacate the street by ordinance.

If the above described street is vacated, the resolution further proposes that the street be sold at a later date on a bid basis or at auction or at private sale, and that the sale price be not less than \$10,000.00. NOTICE IS HEREBY GIVEN that the City Council will hold a public hearing at City Hall, in the City of Earlham, Iowa, on June 9, 1997, at 4:00 o'clock P.M., on the proposal to sell the street. That hearing will follow the hearing on the proposal to vacate the street. Comments for or against the proposal to sell the street will be received at the public hearing. After the public hearing the City Council will make a final determination, by resolution, on the proposal to sell said street.

CITY OF EARLHAM, IOWA

By Marilyn Sesker, City Clerk

PROOF OF PUBLICATION

STATE OF IOWA, MADISON COUNTY, ss:

I, Deborah Murphy, being duly sworn and say that I am Publisher of the Earlham Advocate, a weekly newspaper, printed in Earlham, in said County and State, and that the notice of which the attached is a printed copy was published in said newspaper for one week, publication being on the

29th day of May, 1997.

Deborah Murphy
Deborah Murphy

STATE OF IOWA, MADISON COUNTY, ss:

Subscribed and sworn to before me by Deborah Murphy on this 18th day of



August, 1997.

Samuel H. Biralant
Notary Public

y 29, 1997

Page 7

Top Health.....	117.98
Treasurer of State.....	5,608.79
U.S. West Communications.....	277.81
U.S. Cellular.....	27.40
USG Annuity & Life Co.....	400.00
Valic.....	1,180.00
Villager Restaurant.....	93.00
Leslie Wiles.....	62.10
William V. MacGill & Co.....	32.08
Tyler Williams.....	13.00
Winteret Farm & Home Inc.....	55.92
Payroll, net.....	9,871.85
Total.....	175,367.01

adopted a resolution proposing to vacate one certain public street located between Lot 1 of C.K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B.F. Allen's Addition in the City of Earlham, Madison County, Iowa. Said street is legally described as follows, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:

Beginning at the Northwest corner of Lot 10 of Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89 degrees 43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0 degrees 10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89 degrees 59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0 degrees 03'44" East along the West line of

said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C.K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89 degrees 35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0 degrees 06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

The City Council will hold a public hearing on the proposal to vacate said street at City Hall, in the City of Earlham, Iowa, on June 9, 1997, at 4:00 o'clock P.M. Comments for or against the proposed vacation will be received at the public hearing. After the public hearing, the City Council will make a final determination on whether or not to vacate the street. If it is determined that the street should be vacated, the City Council will vacate the street by ordinance.

If the above described street is vacated, the resolution further proposes that the street be sold at a later date on a bid basis or at auction or at private sale, and that the sale price be not less than \$10,000.00. NOTICE IS HEREBY GIVEN that the City Council will hold a public hearing at City Hall, in the City of Earlham, Iowa, on June 9, 1997, at 4:00 o'clock P.M., on the proposal to sell the street. That hearing will follow the hearing on the proposal to vacate the street. Comments for or against the

proposal to sell the street will be received at the public hearing. After the public hearing the City Council will make a final determination, by resolution, on the proposal to sell said street.

CITY OF EARLHAM, IOWA
By Marilyn Seaker, City Clerk

PUBLIC NOTICE

**NOTICE OF HEARING
ON PROPOSAL TO VACATE
AND SELL PORTION OF
PUBLIC STREET**

NOTICE IS HEREBY GIVEN
that the Earlham City Council has

It was moved by Council Member Lillie and seconded by Council Member Beisner, that the Ordinance entitled: "AN ORDINANCE VACATING PART OF N.E. SECOND STREET IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA", be now put upon its final passage and adoption, and the roll being called the following Council Members voted:

Ayes: Fenster, Beisner, Payne, Lillie

Nays: None

Abstain: Boyle

Whereupon, the Mayor declared said Ordinance duly adopted, and the Clerk assigned it the Number 289.

ORDINANCE NO. 289

AN ORDINANCE VACATING PART OF N.E. SECOND STREET IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA.

Be it Ordained by the Council of the City of Earlham, Iowa:

Section 1. Section 138.01 of the Earlham Code of Ordinances provides that when, in the judgment of the Council, it would be in the best interest of the City to vacate a street or portion thereof the Council may do so by ordinance in accordance with the provisions of Chapter 138. Section 138.02 provides that any proposal to vacate a street shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation. Section 138.03 provides that the Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

Section 2. On May 12, 1997 the Council proposed to vacate a portion of N.E. Second Street following recommendation by the Planning and Zoning Commission that said portion be vacated. Public hearing was held on the proposal on June 9, 1997 following published notice of hearing as required by law.

