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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

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E Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2667  
Return To: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

### CERTIFICATION

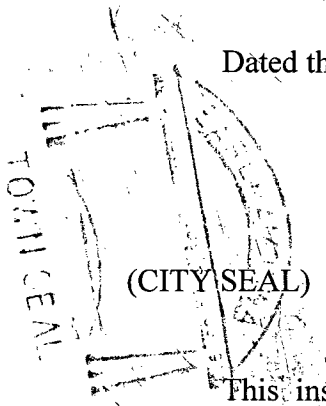
The undersigned, being the duly appointed and acting City Clerk of the City of Earlham, Iowa, does hereby certify that the attached documents are true and authentic copies of the following proceedings of the City Council of the City of Earlham, Iowa:

- Resolution No. 11-15 adopted on June 13, 2011 Proposing Vacation and Transfer of the Alley in Block 16, Original Town of Earlham, Iowa.
- Affidavit of Publication of Notice of Public Hearing on Proposed Vacation and Transfer of Alley in Block 16, Original Town of Earlham, Iowa.
- Ordinance No. 354 adopted on October 10, 2011 Vacating Alley in Block 16 of the Original Town of Earlham, Iowa.
- Resolution No. 11-18 adopted on October 10, 2011 Disposing of Alley in Block 16, Original Town of Earlham, Iowa.

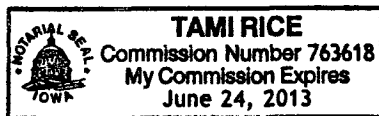
Dated this 7<sup>th</sup> day of November, 2011, at Earlham, Iowa.

*Linette Crouch*

\_\_\_\_\_  
Linette Crouch  
City Clerk  
City of Earlham, Iowa.



This instrument was acknowledged before me on November 7<sup>th</sup>, 2011, by Linette Crouch as City Clerk of the City of Earlham, Iowa.



*T Rice*

\_\_\_\_\_  
Notary Public in and for the State of Iowa.

RESOLUTION NO. 11-15

RESOLUTION PROPOSING THE VACATION OF THE ALLEY  
IN BLOCK 16 IN THE ORIGINAL TOWN OF EARLHAM,  
MADISON COUNTY, IOWA AND SETTING A PUBLIC  
HEARING THEREON FOR 7:00 PM, JULY 11, 2011.

WHEREAS, the City of Earlham, Iowa, is the owner of the alley located in Block 16 of the Original Town of Earlham, Madison County, Iowa; and

WHEREAS, the alley in said Block 16 lies within the real estate complex owned by Farmer's Cooperative Company-Farnhamville, and said alley is of no benefit to the public or to the City; and

WHEREAS, Farmer's Cooperative Company-Farnhamville owns the majority of lots on both sides of said alley; and

WHEREAS, the City Council is of the opinion that it would be in the best interest of the City to vacate and convey said alley to Farmer's Cooperative Company-Farnhamville said alley being legally described as follows, to-wit:

Commencing at the Southwest Corner of Lot 5 in Block 16 of the Original Town of Earlham, Madison County, Iowa, thence West 20 feet to the Southeast Corner of Lot 6 in said Block 16, thence North along the East edges of Lots 6, 7, 8, 9, and 10 to a point 25.16 feet South of the Northeast Corner of Lot 11 in said Block 16, thence Southeasterly 20 feet to a point 26.47 feet South of the Northwest Corner of Lot 1 of said Block 16, thence South along the East edge of said alley and the West edges of Lots 1, 2, 3, 4, and 5 to the Southwest Corner of Lot 5 which is the point of beginning, all in Block 16 of the Original Town of Earlham, Madison County, Iowa.

