

CERTIFICATION

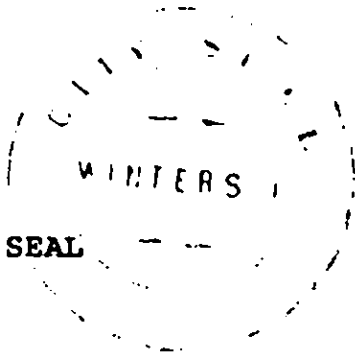
The undersigned, the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of City Administrator of the City of Winterset.

1. Resolution No. 90-133, Resolution Proposing Vacating and Closing of a Portion of a City Street and Proposing to Convey Real Estate;
2. Notice of Hearing on Proposed Vacation and Closing of a Portion of a City Street in Winterset, Iowa, with Affidavit of Publication attached thereto;
3. Notice of Hearing on Proposed Conveyance of Real Estate by the City of Winterset, Iowa, with Affidavit of Publication attached thereto;
4. Resolution No. 90-143, Resolution Approving Vacation and Closing of a Portion of City Street in Winterset, Iowa;
5. Resolution No. 90-144, Resolution Approving the Conveyance of Real Estate.

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

The undersigned further certifies the Notice was duly and timely published in the Winterset Madisonian in accordance with the attached Affidavit.

Dated on this 5th day of December, 1990, at Winterset, Iowa.



Mark Nitchals
 Mark Nitchals
 City Administrator
 City of Winterset, Iowa

FILED NO. 1202
 BOOK 56 PAGE 348
 90 DEC -6 PM 12: 11
 MARY E. WELTY
 RECORDER
 MADISON COUNTY, IOWA
 Fee \$ 30.00

11.

The City Administrator reported that he had been contacted by Clarence Lucas, representing the Madison County Historical Society, regarding the possibility of vacating and selling Pitzer Street. The Administrator stated that Mr. Lucas had received a letter from Midwest Gas indicating that they had a gas main located in a portion of Pitzer Street. He stated that the gas company would not object to the possible vacation of the street if a utility easement was retained. A question came up regarding the County's plan for extending old Highway 169 leading south out of Winterset. The Administrator stated that it was his understanding that the County's road extension would not intersect with the current Pitzer Street right-of-way. He stated that additional property to extend Pitzer Street further to the east would be required to intersect with this new road. The Council then discussed the advisability and need of having Pitzer Street continue as a public road. Following further discussion, Councilman Nicholl introduced Resolution 90-133 and moved for its adoption. Councilman Corkrean seconded the motion. Roll call vote:

AYES: Breeding, Colling, Corkrean, Johnston, Nicholl

NAYS: None

Whereupon the Mayor Protem declared that the following resolution was duly adopted.

RESOLUTION 90-133
RESOLUTION PROPOSING VACATING AND CLOSING OF A
PORTION OF A CITY STREET AND PROPOSING TO CONVEY REAL ESTATE

WHEREAS, the City proposes to vacate and close that portion of Pitzer Street legally described as:

Commencing at the Northeast Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the east line of the Northeast Quarter ($\frac{1}{4}$) of said Section One (1), South 670.0 feet to the Southeast Corner of Block Four (4), Hornback and Bevington Addition, and being the point of beginning. Thence continuing South, 56.0 feet; thence West, 594.0 feet; thence North, 56.0 feet to the Southwest Corner of Block Three (3), Hornback and Bevington Addition; thence along the south line of said Blocks Three (3) and Four (4), East, 594.0 feet to the point of beginning.

and

WHEREAS, the City proposes to dispose of its interest in the real estate above described, and

WHEREAS, Iowa Code Section 306.11 requires a public hearing on the proposal to vacate and close a street, and

WHEREAS, Iowa Code Section 306.12 requires notice to be made of the time, date and place of such public hearing, and

