



Document 2012 733

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared by and return to:  
Mark Nitchals, City Administrator  
City of Winterset, Iowa  
124 W. Court Avenue  
Winterset IA 50273  
515-462-1422

CERTIFICATION

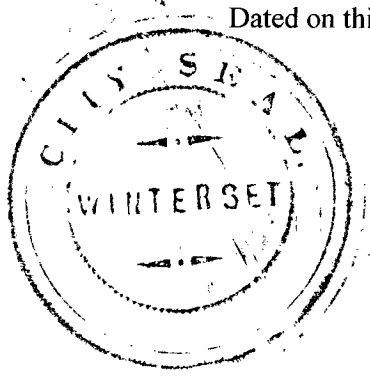
The undersigned, the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of Clerk of the City of Winterset, Iowa.

1. Resolution of City of Winterset, Iowa proposing to vacate a portion of a public street right of way and setting public hearing on the proposal;
2. Notice of Hearing on Proposal to Vacate a Portion of a public street right of way by City of Winterset, Iowa;
3. Resolution Approving the vacation of a portion of a City street right of way; and,
4. The Affidavit of Publication from the Madisonian.

The undersigned further certifies the Resolutions described above were duly passed by the 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 which is a newspaper in general circulation within Madison County, Iowa in accordance with the Affidavit attached hereto.

Dated on this 12th day of March, 2012, at Winterset, Iowa.



Mark Nitchals  
Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION 2012 - 22

RESOLUTION PROPOSING TO VACATE A PORTION OF A  
CITY STREET RIGHT OF WAY AND  
SETTING PUBLIC HEARING ON THE PROPOSAL

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

WHEREAS, the portion of the City street right of way is legally described as:

The Easterly 30.00 feet of Right of Way adjacent to Lot 4 of the Replat of Lot 3 of the Gold Buffet Subdivision, an Official Plat in the City of Winterset, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of said Lot 4; THENCE North 89°57'20" West, extending the South line of said Lot 4, a distance of 30.00 feet; THENCE North 00°00'00" East, parallel with the West line of said Lot 4, a distance of 174.98 feet; THENCE South 89°59'03" East, along an extension of the North line of Said Lot 4, a distance of 30.00 feet to the Northwest corner of Said Lot 4; THENCE South 00°00'00" West, along the West line of said Lot 4 a distance of 175.00 feet to the POINT OF BEGINNING, containing 5,250 square feet, more or less.

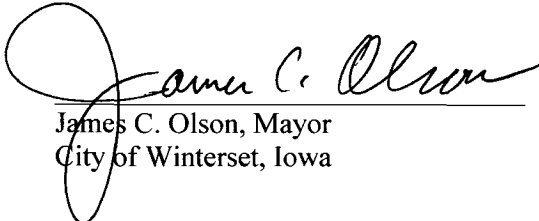
WHEREAS, Iowa Code Section 364.7 requires a public hearing be held on the proposal to vacate a portion of a City street right of way and that public notice be made on the proposal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Winterset, Iowa that a proposal is hereby made to vacate a portion of a City street right of way as described above.


BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on the 5<sup>th</sup> day of March, 2012, at 7:00 o'clock p.m., at the City Hall in Winterset, Iowa located at 124 West Court Avenue, 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 Mayor on this 20<sup>th</sup> day of February, 2012.

  
James C. Olson, Mayor  
City of Winterset, Iowa

ATTEST:

  
Mark Nitchals, City Administrator  
City of Winterset, Iowa

NOTICE OF HEARING ON PROPOSAL TO  
VACATE PORTION OF CITY STREET RIGHT OF WAY  
BY THE CITY OF WINTERSET, IOWA

YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of Winterset, Iowa will be held on the 5<sup>th</sup> day of March, 2012, at 7:00 o'clock p.m., at the Winterset City Hall, 124 West Court Avenue in Winterset, Madison County, Iowa on a proposal by the City Council of Winterset, Iowa to vacate a portion of the City street right of way legally described as:

