

CERTIFICATION

The undersigned, the duly appointed and acting City Clerk 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, Iowa.

1. Resolution of the City Council of the City of Winterset, Iowa, proposing to vacate a public utility easement.
2. Notice of hearing on proposed vacation of a public utility easement.
3. Resolution of the City Council of the City of Winterset, Iowa, approving the vacation of a public utility easement.
4. Affidavit of Publication of the Winterset Madisonian for the notice of hearing on proposal to vacate a public utility easement.

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

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

Dated on this 17th day of May, 1994 at Winterset, Iowa.



*Mark Nitchals*  
 Mark Nitchals  
 City Administrator  
 City of Winterset, Iowa

FILED NO. 3169

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BOOK 59 PAGE 247

94 MAY 17 PM 12:59

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

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

RESOLUTION NO. 94-58

RESOLUTION OF THE CITY OF WINTERSET, IOWA  
PROPOSING THE VACATION OF A PORTION OF THE PUBLIC  
UTILITY EASEMENT UPON LOTS 4 AND 5 OF THE HELEN MCCALL HUNTOON,  
PLAT NO. 2, 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 Four (4) of the Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Five (5) of the Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

WHEREAS, the adjoining proprietor to parcel number 1 described above is the Parr Manufacturing, Inc.;

WHEREAS, the adjoining proprietor to parcel number 2 described above is Parr Manufacturing, Inc.;

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.

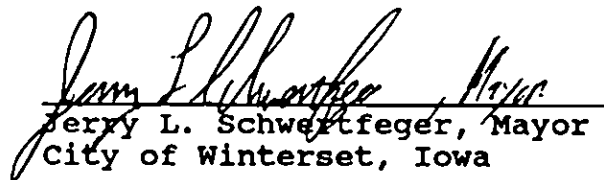
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINTERSET, IOWA that the proposal is hereby made to vacate that portion of the public utility easements which are described above.

BE IT FURTHER RESOLVED that a public hearing for the City Council on this proposal shall be held on the 18th day of April, 1994 at 7:30 o'clock P.M., Central Daylight Savings Time, at the City Hall in Winterset, Iowa.


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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 4th day of April, 1994 at Winterset, Iowa.

  
Jerry L. Schwetfeger, Mayor  
City of Winterset, Iowa

ATTEST:

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

4.

NOTICE OF HEARING ON PROPOSED VACATION OF A  
PORTION OF A PUBLIC UTILITY EASEMENT UPON  
LOTS 4 AND 5 OF THE HELEN McCALL HUNTOON, PLAT NO. 2,  
TO THE CITY OF WINTERSSET, MADISON COUNTY, IOWA

TO: ANY INTERESTED PERSON

YOU ARE HEREBY NOTIFIED that a public hearing for the City Council of Winterset, Iowa will be held on the 18th day of April, 1994 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 Four (4) of the Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Five (5) of the Helen McCall Huntoon Addition, Plat No. 2, 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.

/s/ Mark Nitchals

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

RESOLUTION NO. 94-79

RESOLUTION APPROVING VACATION OF A PORTION OF THE  
PUBLIC UTILITY EASEMENTS IN LOTS 4 AND 5 OF THE HELEN MCCALL  
HUNTOON ADDITION, PLAT NO. 2  
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 Four (4) of the Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2

The West Fifteen (15) feet of Lot Five (5) of the Helen McCall Huntoon Addition, Plat No. 2, 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 Parr Manufacturing, Inc. who owns Lot Four (4) and Five (5) of Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa 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 Four (4) of the Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

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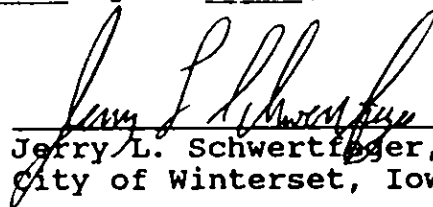
PARCEL NO. 2

The West Fifteen (15) feet of Lot Five (5) of the Helen McCall Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

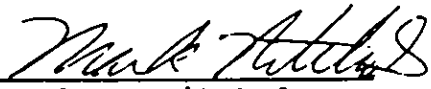
within Winterset, Madison County, Iowa be and is hereby vacated.

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 2nd day of May, 1994.

  
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 13 day  
of April, 1994

*Ted Gorman*

Subscribed and sworn to before me this 13 day of  
April, 1994

*Lynn M. Gheer*



**NOTARY PUBLIC**  
In and for Madison County

**NOTICE OF HEARING**

On Proposed Vacation Of A Portion Of A Public Utility  
Easement Upon Lots 4 And 5 Of The Helen McCall  
Huntoon, Plat No. 2, To The City Of Winterset, Madison  
County, Iowa

TO: ANY INTERESTED PERSON  
YOU ARE HEREBY NOTIFIED that a public hearing for the City Council of Win-  
terset, Iowa will be held on the 18th day of April, 1994 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 Four (4) of the Helen McCall  
Huntoon Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.

PARCEL NO. 2 The West Fifteen (15) feet of Lot Five (5) of the Helen McCall  
Huntoon Addition, Plat No. 2, 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.

/s/ Mark Nitchals  
City Administrator  
City of Winterset, Iowa  
48

11.88

Fee \$ 11.88