



Document 2013 1970

Book 2013 Page 1970 Type 06 024 Pages 6
Date 7/02/2013 Time 3:27 PM
Rec Amt \$32.00

INDX ✓
ANNO
SCAN
CHEK

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 2nd day of July, 2013, at Winterset, Iowa.



Mark Nitchals
Mark Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION 2013-45

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

WHEREAS, the City of Winterset 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:

Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa thence North 00°03'40" West 191.81 feet along the West line of said Northwest Quarter of the Northwest Quarter which is also the centerline of John Wayne Drive projected South; thence South 89°29'32" East 33.00 feet to the Point of Beginning; thence North 00°03'40" West 488.86 feet; thence North 89°56'20" East 76.78 feet along the South right-of-way of Mills Street to a point on the West line of Lot 2 of Gold Buffet Subdivision; thence South 00°05'31" West 4.99 feet along the West line of Gold Buffet Subdivision; thence Southerly 332.04 feet along a 904.90 foot radius curve concave Easterly with a 330.18 foot chord bearing South 10°11'56" West which is the West line of Gold Buffet Subdivision; thence South 00°03'40" East 159.15 feet along the West line of Gold Buffet Subdivision and Parcel "E"; thence North 89°29'32" West 17.96 feet to the Point of beginning containing 0.36 acres.

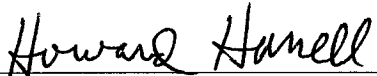
WHEREAS, Iowa Code Section 364.7 requires a public hearing be held on the proposal to vacate a portion of a City street right of way and that public notice be made on the proposal.

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 1st day of July, 2013, at 7:00 o'clock p.m., at the City Hall in Winterset, Iowa located at 124 West Court Avenue, Winterset, Iowa.

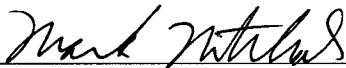
BE IT FURTHER RESOLVED that the City Administrator be and is hereby authorized and directed to give notice of such public hearing as by law required.

Passed and approved this 3rd day of June, 2013.



Howard Harrell, Mayor Pro Tem
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 WINTERSSET, IOWA

YOU ARE HEREBY NOTIFIED that a public hearing before the City Council of the City of Winterset, Iowa will be held on the 1st day of July, 2013, at 7:00 o'clock p.m., at the Winterset City Hall, 124 West Court Avenue in Winterset, Madison County, Iowa on a proposal to vacate a portion of the City street right of way legally described as:

Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa thence North 00°03'40" West 191.81 feet along the West line of said Northwest Quarter of the Northwest Quarter which is also the centerline of John Wayne Drive projected South; thence South 89°29'32" East 33.00 feet to the Point of Beginning; thence North 00°03'40" West 488.86 feet; thence North 89°56'20" East 76.78 feet along the South right-of-way of Mills Street to a point on the West line of Lot 2 of Gold Buffet Subdivision; thence South 00°05'31" West 4.99 feet along the West line of Gold Buffet Subdivision; thence Southerly 332.04 feet along a 904.90 foot radius curve concave Easterly with a 330.18 foot chord bearing South 10°11'56" West which is the West line of Gold Buffet Subdivision; thence South 00°03'40" East 159.15 feet along the West line of Gold Buffet Subdivision and Parcel "E"; thence North 89°29'32" West 17.96 feet to the Point of beginning containing 0.36 acres.

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 2013-51

RESOLUTION VACATING A PORTION OF A
CITY STREET RIGHT OF WAY

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

Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa thence North 00°03'40" West 191.81 feet along the West line of said Northwest Quarter of the Northwest Quarter which is also the centerline of John Wayne Drive projected South; thence South 89°29'32" East 33.00 feet to the Point of Beginning; thence North 00°03'40" West 488.86 feet; thence North 89°56'20" East 76.78 feet along the South right-of-way of Mills Street to a point on the West line of Lot 2 of Gold Buffet Subdivision; thence South 00°05'31" West 4.99 feet along the West line of Gold Buffet Subdivision; thence Southerly 332.04 feet along a 904.90 foot radius curve concave Easterly with a 330.18 foot chord bearing South 10°11'56" West which is the West line of Gold Buffet Subdivision; thence South 00°03'40" East 159.15 feet along the West line of Gold Buffet Subdivision and Parcel "E"; thence North 89°29'32" West 17.96 feet to the Point of beginning containing 0.36 acres.

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,

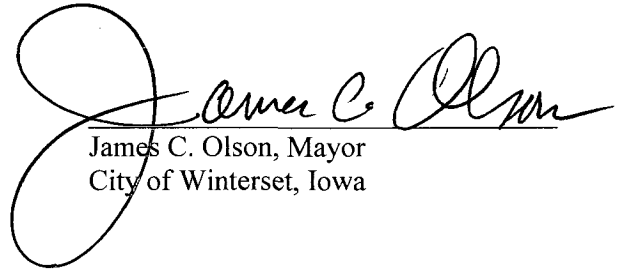
WHEREAS, the City Council now determines that the vacation of a portion of a City street right of way as above described should be approved in all respects as proposed.

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 and approved this 1st day of July, 2013.



James C. Olson, Mayor
City of Winterset, Iowa

ATTEST:



Mark Nitchals, City Administrator
City of Winterset, Iowa

AFFIDAVIT OF PUBLICATIONS

**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 the City of Winterset, Iowa will be held on the 1st day of July, 2013, at 7:00 o'clock p.m., at the Winterset City Hall, 124 West Court Avenue in Winterset, Madison County, Iowa on a proposal to vacate a portion of the City street right of way legally described as:

Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5th P.M., City of Winterset, Madison County, Iowa thence North 00°03'40" West 191.81 feet along the West line of said Northwest Quarter of the Northwest Quarter which is also the centerline of John Wayne Drive projected South; thence South 89°29'32" East 33.00 feet to the Point of Beginning; thence North 00°03'40" West 488.86 feet; thence North 89°56'20" East 76.78 feet along the South right-of-way of Mills Street to a point on the West line of Lot 2 of Gold Buffet Subdivision; thence South 00°05'31" West 4.99 feet along the West line of Gold Buffet Subdivision; thence Southerly 332.04 feet along a 904.90 foot radius curve concave Easterly with a 330.18 foot chord bearing South 10°11'56" West which is the West line of Gold Buffet Subdivision; thence South 00°03'40" East 159.15 feet along the West line of Gold Buffet Subdivision and Parcel "E"; thence North 89°29'32" West 17.96 feet to the Point of beginning containing 0.36 acres.

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 43

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 19 day of June 2013

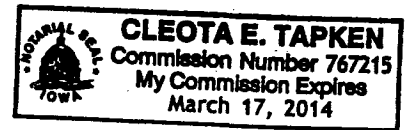
Ted Gorman

Subscribed and sworn to before me this

20 day of June 2013

Cleota Tapken

NOTARY PUBLIC
In and for Madison County



Fee \$ 25.91