Section 3. The City Council of Earlham finds that the portion of N.E. Second Street proposed to be vacated is not needed for the use of the public. The Council further finds that the proposed vacation will not deny owners of property abutting said portion of said street reasonable access to their property.

Section 4. Now, therefore, the portion of N.E. Second Street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa, is hereby vacated. The vacated portion is legally described as follows, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison

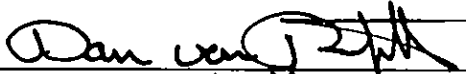
County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

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


Section 6. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect 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 9th day of June, 1997, and approved this 9th day of June, 1997.


Dan von Rentzell, Mayor
City of Earlham, Iowa.

ATTEST:


Marilyn Sesker, City Clerk
City of Earlham, Iowa.

Council Member Payne introduced the following resolution entitled "RESOLUTION TO SELL PART OF N.E. SECOND STREET IN THE CITY OF EARLHAM, IOWA AND FIXING A TIME FOR TAKING OF BIDS THEREFOR", and moved its adoption. Council Member Beisner seconded the motion to adopt. The roll was called and the vote was,

Ayes: Beisner, Payne, Lillie

Nays: Fenster

Abstain: Boyle

Whereupon, the Mayor declared the following resolution duly adopted.

RESOLUTION NO. 97-8

RESOLUTION TO SELL PART OF N.E. SECOND STREET
IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA
AND FIXING A TIME FOR TAKING OF BIDS THEREFOR.

WHEREAS, the City of Earlham, Iowa is the owner of a portion of N.E. Second Street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa. Said portion is legally described as follows, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

WHEREAS, the above described portion of N.E. Second Street has been vacated and it is deemed advisable and for the benefit of the City that the above described real estate be sold.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

11

Section 1. That the real estate described as follows be sold, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

Section 2. That said real estate shall be sold on a sealed bid basis with a minimum bid requirement of \$10,000.00. Any bid of less than \$10,000.00 shall not be accepted. The Council reserves the right to make counterproposals on any bid, and to reject any or all bids received, and to waive irregularities in bids. In connection with any sale, the City as Seller will convey said real estate by deed without warranty of title and without abstract to the purchaser upon payment of the purchase price in full. This shall be a cash sale. The City Clerk is authorized to take all actions necessary to initiate and publish notice of sale and advertise for sealed bids for said property.

Section 3. That the 14th day of July, 1997, at 7:30 o'clock P.M., is hereby fixed as the date and time for opening bids. Said bids shall be deposited at City Hall, Earlham, Iowa, by 3:00 o'clock P.M. on said date. If only one sealed bid is received, then the Council may accept, reject, or make counterproposals to said bid at its meeting on July 14, 1997. If more than one sealed bid is received, then the top two (2) bidders for the real estate will be invited to a final open bid off to be held at a later date set by the Council. The bidders invited to the bid off will be informed of each other's bids and will be allowed to increase his or her bid until the highest bid has been received. In the event one of the two top bidders withdraws his or her bid prior to the date of the final bid off, then the Council may proceed to accept, reject, or make counterproposals to the bid of the remaining top bidder.

Section 4. That the City Clerk is directed to publish a notice of taking of sealed bids on the sale of said property, said publication to be made once each week for two (2) weeks in a newspaper having general circulation in the City.

PASSED AND APPROVED this 9th day of June, 1997.


Dan von Rentzell, Mayor

ATTEST:


Marilyn Sesker, City Clerk

NOTICE OF SALE OF REAL ESTATE
AND OF THE TAKING OF BIDS FOR SUCH PROPERTY

Notice is hereby given that the City Council of the City of Earlham, Iowa is offering the following described real estate for sale, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

Notice is further given that the City Council of the City of Earlham is inviting bids for the purchase of the above described real estate. The property has been surveyed and improved with sidewalk.

THERE IS A MINIMUM BID REQUIREMENT OF \$10,000.00. A BID OF LESS THAN \$10,000.00 WILL NOT BE CONSIDERED FOR ACCEPTANCE.

