

COMPUTER ✓  
RECORDED ✓  
COMPARED ✓

✓ Prepared by: John E. Casper, 223 E. Court, Winterset, IA 50273 Telephone: (515) 462-4912

CERTIFICATION

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

REC \$ 30<sup>00</sup>  
AUD \$  
R.M.F. \$

1. Affidavit and Certification of Macksburg, Iowa executed by Ava Lee Edwards, dated September 5, 1979 with Exhibits "A" through "D" attached thereto;
2. Exhibit "A" entitled Resolution-Vacation of alley by City of Macksburg, Iowa;
3. Exhibit "B" entitled Notice of Proposal to Dispose of Real Estate;
4. Exhibit "C" entitled an Ordinance vacating the Alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa; and,
5. Exhibit "D" entitled Resolution concerning the Sale of the Alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa.

FILED NO. 003985  
BOOK 2001 PAGE 3985

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NICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

The undersigned further certifies these Exhibits described above were duly passed by the Council and approved by the Mayor of the City of Macksburg, Iowa on the dates shown thereon.

The undersigned further certifies that Ava Lee Edwards was the duly appointed and acting Clerk of the City of Macksburg, Iowa on the dates shown on the attached documents.

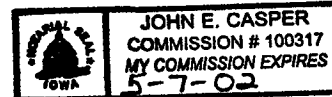
Dated on this 4<sup>th</sup> day of September, 2001, at Winterset, Iowa.

*Ardis Myers*  
Ardis Myers  
City Clerk  
City of Macksburg, Iowa

STATE OF IOWA )  
)  
MADISON COUNTY)

On this 4th day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Ardis Myers to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged to me that she executed the same as their voluntary act and deed.

*John E. Casper*  
John E. Casper, Notary Public in and for said State



AFFIDAVIT AND CERTIFICATION

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STATE OF IOWA :  
: SS  
COUNTY OF MADISON :

I, Ava Lea Edwards, being first duly sworn on oath state that I am the City Clerk of the City of Macksburg, Madison County, Iowa. I further state that on Sept. 5, 1979, the City Council of the City of Macksburg, Iowa, adopted a resolution entitled Resolution - Vacation of Alley, a copy of which is attached hereto and marked Exhibit "A".

I further state that a Notice of Proposal to Dispose of Real Estate was given to the City of Macksburg, Iowa, by posting said notice in three public places in the City which have been designated by the ordinances of the City of Macksburg, Iowa. A copy of said notice is attached hereto and marked Exhibit "B".

I further state that the City of Macksburg, Iowa, adopted Ordinance NO. 3-79 on Sept. 5, 1979, and a copy of said ordinance is attached hereto and marked Exhibit "C".

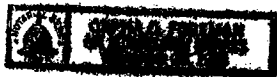
I further state that on Sept. 5, 1979, the City of Macksburg, Iowa, adopted a Resolution Concerning the Sale of the Alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa, and a copy of said Resolution is attached hereto and marked Exhibit "D".

Dated this 5<sup>th</sup> day of September, 1979.

Ava Lea Edwards  
Ava Lea Edwards

Subscribed and sworn to before me by Ava Lea Edwards this 5<sup>th</sup> day of September, 1979.

Alpha O. Foreman  
Notary Public in and for the State of Iowa



RESOLUTION - VACATION OF ALLEY  
No. 4-79

WHEREAS, the City of Macksburg, Iowa, proposes to pass an ordinance for the vacation of the alley running through Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa; and

WHEREAS, the City of Macksburg, Iowa, proposes to sell the West Half ( $W\frac{1}{2}$ ) of said alley to Robert H. Perrin and Wilma L. Perrin, and to sell the East Half ( $E\frac{1}{2}$ ) of said alley to R. A. Rowe and Merna Rowe.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Macksburg, Iowa:

1. The City of Macksburg, Iowa, proposes to pass an ordinance vacating the alley running through Block One (1) of Mack's Second Addition to the city of Macksburg, Iowa.

2. The City of Macksburg, Iowa, proposes to sell the West Half ( $W\frac{1}{2}$ ) of said alley to Robert H. Perrin and Wilma L. Perrin, and the East Half ( $E\frac{1}{2}$ ) of said alley to R. A. Rowe and Merna Rowe. The consideration for said sale shall be the expenses incurred by the City of Macksburg; Robert H. Perrin and Wilma L. Perrin shall pay 50 percent of said expenses and R. A. Rowe and Merna Rowe shall pay 50 percent of said expenses.

