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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee # 25.00

IND.
REC.
PAGE

Compared

AFFIDAVIT AND CERTIFICATION

STATE OF IOWA :
:ss
MADISON COUNTY:

I, Mark Nitchals, being first duly sworn on oath, state that I am the City Administrator of the City of Winterset, Iowa. I further state that on the 2nd day of April, 1990, the City Council of the City of Winterset, Iowa, adopted a resolution proposing to vacate and close a portion of a city street, a copy of which resolution is attached hereto and marked as Exhibit "A".

I further state that a Notice of Public Hearing on Proposed Vacation and Closing of a Portion of a City Street in Winterset, Iowa, was published as provided by law. A copy of said Notice, including the Affidavit of Publication, is attached hereto and marked as Exhibit "B".

I further state that on the 16th day of April, 1990, the said City Council adopted a resolution approving vacation and closing of a portion of a city street, a copy of which resolution is attached hereto and marked as Exhibit "C".

I further state that on the 16th day of April, 1990, the City Council adopted a resolution proposing to convey real estate, a copy of which resolution is attached and marked as Exhibit "D".

I further state that a Notice of Public Hearing on Proposed Conveyance of Real Estate by the City of Winterset, Iowa, was published as provided by law. A copy of said Notice, including the Affidavit of Publication, is attached and marked as Exhibit "E".

I further state that on the 23rd day of April, 1990, the City Council adopted a resolution approving the conveyance of real estate, a copy of which resolution is attached and marked as Exhibit "F".

Mark Nitchals

Mark Nitchals, City Administrator

Subscribed and sworn to before me by Mark Nitchals on this 7th day of June, 1990.

Lorraine Kile

Notary Public in and for the State of Iowa

LORRAINE KILE

 Exhibit A

RESOLUTION 90-30
RESOLUTION PROPOSING THE VACATION AND CLOSING OF A PORTION OF A CITY STREET AND SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to vacate and close a portion of a street legally described as:

That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, to the point of beginning.

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 an 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 and close that portion of a street legally described as:

That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, to the point of beginning.

BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 16th day of April, 1990 at 7:30 o'clock 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 hearing as by law required.

PASSED and APPROVED this 2nd day of April, 1990.

Robert W. Howell

Robert W. Howell, Mayor

ATTEST:

Mark Nitchals

Mark Nitchals, City Administrator

Exhibit "B"

AFFIDAVIT OF PUBLICATION

STATE OF IOWA

SS.

Madison County

NOTICE OF PUBLIC HEARING ON PROPOSED VACATION AND CLOSING OF A PORTION OF A CITY STREET IN WINTERSET, IOWA

You are hereby notified that the City Council of the City of Winterset, Iowa, will conduct a public hearing on the 16th day of April, 1990, at 7:30 p.m., at the Winterset City Hall, on the proposed vacation and closing of a portion of a street legally described as:

That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, to the point of beginning.

All interested persons are invited to appear at the public hearing to offer any objections or comments on the proposal.

45

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 11th day

of April, 19 90

Ted Gorman

Subscribed and sworn to before me this 11th day of

April, 19 90

Gail Hartman

NOTARY PUBLIC
In and for Madison County

Fee $2.50

GAIL HARTMAN
MY COMMISSION EXPIRES
2-4-93

Exhibit "C"

RESOLUTION 90-36
RESOLUTION APPROVING VACATION AND CLOSING OF A PORTION
OF CITY STREET IN WINTERSET, IOWA

WHEREAS, the City Council of Winterset, Iowa has proposed the vacation and closing of that portion of Ninth (9th) Street legally described as:

> That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, 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 Ninth (9th) Street, legally described as:

> That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, 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 this 16th day of April, 1990.

Robert W. Howell

Robert W. Howell, Mayor

ATTEST:

Mark Nitchals

Mark Nitchals, City Administrator

Exhibit D

RESOLUTION 90-37
RESOLUTION OF CITY OF WINTERSET, IOWA
PROPOSING TO CONVEY REAL ESTATE AND
SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to dispose of its interest in the real estate formerly used as a street right-of-way;

WHEREAS, the real estate is legally described as:

That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, to the point of beginning.

WHEREAS, the City proposes to convey legal title of the real estate to adjacent property owners by Quit Claim Deed for the costs of the proceedings, including the cost of publication.

WHEREAS, Iowa Code Section 364.7 requires public notice be made on the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINTERSET, IOWA that proposal is hereby made to convey to 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 this proposal shall be held on the 23rd day of April, 1990 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 such public hearing as by law required.

PASSED by the City Council of Winterset, Iowa and approved by the undersigned on this 16th day of April, 1990, at Winterset, Iowa.

Robert W. Howell

Robert W. Howell, Mayor

ATTEST:

Mark Nitchals

Mark Nitchals, City Administrator

Exhibit "E"

AFFIDAVIT OF PUBLICATION

STATE OF IOWA
SS.
Madison County

NOTICE OF PUBLIC HEARING ON PROPOSED CONVEYANCE OF REAL ESTATE BY THE CITY OF WINTERSET, IOWA

You are hereby notified that the City Council of the City of Winterset, Iowa, will conduct a public hearing on the 23rd day of April, 1990, at 8:00 p.m., at the Winterset City Hall, on the proposed conveyance of real estate legally described as:

That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, to the point of beginning.

The proposal is to convey legal title of the real estate to adjacent property owners by Quit Claim Deed for the costs of the proceedings, including the cost of publication.

All interested persons are invited to appear at the public hearing to offer any objections or comments on the proposal.

46

TED GORMAN BEING DULY SWORN SAYS HE IS PUBLISHER OF THE WINTERSET MADISONIAN, a once weekly newspaper of general circulation, published Winterset, Iowa, and that the notice, a copy which annexed and made part hereof, was correct published in said newspaper

for the period of one consecutive weeks,

the last publication thereof being on the 18th day

of April, 19 90.

Ted Gorman

Subscribed and sworn to before me this 18th day of

April, 19 90

Gail Hartman

NOTARY PUBLI
In and for Madison Count

GAIL HARTMAN
MY COMMISSION EXPIRES
2-4-93

Fee $ 11.28

Exhibit F

RESOLUTION 90-42
RESOLUTION APPROVING THE CONVEYANCE OF REAL ESTATE

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

That part of Hutchings Street described as beginning at the Southeast corner of Block 3, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 330.0 feet; thence North 17.0 feet to the Southwest corner of said Block 3; thence East 330.0 feet, along the South line of said Block 3, to the point of beginning. Also, that part of Hutchings Street described as beginning at the Southeast corner of Block 4, W.A. Jenkin's Addition to the City of Winterset, Madison County, Iowa; thence South 17.0 feet; thence West 264.0 feet; thence North 17.0 feet to the Southwest corner of said Block 4; thence East 264.0 feet, along the South line of said Block 4, to the point of beginning.

WHEREAS, the City Council has proposed to convey legal title of described real estate by Quit Claim Deed to the adjacent property owners,

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 23rd day of April, 1990.

Robert W. Howell

Robert W. Howell, Mayor

ATTEST:

Mark Nitchals

Mark Nitchals, City Administrator