1. Sealed bids shall be delivered to the City Clerk at City Hall, 140 S. Chestnut Avenue, Earlham, Iowa 50072, until 3:00 o'clock P.M. on the 14th day of July, 1997. Bidders may use their own bid form, or may obtain a bid form from City Hall. A bid deposit is not required.
2. Sealed bids will be opened, tabulated and reported to the City Council at its regular meeting on the 14th day of July, 1997, at 7:30 o'clock P.M. at City Hall, 140 S. Chestnut Avenue, Earlham, Iowa.
3. If only one sealed bid is received for the real estate, then the Council may accept, reject, or make counterproposals to said bid at said meeting.
4. If the Council receives more than one sealed bid, then the top two (2) bidders for the real estate will be invited to a final open bid off to be held at a later date set by the Council. The bidders invited to the bid off will be informed of each other's bids and will be allowed to increase their bid until the highest bid has been received. If one of the two top bidders withdraws his or her bid prior to the date of the final bid off, then the Council may proceed to accept, reject, or make counterproposals to the bid of the remaining top bidder.
5. The purchase price shall be paid in cash at closing. The City Council reserves the right to make counterproposals on any bid, and to reject any or all bids received. In connection with any sale the City of Earlham, as Seller, will convey said real estate by deed without warranty and without abstract to the purchaser upon payment of the purchase price in full.

Marilyn Sesker, City Clerk
City of Earlham, Iowa.

13

PROOF OF PUBLICATION

STATE OF IOWA, MADISON COUNTY, ss:

I, Deborah Murphy, being duly sworn and say that I am Publisher of the Earlham Advocate, a weekly newspaper, printed in Earlham, in said County and State, and that the notice of which the attached is a printed copy was published in said newspaper for 2 consecutive weeks, the first publication being on the

26th day of June, 1997
the second on the 3rd day of July, 1997

Cost: _____

Deborah Murphy
Deborah Murphy



STATE OF IOWA, MADISON COUNTY, ss:

Subscribed and sworn to before me by Deborah Murphy on this 18th day of _____, 1997.

Susan Clark
Notary Public

PUBLIC NOTICE

NOTICE OF SALE OF REAL ESTATE AND OF THE TAKING OF BIDS FOR SUCH PROPERTY

Notice is hereby given that the City Council of the City of Earlham, Iowa is offering the following described real estate for sale, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:

Beginning at the Northwest corner of Lot 10 of Block 2 of B.P. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89 degrees 43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0 degrees 10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89 degrees 59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0 degrees 03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C.K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89 degrees 35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0 degrees 06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains .245 acres.

Notice is further given that the City Council of the City of Earlham is inviting bids for the purchase of the above described real estate. The property has been surveyed and improved with sidewalk.

THERE IS A MINIMUM BID REQUIREMENT OF \$10,000.00. A BID OF LESS THAN \$10,000.00 WILL NOT BE CONSIDERED FOR ACCEPTANCE.

1. Sealed bids shall be delivered to the City Clerk at City Hall, 140 S. Chestnut Avenue, Earlham, Iowa 50072, until 3:00 o'clock P.M. on the 14th day of July, 1997. Bidders may use their own bid form, or may obtain a bid form from City Hall. A bid deposit is not required.

2. Sealed bids will be opened, tabulated and reported to the City Council at its regular meeting on the 14th day of July, 1997, at 7:30 o'clock P.M. at City Hall, 140 S. Chestnut Avenue, Earlham, Iowa.

3. If only one sealed bid is received for the real estate, then the Council may accept, reject, or make counterproposals to said bid at said meeting.

4. If the Council receives more than one sealed bid, then the top two (2) bidders for the real estate will be invited to a final open bid off to be held at a later date set by the Council. The bidders invited to the bid off will be informed of each other's bids and will be allowed to increase their bid until the highest bid has been received. If one of the two top bidders withdraws his or her bid prior to the date of the final bid off, then the Council may proceed to accept, reject, or make counterproposals to the bid of the

remaining top bidder.

5. The purchase price shall be paid in cash at closing. The City Council reserves the right to make counterproposals on any bid, and to reject any or all bids received. In connection with any sale the City of Earlham, as Seller, will convey said real estate by deed without warranty and without abstract to the purchaser upon payment of the purchase price in full.

Marilyn Sesker, City Clerk
City of Earlham, Iowa

Council Member Fenster introduced the following resolution entitled "RESOLUTION FIXING A TIME AND PLACE FOR TAKING FINAL ACTION ON BIDS FOR REAL ESTATE", and moved its adoption. Council Member Payne seconded the motion to adopt. The roll was called and the vote was,

Ayes: Fenster, Beisner, Payne

Nays: None

Abstain: Boyle

Whereupon the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 97-9

RESOLUTION FIXING A TIME AND PLACE FOR TAKING FINAL ACTION ON BIDS FOR REAL ESTATE.