3. Hearing on said proposal to sell said alley shall be held on the 5<sup>th</sup> day of September, 1979, at 8:00 o'clock P. M. before the City Council.

4. Notice of such hearing shall be given by posting a notice of hearing in three public places in the city which have been designated by ordinance as required by ordinances of the City of Macksburg, Iowa, and Section 362.3 of the Code of Iowa.

Approved this 1 day of August, 1979.

Ralph Kibler  
Mayor of the City of Macksburg, Iowa

ATTEST:

Ava Lea Edwards  
Clerk of the City of Macksburg, Iowa

Posted  
8-22-79

NOTICE OF PROPOSAL TO DISPOSE OF REAL ESTATE

Notice is hereby given that the City of Macksburg, Iowa, proposes to vacate the following-described alley in the City of Macksburg, Madison County, Iowa, to-wit:

The alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa.

Notice is further given that the City of Macksburg, Iowa, proposes to sell the West Half (½) of said alley to Robert H. Perrin and Wilma L. Perrin, and the East Half (E½) of said alley to R. A. Rowe and Merna Rowe, and the consideration for said sale shall be the expenses incurred by the City of Macksburg; Robert H. Perrin and Wilma L. Perrin shall pay 50 percent of said expenses and R. A. Rowe and Merna Rowe shall pay 50 percent of said expenses.

Notice is further given that at a meeting of the City Council of the City of Macksburg, Iowa, to be held at 8:00 o'clock P M. on the 5<sup>th</sup> day of September, 1979, at Shelter House in Macksburg, Iowa, the City Council of the City of Macksburg, Iowa, will act upon said proposal.

CITY OF MACKSBURG, IOWA

By Ralph Kirkland  
Mayor

ATTEST:

Ava Lea Edwards

Clerk

ORDINANCE NO. 3-79

AN ORDINANCE VACATING THE ALLEY IN BLOCK ONE (1) OF MACK'S SECOND ADDITION TO THE CITY OF MACKSBURG, MADISON COUNTY, IOWA.

BE IT ENACTED by the City Council of the City of Macksburg, Iowa:

SECTION ONE. The alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Iowa, is hereby vacated and declared vacated.

SECTION TWO. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION THREE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 5<sup>th</sup> day of September, 1979.

Ralph Kirkland  
Mayor of the City of Macksburg, Iowa

ATTEST:

Ann Lea Edwards  
Clerk of the City of Macksburg, Iowa

RESOLUTION CONCERNING THE SALE OF THE ALLEY  
IN BLOCK ONE (1) OF MACK'S SECOND ADDITION  
TO THE CITY OF MACKSBURG, MADISON COUNTY, IOWA

WHEREAS, on September 5, 1979, the City Council passed a resolution proposing to vacate the alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Iowa; and

WHEREAS, on September 5, 1979, an Ordinance was passed by the City Council of the City of Macksburg to vacate said alley; and

WHEREAS, a hearing on said proposal to sell said vacated alley was held on the 5<sup>th</sup> day of September, 1979, at 8:00 o'clock P. M. before the City Council; and

WHEREAS, notice of such hearing was given by posting in three public places as required by the ordinances of the City of Macksburg and Section 362.3 of the Code of Iowa.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Macksburg, Iowa:

That a deed in fee simple - without warranty should be executed by the City of Macksburg, Iowa, as follows:

The West Half ( $W\frac{1}{2}$ ) of the vacated alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa,

to Robert H. Perrin and Wilma L. Perrin, as Joint Tenants with Full Rights of Survivorship, and not as Tenants in common; and

The East Half ( $E\frac{1}{2}$ ) of the vacated alley in Block One (1) of Mack's Second Addition to the City of Macksburg, Madison County, Iowa,

to R. A. Rowe and Merna Rowe, as Joint Tenants with Full Right of Survivorship, and not as Tenants in Common. The consideration for said sale shall be the expenses incurred by the City of Macksburg, Iowa; Robert H. Perrin and Wilma L. Perrin shall pay 50 percent of said expenses and R. A. Rowe and Merna Rowe shall pay 50 percent of said expenses.

Passed and approved this 5<sup>th</sup> day of September, 1979.

Ralph Killian  
Mayor of the City of Macksburg, Iowa

ATTEST:

Ann Lee Edwards  
Clerk of the City of Macksburg, Iowa