WHEREAS, the City Council finds that the alley proposed to be vacated is not needed for the use of the public, and the proposed vacation will not deny any property owner access to their property; and

WHEREAS, before said alley can be vacated, it is necessary that a public hearing be held on the proposal pursuant to Chapter 137.03 of the Earlham Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

1. That the City of Earlham, Iowa proposes to vacate the alley in Block 16 of the Original Town of Earlham, Madison County, Iowa and further proposes to convey said alley to Farmer's Cooperative Company-Farnhamville;

2. That the alley the City proposes to vacate is described as follows, to-wit:

Commencing at the Southwest Corner of Lot 5 in Block 16 of the Original Town of Earlham, Madison County, Iowa, thence West 20 feet to the Southeast Corner of Lot 6 in said Block 16, thence North along the East edges of Lots 6, 7, 8, 9, and 10 to a point 25.16 feet South of the Northeast Corner of Lot 11 in said Block 16, thence Southeasterly 20 feet to a point 26.47 feet South of the Northwest Corner of Lot 1 of said Block 16, thence South along the East edge of said alley and the West edges of Lots 1, 2, 3, 4, and 5 to the Southwest Corner of Lot 5 which is the point of beginning, all in Block 16 of the Original Town of Earlham, Madison County, Iowa.

BE IT FURTHER RESOLVED that a public hearing be held on this proposal on July 11, 2011 at 7:00 o'clock P.M., at City Hall, City of Earlham, Iowa;

BE IT FURTHER RESOLVED that the City Clerk publish notice of this proposal and of the date, time and place of hearing thereon pursuant to Section 362.3, Code of Iowa.

BE IT FURTHER RESOLVED that the proposed vacation described herein is hereby referred by the City Council to the Planning and Zoning Commission of the City for its study and recommendation pursuant to Section 137.02 of the Earlham Code of Ordinances.

PASSED AND APPROVED this 13th day of June, 2011.

s/Ronald J. TeKippe, Mayor

ATTEST: s/Linette Crouch, City Clerk



**NOTICE OF HEARING ON  
PROPOSAL TO VACATE ALLEY**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Council of the City of Earlham, Iowa on a resolution proposing that the City of Earlham vacate the alley in Block 16 in the Original Town of Earlham, Iowa. The alley in said Block 16 is of no benefit to the public or to the City and vacating said alley will not deny any property owner access to their property. The alley in said Block 16 that is proposed to be vacated is described as follows, to-wit:

Commencing at the Southwest Corner of Lot 5 in Block 16 of the Original Town of Earlham, Madison County, Iowa, thence West 20 feet to the Southeast Corner of Lot 6 in said Block 16, thence North along the East edge of Lots 6, 7, 8, 9, and 10 to a point 25.16 feet South of the Northeast Corner of Lot 11 in said Block 16; thence Southeasterly 20 feet to a point 26.47 feet South of the Northwest Corner of Lot 1 of said Block 16, thence South along the East edge of said alley and the West edge of Lots 1, 2, 3, 4, and 5 to the Southwest Corner of Lot 5 which is the point of beginning, all in

Block 16 of the Original Town of Earlham, Madison County, Iowa.

The City Council will hold a public hearing on the proposal to vacate said alley at City Hall, in the City of Earlham, Iowa on the 11th day of July, 2011 at 7:00 o'clock P.M. Comments for or against the proposed vacation will be received at the public hearing. After the public hearing, the City Council will make a final determination on whether or not to vacate the alley. If it is determined that the alley should be vacated, the City Council will vacate the alley by ordinance and convey the alley to the adjoining property owners.

This Notice is published by order of the City Council.

Linette Crouch, City Clerk

ORDINANCE NO. 354

AN ORDINANCE VACATING THE ALLEY IN BLOCK 16 IN THE ORIGINAL TOWN OF EARLHAM, MADISON COUNTY, IOWA.

Be it ordained by the Council of the City of Earlham, Iowa:

**Section 1.** Section 137.01 of the Earlham Code of Ordinances provides that when, in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley or portion thereof, the Council may do so by ordinance in accordance with the provisions of said Chapter 137. Section 137.02 provides that any proposal to vacate a street or alley shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation. Section 137.03 provides that the Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**Section 2.** On June 13, 2011 the Council adopted a resolution proposing to vacate a major portion of the alley in Block 16 in the Original Town of Earlham, Madison County, Iowa. The Planning and Zoning Commission studied and recommended the proposed vacation. Public hearing was held on the proposal on July 11, 2011 following published notice of hearing as required by law.

