REC $ 25.00
AUD $ ____
R.M.F. $ 1.00

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FILED NO. 2217
BOOK 43 PAGE 374
96 FEB 16 PM 2:00
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

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, Iowa:

1. Resolution on the City of Winterset, Iowa proposing the grant of the Easement and setting public hearing on the proposal;

2. Notice of Hearing on proposed Easement grant from Winterset, Iowa;

3. Resolution approving Easement grant; and,

4. Affidavit of Publication with enclosure from the Madisonian Newspaper.

The undersigned does further certify that the Notice of Hearing was duly and timely published in the Madisonian, a newspaper of general circulation within the City of Winterset, Iowa, and Madison County, Iowa in accordance with the Affidavit attached hereto.

Dated on this 16th day of February, 1996, at Winterset, Iowa.

CITY SEAL WINTERSET

Mark J. Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION NO. 96-10

RESOLUTION
OF
CITY OF WINTERSET, IOWA
PROPOSING THE GRANT TO MADISON COUNTY OF AN EASEMENT FOR ROAD RIGHT OF WAY AND SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to grant to Madison County without charge a right-of-way easement for county road purposes;

WHEREAS, Iowa Code Section 306.11 requires a public hearing on the proposal prior to being placed on final passage;

WHEREAS, Iowa Code Section 306.12 requires Notice to be made on 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 grant to Madison County, Iowa without charge a right of way easement for county road purposes upon, along and over about 15.48 acres of real estate owned by the City in Sections Six (6) and Seven (7) of Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa.

BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 5th day of February, 1996 at 7:00 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 and approved on this 15th day of January, 1996 at Winterset, Iowa.

Jerry L. Schweitfeger, Mayor
City of Winterset, Iowa

ATTEST:

Mark J. Nitchals
City Administrator
City of Winterset, Iowa

NOTICE OF HEARING ON PROPOSED GRANT OF COUNTY RIGHT-OF-WAY EASEMENT BY THE 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 fifth (5th) day of February, 1996, at 7:00 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 grant without charge to Madison County, Iowa an easement for County road right-of-way purposes upon, along and over about 15.48 acres of real estate owned by the City in Sections Six (6) and Seven (7) of Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa. The legal description of this real estate as established by land survey is on file with the Office of the City Administrator and is available for public inspection during regular business hours.

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 sale, if any, you may have.

Mark J. Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION NO. 96-13

RESOLUTION
GRANTING RIGHT OF WAY EASEMENT TO MADISON COUNTY

WHEREAS, the City Council of Winterset, Iowa has proposed the granting to Madison County, Iowa without charge of a right of way easement for county road purposes upon, along, and over about 15.48 acres of real estate owned by the City in Sections Six (6) and Seven (7) of Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa;

WHEREAS, the legal description of this right-of-way easement has been established by land survey and is on file with the Office of the City Administrator;

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 four (4) days but not more than twenty (20) days prior to the date of hearing as shown by the Affidavit of Publication on file with the City Administrator; and,

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that Madison County, Iowa is hereby granted without charge a right-of-way easement for county road purposes upon, along and over the real estate described above.

BE IT FURTHER RESOLVED AND ORDERED that the Mayor and City Administrator are hereby authorized and directed to execute on behalf of the City the easement agreement incorporating the legal description of the easement area as established by the land survey on file with the City Administrator.

BE IT FURTHER RESOLVED AND ORDERED 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 5th day of February, 1996.

Jerry L. Schwertfeger, Mayor
City of Winterset, Iowa

ATTEST:

Mark J. Nitchals
City Administrator
City of Winterset, Iowa

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 24th day of January, 1996.

Ted Gorman

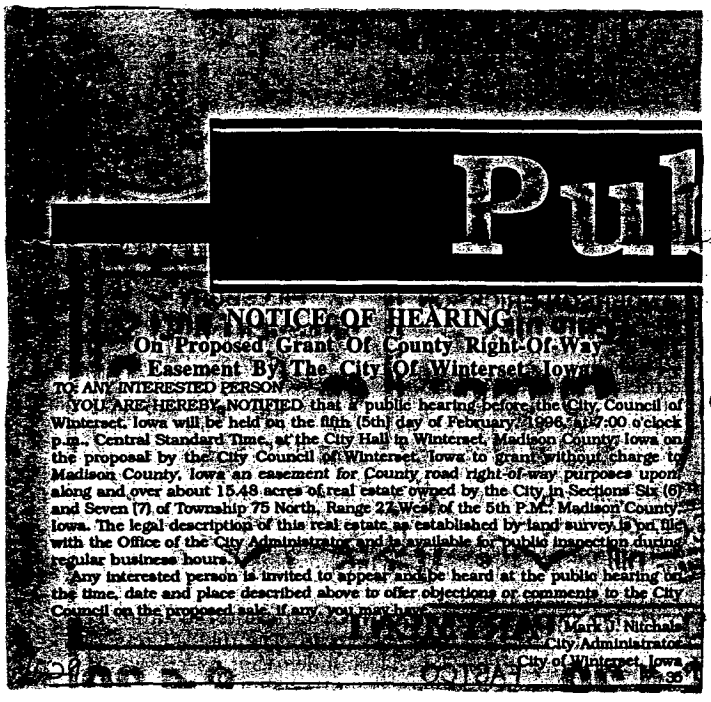
Subscribed and sworn to before me this

24th day of January, 1996.

Raye De Lynne Cook
NOTARY PUBLIC
In and for Madison County

RAYE DE LYNNE COOK
MY COMMISSION EXPIRES
2-7-98

Fee $11.29



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NOTICE OF HEARING
On Proposed Grant Of County Right-Of-Way
Easement By The 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 fifth (5th) day of February, 1996, at 7:00 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 grant without charge to Madison County, Iowa an easement for County road right-of-way purposes upon, along and over about 15.48 acres of real estate owned by the City in Sections Six (6) and Seven (7) of Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa. The legal description of this real estate, as established by land survey, is on file with the Office of the City Administrator and is available for public inspection during regular business hours.

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 sale, if any, you may have.

Mark J. Nichols
City Administrator
City of Winterset, Iowa