

## CERTIFICATION

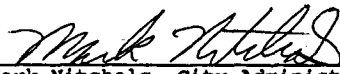
The undersigned, being the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of Clerk of the City of Winterset:

1. Resolution of the City of Winterset, Iowa Proposing to vacate public utility easements and setting public hearing on the proposal;
2. Notice of hearing on the proposed vacation of the public utility easements by the City of Winterset, Iowa;
3. Resolution approving the vacation of the public utility easement within the Bellamy Addition, Plat No. 1 and Plat No. 2, to the City of Winterset, Iowa; and,
4. The Affidavit of publication from the Madisonian.

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

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

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

  
 Mark Nitchals, City Administrator  
 City of Winterset, Iowa



REC \$ 25.00  
 AUD \$ \_\_\_\_\_  
 R.M.F. \$ 1.00

FILED NO. 1882  
 BOOK 41 PAGE 788  
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MICHELLE UTSLER  
 RECORDER  
 MADISON COUNTY, IOWA

RESOLUTION 93-125

RESOLUTION PROPOSING THE VACATION OF A PORTION  
OF THE PUBLIC UTILITY EASEMENT IN THE BELLAMY ADDITION  
TO THE CITY OF WINTERSSET, MADISON COUNTY, IOWA

WHEREAS, the Bellamy Addition, Plat No. 1 and Plant No. 2, to the City of Winterset Madison County, Iowa are subdivisions 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 these subdivisions 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:

1. The North 20 feet of the East One-half ( $\frac{1}{2}$ ) of Lot Four (4) in the Bellamy Addition, Plat No. 2., to the City of Winterset, Madison County, Iowa, and,
2. The East 20 feet of the East One-half ( $\frac{1}{2}$ ) of the Lot Five (5) of the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa, and,
3. The South 20 feet of the East One-half ( $\frac{1}{2}$ ) of Lot Three (3) of the Bellamy Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa)

WHEREAS, the adjoining proprietor to parcel number 1 described above is the Winterset Incentive Network, Inc.)

WHEREAS, the adjoining proprietor to parcel number 2 described above is Merchandising Frontiers, Inc.)

WHEREAS, the adjoining proprietor to parcel number 3 described above is WoodMarc 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 the City 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 20th day of December, 1993 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 said public hearing as required by law.

PASSED and APPROVED on this 6th day of December, 1993 at Winterset, Iowa.

  
Robert W. Howell, Mayor

ATTEST:

  
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 8 day  
of December, 1993

*Ted Gorman*

Subscribed and sworn to before me this 8 day of  
December, 1993

*Lynn M. Gheer*



NOTARY PUBLIC  
In and for Madison County

**PUBLIC HEARING NOTICE**  
**PROPOSED VACATION OF A PORTION OF A**  
**PUBLIC UTILITY EASEMENT UPON LOTS 4**  
**AND 5 OF THE BELLAMY ADDITION, PLAT**  
**NO. 2, TO THE CITY OF WINTERSET,**  
**MADISON COUNTY, IOWA**

TO: ANY INTEREST PERSON  
YOU ARE HEREBY NOTIFIED that a public hearing for the City Council of  
Winterset, Iowa will be held on the 20th day of December, 1993 at 7:30 o'clock P.M.,  
Central Standard 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:

- 1. The North 20 feet of the East One-half (1/2) of Lot Four (4) in the Bellamy Addi-  
tion, Plat No. 2, to the City of Winterset, Madison County, Iowa, and,
- 2. The East 20 feet of the East One-half (1/2) of the Lot Five (5) of the Bellamy  
Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa, and,
- 3. The South 20 feet of the East One-half (1/2) of Lot Three (3) of the Bellamy Addi-  
tion, Plat No. 1, 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

Fee \$ 14.26

RESOLUTION NO. 93-127

RESOLUTION APPROVING VACATION OF A PORTION OF THE  
PUBLIC UTILITY EASEMENTS IN THE BELLAMY ADDITION, PLAT NO. 1 AND 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:

1. The North 20 feet of the East One-half ( $\frac{1}{2}$ ) of Lot Four (4) in the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa and,
2. The East 20 feet of the East one-half ( $\frac{1}{2}$ ) of Lot Five (5) of the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.
3. The South 20 feet of the East One-half ( $\frac{1}{2}$ ) of Lot Three (3) of the Bellamy Addition, Plat No. 1, 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 Winterset Incentive Network who own the East Half ( $\frac{1}{2}$ ) of Lot Four (4) of the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa; and, Merchandising Frontiers, Inc. who own the East Half ( $\frac{1}{2}$ ) of Lot Five (5) of the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa; and T.D. Marc Inc. who owns Lot Three (3) of the Bellamy Addition, Plat No. 1, to the City of Winterset, Madison County, Iowa; expressly approve the 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:

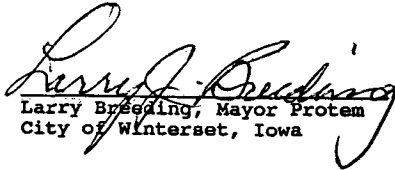
1. The North 20 feet of the East One-half ( $\frac{1}{2}$ ) of Lot Four (4) in the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa and,
2. The East 20 feet of the East one-half ( $\frac{1}{2}$ ) of Lot Five (5) of the Bellamy Addition, Plat No. 2, to the City of Winterset, Madison County, Iowa.
3. the South 20 feet of the East One-half ( $\frac{1}{2}$ ) of Lot Three (3) of the Bellamy Addition, Plat No. 1, 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 20th day of December, 1993.

  
Larry Breding, Mayor Protem  
City of Winterset, Iowa

ATTEST:

  
Mark Nitchals, City Administrator  
City of Winterset, Iowa