**Section 3.** The City Council of Earlham finds that the alley in Block 16 of the Original Town of Earlham, Iowa lies next to real estate owned by the Farmers Cooperative Company, an Iowa cooperative association, with corporate offices in Ames, Iowa and a branch office in Earlham, Iowa, and that the cooperative owns the majority of lots on both sides of said alley. The Council further finds that the alley is no longer used and is not needed for the use of the public, and that its maintenance at public expense is no longer justified. The Council further finds that vacating the alley will not deny any property owner access to their property. The Council finds that it is in the best interest of the City to vacate said alley.

**Section 4.** Now, therefore, the alley in Block 16 of the Original Town of Earlham, Iowa is hereby vacated, said alley being legally described as follows, to-wit:

That part of the alley in Block 16 of the Original Town of Earlham, Madison County, Iowa, lying South of S.W. 2<sup>nd</sup> Street.

**Section 5. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 6. Severability Clause.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 7. When Effective.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council this 10<sup>th</sup> day of October, 2011 and approved this 10<sup>th</sup> day of October, 2011.

s/Ronald J. TeKippe, Mayor.

ATTEST: s/Linette Crouch, City Clerk

RESOLUTION NO. 11-18

RESOLUTION TO DISPOSE OF REAL ESTATE

WHEREAS, the City of Earlham, Iowa is the owner of the following described real estate, to-wit:

That part of the alley in Block 16 of the Original Town of Earlham, Madison County, Iowa, lying South of S.W. 2<sup>nd</sup> Street.

WHEREAS, said real estate is an alley that was vacated pursuant to Ordinance No. 354, adopted for final passage by the Council on October 10, 2011; and

WHEREAS, the vacated alley is of no benefit to the public or to the City; and

WHEREAS, the City Council is of the opinion that it would be in the best interest of the City to convey the East One-half of said vacated alley to the owner or owners of Lots 1 through 5 in said Block 16 in parcels where that one-half of the vacated alley adjoins each respective owner's lot or lots; and to convey the West One-half of said vacated alley to the owner or owners of Lots 6 through 10 in said Block 16 in parcels where that one-half of the vacated alley adjoins each respective owner's lot or lots. The lot owner or owners shall collectively pay the publication fees incurred in this matter as consideration for these transfers; and

WHEREAS, it is the final determination of the City Council of Earlham, Iowa to dispose of the above described real estate as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

1. That the City of Earlham, Iowa hereby disposes of real estate consisting of a vacated alley which is legally described as follows, to-wit:

That part of the alley in Block 16 of the Original Town of Earlham, Madison County, Iowa, lying South of S.W. 2<sup>nd</sup> Street.

2. That the City of Earlham will convey the East One-half of said vacated alley to the owner or owners of Lots 1 through 5 in said Block 16 in parcels where that one-half of the vacated alley adjoins each respective owner's lot or lots; and will convey the West One-half of said vacated alley to the owner or owners of Lots 6 through 10 in said Block 16 in parcels where that one-half of the vacated alley adjoins each respective



owner's lot or lots. The lot owner or owners shall collectively pay the publication fees incurred in this matter as consideration for these transfers.

3. That the Mayor of the City of Earlham, Iowa is hereby authorized and directed to execute and deliver a deed of conveyance of said real estate to the lot owners as described herein, and the City Clerk is hereby authorized and directed to attest to the Mayor's execution of said deed. The form of deed is now presented to the Council and the Council hereby approves said form of deed.

PASSED AND APPROVED this 10<sup>th</sup> day of October, 2011.

s/Ronald J. Tekippe, Mayor

ATTEST: s/Linette Crouch, City Clerk