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INDX ANNO. SCAN CHEK

LISA SMITH, COUNTY RECORDER

MADISON COUNTY IOWA

Prepared by:

Jerrold B. Oliver, POB 230, Winterset, IA 50273

515/462-3731

Return to:

Jerrold B. Oliver, POB 230, Winterset, IA 50273

515/462-371

AFFIDAVIT

STATE OF IOWA

: SS

MADISON COUNTY

I, Jerrold B. Oliver, being first duly sworn on oath state that this Affidavit concerns the chain of title to the following described real estate:

See Attached Exhibit "A"

Attached hereto and marked Exhibit "B" is Ordinance No. 33 of the City of Winterset in which the City of Winterset vacated the alley located on the real estate described in Exhibit "A". Attached hereto and marked Exhibit "C" is a letter from the Iowa Department of Transportation which they relinquish their right to receive a conveyance of said alley pursuant to Ordinance No. 33.

Subscribed and sworn to before me on this $\underline{\cancel{9}}$, day of $\underline{\bigcirc}$, 2011.	
Tasha A. White	
Notary Public in and for the State of Jowa	

That the part of East Summit Street in the City of Winterset, Iowa, described as a strip of ground nine feet wide, included within and bounded by a line commencing at the northwest corner of Block 2 of Kirkwood Addition to the City of Winterset, Iowa, thence east to the northwest corner of Lot 1 of said Block 2 of Kirkwood's Addition to Winterset, Iowa, thence north nine feet, thence west to a point nine feet north of the place of beginning, thence south nine feet to the place of beginning, and the alley ruining north and south through the center of said Block 2 of Kirkwood Addition to the City of Winterset, Iowa, being an alley sixteen and one-half feet wide.

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.84 ororiate sudi I hereby certify that the foregoing Ordinance No. 32 was passed and adopted by the City Council of Winterset, Iowa, at a special called meeting of the City Council held on the 28th day of March, 1940, and approved by the Mayor on the 28th day of March, 1940, and was published in the Winterset Madisonian, a weekly newspaper of general circulation, on the 3rd day of April, A. D. 1940, as shown by publishers affidavit on file in the office of the City Clerk.

City Clerk of Winterset, Iowa.

ORDINANCE No. 33.

AN ORDINANCE vacating a part of East Summit Street along part of the north side of Block 2 of Kirkwood Addition to the City of Winterset, Iowa, and the alley running north and south through Block 3 of Kirkwood Addition to the City of Winterset, Iowa, and providing for conveyance to the State of Iowa of the real estate vacated.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINTERSET, IOWA:

SECTION I. That the part of East Summit Street in the City of Winterset, Iowa, described as a strip of ground nine feet wide, included within and bounded by a line commencing at the north-west corner of Block 2 of Kirkwood Addition to the City of Winterset, Iowa, thence east to the northwest corner of Lot 1 of said Block 2 of Kirkwood's Addition to Winterset, Iowa, thence north nine feet, thence west to a point nine feet north of the place of beginning, thence south nine feet to the place of beginning, and the alley running north and south through the center of said Block 2 of Kirkwood Addition to the City of Winterset, Iowa, being an alley sixteen and one-half feet wide, be and the same are hereby vacated, and that said part of said street and said alley are to be no longer a part of the public highways of the City of Winterset, Iowa, and are to be no longer subject to maintenance as part of the public highway system of this City of Winterset, Iowa.

SECTION 2. That the real estate included in said part of East Summit Street and said alley hereinbefore described, and vacated by this Ordinance, be and the same is hereby conveyed to the State of Iowa, and the Mayor and the City Clerk of the City of Winterset, Iowa, be and they are hereby authorized, instructed and directed to make, execute and deliver to the State of Iowa, a deed, without warranty, conveying said real estate to the State of Iowa, sealed with the seal of the City of Winterset, Iowa.

SECTION 3. All Ordinances or parts of Ordinances in con-

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and adopted this 6th day of May, 1940.

City Clerk of Winterset. Iowa.

attest:



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010

515-239-1300 (TEL #) 515-233-7859 (FAX #)

May 26, 2001

When Communicating, Refer To:

Madison County Project FA-169 State land Patent #4870

Mr. and Mrs. Jerrold Narland c/o Jerrold B. Oliver PO BOX 230 Winterset, IA 50273

Dear Mr. and Mrs. Narland:

We have been informed by your attorney, Jerrold B. Oliver, that the City of Winterset passed an Ordinance entitled "Ordinance No. 33" on May 6, 1940, by which the City vacated an alley running North and South through the center of Block 2 of Kirkwood Addition to the City of Winterset, Madison County, Iowa. Section 2 of said Ordinance ordered the issuance of a deed to said alley to the State of Iowa. Said deed was never prepared or executed by the City of Winterset.

On October 29, 2001, the State made, executed and delivered to Jerrold J. Narland and Orlene L. Narland a Patent to certain real estate located in Block 2 of Kirkwood's Addition to the City of Winterset, Madison County, Iowa. Said Patent excepted the present established alley from the legal description. The real estate conveyed by said Patent to the Narlands included real estate located on both sides of said alley. Therefore, the State of Iowa hereby abandons or relinquishes its right to receive a conveyance of said alley from the City of Winterset, Iowa, pursuant to Ordinance No. 33.

Sincerely,

Sharon Bowers
Property Manager

Office of Right of Way