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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Mark Nitchals
City of Winterset
124 W. Court Avenue
Winterset IA 50273

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 Clerk of the City of Winterset, Iowa.

1. Resolution proposing to vacate a portion of a public utility easement and to convey interest therein and setting public hearing on the proposal;

2. Notice of Hearing on proposal to notice of hearing on proposal to vacate public utility easement and to convey the city's interest therein;

3. Resolution vacating a portion of a public utility easement and conveying the city's interest therein.

4. The Affidavit of Publication from the Winterset Madisonian.

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

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

Dated on this 8th day of July, 2011, at Winterset, Iowa.

CITY SEAL WINTERSET

Mark Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION 2011-45

RESOLUTION PROPOSING TO VACATE A PORTION OF A PUBLIC UTILITY EASEMENT AND TO CONVEY INTEREST THEREIN AND SETTING PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to vacate a portion of a public utility easement and to dispose of its interest in said real estate;

WHEREAS, the portion of the public utility easement is legally described as:

The South fifteen (15) feet of the North twenty (20) feet, except the West ten (10) feet thereof, of Lot 4 in the Replat of Lots 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

WHEREAS, Iowa Code Section 364.7 requires a public hearing be held on the proposal to vacate a portion of a public utility easement and to convey the City's interest in the real estate and that public notice be made on the proposal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Winterset, Iowa that a proposal is hereby made to vacate a portion of a public utility easement as described above and to convey its interest in the real estate formerly used as a public utility easement to the owner of record by quit claim deed.

BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 20th day of June 2011, at 7:00 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 6th day of June 2011.

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator

NOTICE OF HEARING ON PROPOSAL TO
VACATE PUBLIC UTILITY EASEMENT
AND TO CONVEY THE CITY'S INTEREST THEREIN

Notice is hereby given that a public hearing before the City Council of the City of Winterset, Iowa will be held on the 20th day of June, 2011, at 7:00 o'clock pm, at the City Hall, 124 W Court Avenue in Winterset, Iowa on a proposal to vacate a portion of a public utility easement and to convey the City's interest in said public utility easement legally described as:

> The South fifteen (15) feet of the North twenty (20) feet, except the West ten (10) feet thereof, of Lot 4 in the Replat of Lots 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in 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 to vacate a portion of a public utility easement and to convey its interest therein.

Mark Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION 2011-51

RESOLUTION VACATING A PORTION OF A
PUBLIC UTILITY EASEMENT AND CONVEYING
THE CITY'S INTEREST THEREIN

WHEREAS, the City Council of the City of Winterset, Iowa has proposed to vacate a portion of a public utility easement legally described as:

> The South fifteen (15) feet of the North twenty (20) feet, except the West ten (10) feet thereof, of Lot 4 in the Replat of Lots 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in the City of Winterset, Madison County, Iowa.

WHEREAS, the City Council has proposed to convey the City's interest said public utility easement as described above by quit claim deed to the owner of record.

WHEREAS, the City Council has set the date for a public hearing upon the proposal to vacate a portion of a public utility easement and to convey the City's interest therein, 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 Winterset Madisonian which is a newspaper published weekly and having general circulation in the City, not less than 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 proposal to vacate a portion of a public utility easement above described should be approved in all respects as proposed, and that the City should convey its interest in said public utility easement to the owner of record.

NOW, THEREFORE, BE IT RESOLVED that the proposal to vacate a portion of a public utility easement as described above be and is hereby approved.

BE IT FURTHER RESOLVED that the proposal to convey the City's interest in a portion of a public utility easement as described above to the owner of record be and is hereby approved.

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

Passed and approved this 20th day of June, 2011.

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator

STATE OF IOWA
SS.
Madison County

AFFIDAVIT OF PUBLICATION

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper 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 paper.

for the period 1 consecutive weeks, the last publication thereof being

on the 15 day of June, 20 11.

Ted Gorman

Subcribed and sworn to before me this

16 day of June, 20 11.

Cleota Tapken

NOTARY PUBLIC
in and for Madison County

CLEOTA E. TAPKEN
Commission Number 767215
My Commission Expires
March 17, 2014

Fee $ 12.27

Notice of Hearing on Proposal to Vacate Public Utility Easement and to Convey the City's Interest Therein

Notice is hereby given that a public hearing before the City Council of the City of Winterset, Iowa, will be held on the 20th day of June, 2011, at 7:00 o'clock pm, at the City Hall, 124 W Court Avenue in Winterset, Iowa on a proposal to vacate a portion of a public utility easement and to convey the City's interest in said public utility easement legally described as:

The South fifteen (15) feet of the North twenty (20) feet, except the West ten (10) feet thereof, of Lot 4 in the Replat of Lots 9, 10, 11, 12, 13 & 14 of Maple Lane Estates in 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 to vacate a portion of a public utility easement and to convey its interest therein.

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Mark Nitchals, City Administrator
City of Winterset, Iowa