

CERTIFICATION

The undersigned, 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 Clerk of the City of Winterset.

1. Resolution of City of Winterset, Iowa proposing to convey real estate and setting public hearing on the proposal;
2. Notice of Hearing on Proposed Conveyance of Real Estate by City of Winterset, Iowa;
3. Resolution Approving the Conveyance of Real Estate; and,
4. The Affidavit of Publication from the Madisonian.

The undersigned further certifies the Resolutions described above were duly passed by the Council and approved by the Mayor on the dates shown thereon.

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

Dated on this 27th day of March, 1992, at Winterset,

Iowa.



Mark Nitchals
 Mark Nitchals
 City Administrator
 City of Winterset, Iowa

FILED NO. 2303

BOOK 57 PAGE 398

92 MAR 30 AM 8:34

MICHELLE UTSLER
 RECORDER
 MADISON COUNTY, IOWA

Fee \$30.00

RESOLUTION OF CITY OF WINTERSET, IOWA
PROPOSING TO CONVEY REAL ESTATE
AND SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to dispose of its interest in the real estate formerly used as an alley right-of-way;

WHEREAS, the real estate is legally described as:

The East and West Alley which is 16.50 feet in width across Block 12 of the Original Town of Winterset, Madison County, Iowa, subject to perpetual easements for public utilities.

WHEREAS, the City proposes to convey the real estate to Fareway Stores, Inc. upon the following terms and conditions: convey legal title to the above described real estate by Quit Claim Deed in consideration of the payment of the city's expenses incurred in connection with this sale. The City will reserve the perpetual right and easement to construct, install, reinstall, repair, remove and maintain all utilities including gas lines upon and under the premises being conveyed, which reservation shall be a covenant running with the real estate. This reservation further includes the right of ingress and egress upon and across the premises for the purposes set forth herein.

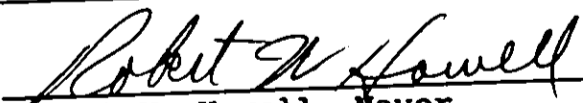
WHEREAS, Iowa Code Section 364.7 requires public notice be made on the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINTERSET, IOWA that proposal is hereby made to convey to the above described real estate upon the terms and conditions above provided.

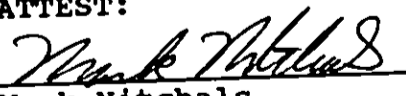
BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 17th day of Feb., 1992 at 7:30 o'clock p.m., Central Standard Time, at the City Hall in Winterset, Iowa.

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

PASSED by the City Council of Winterset, Iowa and approved by the undersigned on this 3rd day of Feb., 1992, at Winterset, Iowa.


Robert W. Howell, Mayor
City of Winterset

ATTEST:


Mark Nitchals
City Administrator
City of Winterset, Iowa

NOTICE OF HEARING ON PROPOSED CONVEYANCE OF REAL ESTATE
BY CITY OF WINTERSET, IOWA

TO: ANY INTERESTED PERSON

YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of Winterset, Iowa will be held on the 17th day of Feb., 1992, at 7:40 o'clock p.m., Central Standard Time, at the City Hall in Winterset, Madison County, Iowa on the proposal by the City Council of Winterset, Iowa to convey the real estate legally described as:

The East and West Alley which is 16.50 feet in width across Block 12 of the Original Town of Winterset, Madison County, Iowa, subject to perpetual easements for public utilities.

to the Fareway Stores, Inc. upon the following terms and conditions: convey legal title to the above described real estate by Quit Claim Deed in consideration of the payment of the city's expenses incurred in connection with this sale. The City will reserve the perpetual right and easement to construct, install, reinstall, repair, remove and maintain all utilities including gas lines upon and under the premises being conveyed, which reservation shall be a covenant running with the real estate. This reservation further includes the right of ingress and egress upon and across the premises for the purposes set forth herein.

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 proposed convey, if any, you may have.

/s/ Mark Nitchals

Mark Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION
APPROVING
THE CONVEYANCE OF REAL ESTATE

WHEREAS, the City Council of Winterset, Iowa has proposed the conveyance of the following described real estate:

The East and West Alley which is 16.50 feet in width across Block 12 of the Original Town of Winterset, Madison County, Iowa, subject to perpetual easements for public utilities.

WHEREAS, the City Council has proposed to convey the above described real estate to Fareway Stores, Inc. upon the following terms and conditions: convey legal title to the above described real estate by Quit Claim Deed in consideration of the payment of the city's expenses incurred in connection with this sale. The City will reserve the perpetual right and easement to construct, install, reinstall, repair, remove and maintain all utilities including gas lines upon and under the premises being conveyed, which reservation shall be a covenant running with the real estate. This reservation further includes the right of ingress and egress upon and across the premises for the purposes set forth herein.

WHEREAS, the City Council has fixed notice of public hearing upon the proposed conveyance of real estate pursuant to Iowa Code Section 364.7;

WHEREAS, notice of the hearing has been published as provided by Iowa Code Section 362.3 in the Madisonian which is a newspaper published weekly and having general circulation in the City, at least four (4) days nor more than twenty (20) days before the date of hearing as evidenced by the Affidavit of Publication from the Madisonian on file in the Office of the City Administrator;

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

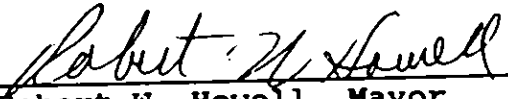
WHEREAS, the City Council now determines that the conveyance of the real estate above described should be approved in all respects as proposed.

NOW, THEREFORE, BE IT RESOLVED that the proposed conveyance of real estate described above be and is hereby approved in all respects as provided by the prior Resolution of the City Council of Winterset, Iowa.

BE IT FURTHER RESOLVED that the Mayor and City Administrator be and are hereby authorized and directed to take all necessary steps to complete this transaction including, but not limited to, the tender of a Quit Claim Deed to the Buyer.


BE IT FURTHER RESOLVED that the City Administrator shall file a true copy of these proceedings with the Madison County Recorder.

Passed by the City Council and approved by the Mayor on this
17th day of Feb., 1992, at Winterset, Iowa.



Robert W. Howell, Mayor
City of Winterset, Iowa

ATTEST:



Mark 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 5th day
of February, 1992.

Ted Gorman
Subscribed and sworn to before me this 5th day of
February, 1992.

Tammara Smith
NOTARY PUBLIC
In and for Madison County

Fee \$ 12.77



PUBLIC NOTICES

NOTICE OF HEARING ON PROPOSED CONVEYANCE OF REAL ESTATE BY CITY OF WINTERSET, IOWA

TO: ANY INTERESTED PERSON

YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of Winterset, Iowa will be held on the 17th day of February, 1992, at 7:40 o'clock p.m., Central Standard Time, at the City Hall in Winterset, Madison County, Iowa on the proposal by the City Council of Winterset, Iowa to convey the real estate legally described as:

The East and West Alley which is 18.00 feet in width across Block 12 of the Original Town of Winterset, Madison County, Iowa, subject to perpetual easements for public utilities.

to the Faraway Stores, Inc. upon the following terms and conditions: convey legal title to the above described real estate by Quit Claim Deed in consideration of the payment of the city's expenses incurred in connection with this sale. The City will reserve the perpetual right and easement to construct, install, reinstall, repair, remove and maintain all utilities including gas lines upon and under the premises being conveyed, which reservation shall be a covenant running with the real estate. This reservation further includes the right of ingress and egress upon and across the premises for the purposes set forth herein.

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 proposed conveyance. If any, you may have a right of appeal.

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City Administrator
City of Winterset, Iowa