WHEREAS, upon the vacation and closure of the above described street, the City proposes to convey the real estate to the Madison County Historical Society, Inc. by quit claim deed reserving and retaining for the City a perpetual easement for all utilities on, across and under real estate, which shall be a covenant running with the land, and

WHEREAS, Iowa Code Section 364.7 requires a public notice to be made on the proposal to convey real estate,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa, that the proposal is hereby made to vacate and close that portion of Pitzer Street legally described as:

Commencing at the Northeast Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the east line of the Northeast Quarter ($\frac{1}{4}$) of said Section One (1), South 670.0 feet to the Southeast Corner of Block Four (4), Hornback and Bevington Addition, and being the point of beginning. Thence continuing South, 56.0 feet; thence West, 594.0 feet; thence North, 56.0 feet to the Southwest Corner of Block Three (3), Hornback and Bevington Addition; thence along the south line of said Blocks Three (3) and Four (4), East, 594.0 feet to the point of beginning.

BE IT FURTHER RESOLVED that the proposal is hereby made to convey 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 these two proposals shall be held on the 3rd day of December, 1990 at 7:30 p.m. 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 hearings as required by law.

PASSED and APPROVED this 19th day of November, 1990.

Larry Breading
Larry Breading, Mayor Protem

ATTEST:

Mark Nitchals
Mark Nitchals, City Administrator

AFFIDAVIT OF PUBLICATION

STATE OF IOWA
SS.
Madison County

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 28th day

of Nov., 1990

Ted Gorman
Subscribed and sworn to before me this 28th day of

Nov., 1990

Gail Hartman

NOTARY PUBLIC
In and for Madison County

**NOTICE OF HEARING
ON PROPOSED VACATION AND
CLOSING OF A PORTION OF A CITY
STREET IN WINTERSET, IOWA**
You are hereby notified that a public
hearing before the City Council of Win-
terset, Iowa will be held on the 3rd day of
December, 1990, at 7:30 o'clock p.m.,
Central Standard Time, at the City Hall
in Winterset, Madison County, Iowa, on
the proposed vacation and closing of
that portion of Pitzer Street, legally
described as:
Commencing at the Northeast Corner
of Section One (1), Township Seventy-five
(75) North, Range Twenty-eight (28)
West of the 5th P.M., Madison County,
Iowa; thence along the east line of the
Northeast Quarter (1/4) of said Section
One (1), South, 670.0 feet to the South-
east Corner of Block Four (4), Hornback
and Bevington Addition, and being the
point of beginning. Thence continuing
South, 56.0 feet; thence West, 594.0 feet;
thence North, 56.0 feet to the Southwest
Corner of Block Three (3), Hornback and
Bevington Addition; thence along the
south line of said Blocks Three (3) and
Four (4), East, 594.0 feet to the point of
beginning.

Any interested person is invited to
appear and be heard at the public hear-
ing 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.

Fee \$ 10.69

2-4-93

13

AFFIDAVIT OF PUBLICATION

STATE OF IOWA

SS.

Madison County

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

YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of Wintersset, Iowa will be held on the 3rd day of December, 1990, at 7:30 o'clock p.m., Central Standard Time, at the City Hall in Wintersset, Madison County, Iowa on the proposal by the City Council of Wintersset, Iowa to convey the real estate legally described as:

Commencing at the Northeast Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the east line of the Northeast Quarter (1/4) of said Section One (1), South, 670.0 feet to the Southeast Corner of Block Four (4), Hornback and Bevington Addition, and being the point of beginning. Thence continuing South, 56.0 feet; thence West, 504.0 feet; thence North, 56.0 feet to the Southwest Corner of Block Three (3), Hornback and Bevington Addition; thence along the south line of said Blocks Three (3) and Four (4), East, 504.0 feet to the point of beginning.

to the Madison County Historical Society, Inc. by Quit Claim Deed reserving and retaining to the City a perpetual easement for all utility purposes upon, across and under this real estate, which easement shall be a covenant running with the land.

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.

