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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

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

CERTIFICATION

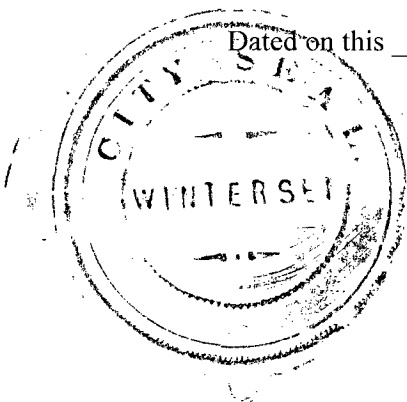
The undersigned, the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of Clerk of the City of Winterset, Iowa.

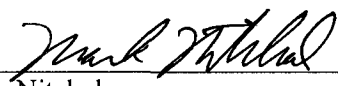
1. Resolution of City of Winterset, Iowa proposing to convey Real Estate and setting public hearing on the proposal;
2. Notice of Hearing on Proposed Conveyance of Real Estate by City of Winterset, Iowa;
3. Resolution Approving the Conveyance of Real Estate; and,
4. The Affidavit of Publication from the Winterset 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 in the Winterset Madisonian in accordance with the Affidavit attached hereto.

Dated on this 2nd day of July, 2013, at Winterset, Iowa.



  
\_\_\_\_\_  
Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION 2013-46

RESOLUTION PROPOSING TO CONVEY REAL ESTATE AND  
SETTING DATE FOR PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City Council of the City of Winterset, Iowa proposes to dispose of its interest in certain real estate legally described as:

Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5<sup>th</sup> 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 5<sup>th</sup> 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. (the "Real Estate");

WHEREAS, the Council proposes to convey title of the Real Estate by Quit Claim Deed to Hy-Vee, Inc. an Iowa corporation ("Hy-Vee") on the following terms and conditions:

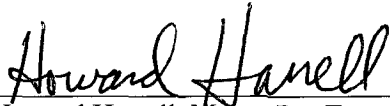
The City will quit claim its interest in the Real Estate to Hy-Vee reserving to the City upon, across and under the Real Estate a perpetual easement granting and allowing the City the right to install, maintain, repair, and replace public utilities upon, along, across and under the Real Estate and the right of access to the Real Estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the City to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the City must disturb the land surface incident to the exercise of the foregoing easement rights.

WHEREAS, Iowa Code Section 364.7 requires public hearing be held on the proposal to convey the City's interest in Real Estate.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa that the proposal is hereby made to convey to the Real Estate upon the terms and conditions as provided 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 W. Court Avenue, Winterset, Iowa.

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 PROPOSED CONVEYANCE OF REAL ESTATE

NOTICE IS HEREBY GIVEN that a public hearing before the City Council of the City of Winterset, Iowa (the "City") will be held on the 1st day of July, 2013, at 7:00 o'clock PM, at the City Hall in Winterset, Iowa located at 124 W. Court Avenue, Winterset, Iowa, on a proposal to convey title of real estate legally described as:

Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5<sup>th</sup> 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 5<sup>th</sup> 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. (the "Real Estate")

upon the following terms and conditions:

The City will quit claim its interest in the Real Estate to Hy-Vee, Inc. an Iowa corporation, reserving to the City upon, across and under the above described Real Estate a perpetual easement granting and allowing the City the right to install, maintain, repair, and replace public utilities upon, along, across and under the Real Estate and the right of access to the Real Estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the City to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the City must disturb the land surface incident to the exercise of the foregoing easement rights.

Any interested person may appear and be heard at the public hearing at the time, date and place described above to offer objections or comments to the City Council on the proposed conveyance of City owned real estate.

Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION 2013-52

RESOLUTION APPROVING THE CONVEYANCE OF REAL ESTATE

WHEREAS, the City Council of the City of Winterset, Iowa (the "City") has proposed the conveyance of 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 5<sup>th</sup> 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 5<sup>th</sup> 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. (the "Real Estate");

WHEREAS, the City Council has proposed to convey title of the Real Estate by Quit Claim Deed to Hy-Vee, Inc. and Iowa corporation ("Hy-Vee") upon the following terms and conditions:

The City will quit claim its interest in the Real Estate to Hy-Vee reserving to the City upon, across and under the Real Estate a perpetual easement granting and allowing the City the right to install, maintain, repair, and replace public utilities upon, along, across and under the Real Estate and the right of access to the Real Estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the City to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the City must disturb the land surface incident to the exercise of the foregoing easement rights.

WHEREAS, the City Council set July 1, 2013 as the date for a public hearing upon the proposed conveyance of Real Estate pursuant to Iowa Code Section 364.7;

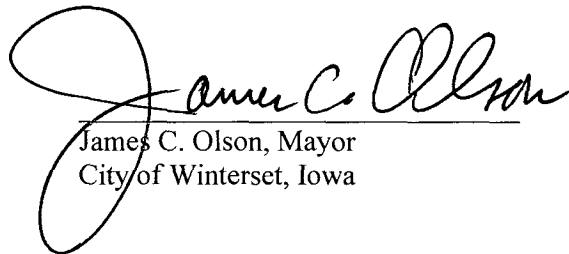
WHEREAS, notice of the hearing has been timely published as provided by Iowa Code Section 362.3 in the Winterset Madisonian, a newspaper published weekly and having general circulation in the City, as evidenced by the Affidavit of Publication from the Madisonian on file in the Office of the City Administrator;

WHEREAS, the public hearing has been held and all interested persons have been heard on the proposal.


NOW, THEREFORE, BE IT RESOLVED that the proposed conveyance of Real Estate 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 complete this transaction including, but not limited to, the tender of a Quit Claim Deed to Hy-Vee.

Passed and approved on this 1st day of July, 2013.

  
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 PUBLICATIONS

**Notice of Hearing on Proposed  
Conveyance of Real Estate**

NOTICE IS HEREBY GIVEN that a public hearing before the City Council of the City of Winterset, Iowa (the "City") will be held on the 1st day of July, 2013, at 7:00 o'clock PM, at the City Hall in Winterset, Iowa located at 124 W. Court Avenue, Winterset, Iowa, on a proposal to convey title of real estate 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. (the "Real Estate")

upon the following terms and conditions:

The City will quit claim its interest in the Real Estate to Hy-Vee, Inc. an Iowa corporation, reserving to the City upon, across and under the above described Real Estate a perpetual easement granting and allowing the City the right to install, maintain, repair, and replace public utilities upon, along, across and under the Real Estate and the right of access to the Real Estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the City to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the City must disturb the land surface incident to the exercise of the foregoing easement rights.

Any interested person may appear and be heard at the public hearing at the time, date and place described above to offer objections or comments to the City Council on the proposed conveyance of City owned real estate.

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

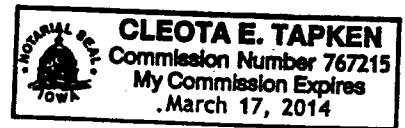
*Ted Gorman*

Subscribed and sworn to before me this

20 day of June 2013

*Cleota Tapken*

NOTARY PUBLIC  
In and for Madison County



Fee \$ 34.29