WHEREAS, the City of Earlham is the owner of the following described portion of Northeast Second Street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

WHEREAS, said real estate was formerly a public street which has been vacated; and

WHEREAS, it is deemed advisable and for the benefit of the City that the above described real estate be sold; and

WHEREAS, the City has published a notice of sale and has advertised for bids for said property and bids have been submitted;

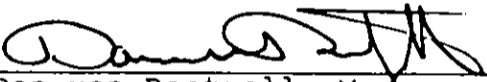
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

#2. Resolution.

Section 1. That the bids of Clarence E. Peters and Richard L. Arnburg are hereby received and are deemed to be the two (2) top bids submitted for said real estate. In accordance with the bidding rules established by the Council, the two (2) top bidders, Clarence E. Peters and Richard L. Arnburg, shall be invited to a final open bid off to be held at a later date set by the Council.


Section 2. That the final open bid off shall be held on July 21, 1997 at 7:30 o'clock P.M., at City Hall, Earlham, Iowa, and the City Council shall take final action on bids at said meeting.

PASSED AND APPROVED this 14th day of July, 1997.



Dan von Rentzell, Mayor
City of Earlham, Iowa.

ATTEST:



Marilyn Sesker, City Clerk
City of Earlham, Iowa.

Council Member Beisner introduced the following resolution entitled "RESOLUTION TO SELL AND CONVEY CERTAIN REAL ESTATE OWNED BY THE CITY OF EARLHAM, IOWA AND ACCEPTING A BID THEREFOR", and moved its adoption. Council Member Lillie seconded the motion to adopt. The roll was called and the vote was,

Ayes: Beisner, Payne, Lillie

Nays: None

Abstain: Boyle

Whereupon the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 97-10

RESOLUTION TO SELL AND CONVEY CERTAIN REAL ESTATE OWNED BY THE CITY OF EARLHAM, IOWA AND ACCEPTING A BID THEREFOR.

WHEREAS, the City of Earlham is the owner of the following described portion of Northeast Second Street located between Lot 1 of C. K. Ledlie's Subdivision Division No. 1 and Lot 10 in Block 2 of B. F. Allen's Addition in the City of Earlham, Madison County, Iowa, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres.

WHEREAS, said real estate was formerly a public street which has been vacated; and

WHEREAS, it is deemed advisable and for the benefit of the City that the above described real estate be sold;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

#2. Resolution.

Section 1. That the bid submitted by Richard L. Arnburg to purchase the above described real estate has been withdrawn.

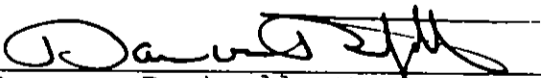
Section 2. That the bid of Clarence E. Peters to purchase the following described real estate from the City of Earlham, Iowa, to-wit:

A portion of Northeast Second Street located in the City of Earlham, Madison County, Iowa, more particularly described as follows:
Beginning at the Northwest corner of Lot 10 of Block 2 of B. F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence North 89°43'02" East along the North line of said Lot 10, 149.90 feet; thence North 0°10'22" East along the West line of a vacated alley, 34.53 feet to a point on the South line of Clearview Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa; thence South 89°59'47" West along the South line of said Clearview Estates, 19.99 feet to the Southwest corner of said Clearview Estates; thence North 0°03'44" East along the West line of said Clearview Estates, 42.31 feet to the Southeast corner of Lot 1 of C. K. Ledlie's Subdivision, Division 1, to the City of Earlham, Madison County, Iowa; thence South 89°35'08" West along the South line of said Lot 1, 129.92 feet; thence South 0°06'36" West, 76.64 feet to the Point of Beginning. Said Parcel contains 0.245 acres,


for the sum of \$15,000.00 should be and is hereby accepted, the same being the best bid received for said property.

Section 3. That the Mayor of the City of Earlham, Iowa is hereby authorized and directed to execute and deliver a deed conveying said real estate without warranty to Clarence E. Peters and Barbara A. Peters, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, upon receipt of payment of the purchase price in full, and the City Clerk is hereby authorized and directed to attest the Mayor's execution of said deed.

PASSED AND APPROVED this 21st day of July, 1997.


Dan von Rentzell, Mayor
City of Earlham, Iowa.

ATTEST:


Marilyn Sesker, City Clerk
City of Earlham, Iowa.