26

TED GORMAN BEING DULY SWORN
SAYS HE IS PUBLISHER OF THE
WINTERSSET MADISONIAN, a once weekly
newspaper of general circulation, published in
Wintersset, 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 28th day

of Nov., 1990

Ted Gorman

Subscribed and sworn to before me this 28th day of

Nov., 1990

Gail Hartman

NOTARY PUBLIC
In and for Madison County

Fee \$ 12.47

2-4-93

RESOLUTION 90-143
RESOLUTION

APPROVING

VACATION AND CLOSING OF A PORTION OF CITY STREET IN WINTERSSET, IOWA

WHEREAS, the City Council of Winterset, Iowa has proposed the vacation and closing of that portion of Pitzer Street legally described as:

Commencing at the Northeast Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the east line of the Northeast Quarter ($\frac{1}{4}$) of said Section One (1), South, 670.0 feet to the Southeast Corner of Block Four (4), Hornback and Bevington Addition, and being the point of beginning. Thence continuing South, 56.0 feet; thence West, 594.0 feet; thence North, 56.0 feet to the Southwest Corner of Block Three (3), Hornback and Bevington Addition; thence along the south line of said Blocks Three (3) and Four (4), East, 594.0 feet to the point of beginning.

WHEREAS, the 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 twenty (20) days prior to the date of hearing and has delivered Notice of hearing to the adjoining land owners, utility companies whose facilities adjoin the street right-of-way, and the Madison County Auditor by certified mail, return receipt, as shown by the returns of service and 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, no adjoining landowner has filed any claim in writing for damages resulting from the proposed vacation and closing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the portion of Pitzer Street legally described as:

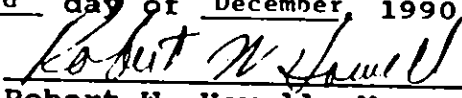
Commencing at the Northeast Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the east line of the Northeast Quarter ($\frac{1}{4}$) of said Section One (1), South, 670.0 feet to the Southeast Corner of Block Four (4), Hornback and Bevington Addition, and being the point of beginning. Thence continuing South, 56.0 feet; thence West, 594.0 feet; thence North, 56.0 feet to the Southwest Corner of Block Three (3), Hornback and Bevington Addition; thence along the south line of said Blocks Three (3) and Four (4), East, 594.0 feet to the point of beginning.

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


BE IT FURTHER RESOLVED AND ORDERED that no damage claims are allowed.

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

Passed and Approved on this 3rd day of December, 1990.


Robert W. Howell, Mayor

ATTEST:


Mark Nitchals
City Administrator

RESOLUTION 90-144
RESOLUTION
APPROVING
THE CONVEYANCE OF REAL ESTATE

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

Commencing at the Northeast Corner of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence along the east line of the Northeast Quarter (¼) of said Section One (1), South, 670.0 feet to the Southeast Corner of Block Four (4), Hornback and Bevington Addition, and being the point of beginning. Thence continuing South, 56.0 feet; thence West, 594.0 feet; thence North, 56.0 feet to the Southwest Corner of Block Three (3), Hornback and Bevington Addition; thence along the south line of said Blocks Three (3) and Four (4), East, 594.0 feet to the point of beginning.

WHEREAS, the City Council has proposed to convey the above described real estate to the Madison County Historical Society, Inc. by Quit Claim Deed reserving and retaining to the City a perpetual easement for all utility purposes upon, across and under this real estate, which easement shall be a covenant running with the land.

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;

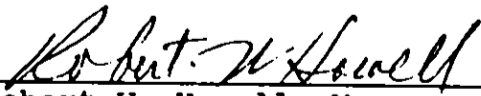
WHEREAS, the City Council now determines that the conveyance of the real estate above described should be approved in all respects as proposed.

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 3rd day of December, 1990, at Winterset, Iowa.



Robert W. Howell, Mayor
City of Winterset, Iowa

ATTEST:



Mark Nitchals
City Administrator
City of Winterset, Iowa