The Easterly 30.00 feet of Right of Way adjacent to Lot 4 of the Replat of Lot 3 of the Gold Buffet Subdivision, an Official Plat in the City of Winterset, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of said Lot 4; THENCE North 89°57'20" West, extending the South line of said Lot 4, a distance of 30.00 feet; THENCE North 00°00'00" East, parallel with the West line of said Lot 4, a distance of 174.98 feet; THENCE South 89°59'03" East, along an extension of the North line of Said Lot 4, a distance of 30.00 feet to the Northwest corner of Said Lot 4; THENCE South 00°00'00" West, along the West line of said Lot 4 a distance of 175.00 feet to the POINT OF BEGINNING, containing 5,250 square feet, more or less.

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 the above described City street right of way.

Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION 2012-28

RESOLUTION VACATING A PORTION OF A  
CITY STREET RIGHT OF WAY

WHEREAS, the City Council of Winterset, Iowa has proposed to vacate a portion of a City street right of way on the following described real estate:

The Easterly 30.00 feet of Right of Way adjacent to Lot 4 of the Replat of Lot 3 of the Gold Buffet Subdivision, an Official Plat in the City of Winterset, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of said Lot 4; THENCE North 89°57'20" West, extending the South line of said Lot 4, a distance of 30.00 feet; THENCE North 00°00'00" East, parallel with the West line of said Lot 4, a distance of 174.98 feet; THENCE South 89°59'03" East, along an extension of the North line of Said Lot 4, a distance of 30.00 feet to the Northwest corner of Said Lot 4; THENCE South 00°00'00" West, along the West line of said Lot 4 a distance of 175.00 feet to the POINT OF BEGINNING, containing 5,250 square feet, more or less.

WHEREAS, the City Council has set the date for a public hearing upon the proposal to vacate a portion of City street right of way 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,

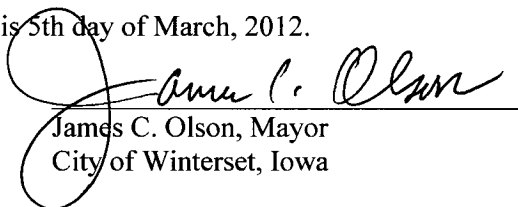
WHEREAS, the City Council now determines that the vacation of a portion of a City street right of way as above described should be approved in all respects as proposed.

NOW, THEREFORE, BE IT RESOLVED that the proposal to vacate a portion of a City street right of way as 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 show the revised City street map.

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 5th day of March, 2012.

  
James C. Olson, Mayor  
City of Winterset, Iowa

ATTEST:

  
Mark Nitchals, City Administrator  
City of Winterset, Iowa

STATE OF IOWA  
SS  
Madison County

AFFIDAVIT OF PUBLICATION

**Notice of Hearing on Proposal to Vacate  
Portion of City Street Right of Way  
by the City of Winterset, Iowa**

YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of Winterset, Iowa will be held on the 5th day of March, 2012, at 7:00 o'clock p.m., at the Winterset City Hall, 124 West Court Avenue in Winterset, Madison County, Iowa on a proposal by the City Council of Winterset, Iowa to vacate a portion of the City street right of way legally described as:

The Easterly 30.00 feet of Right of Way adjacent to Lot 4 of the Replat of Lot 3 of the Gold Buffet Subdivision, an Official Plat in the City of Winterset, Madison County, Iowa, more particularly described as follows:

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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 the above described City street right of way.

Mark Nitchals  
City Administrator  
City of Winterset, Iowa

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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 29 day of Feb, 20 12.

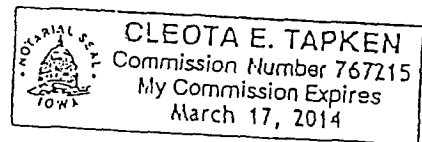
*Ted Gorman*

Subscribed and sworn to before me this

1 day of March, 20 12.

*Cleota Tapken*

NOTARY PUBLIC  
in and for Madison County



Fee \$ 19.29