Clerk's Certificate Vacating and Sale of Pearl Street

I, Mark Nitchals, do hereby certify that I am now and at all times hereinafter referred to the duly appointed and acting City Clerk of the City of Winterset, Iowa. I further certify that on May 2, 1983, the Winterset City Council received a petition to vacate Pearl Street and resolved to hold a public hearing on the matter of vacating of Pearl Street (attached is a portion of the minutes of the May 2, 1983 Winterset City Council meeting).

I further resolve that on June 20, 1983 the Winterset City Council conducted a public hearing on the matter of vacating Pearl Street. At that same meeting on June 20, 1983, the City Council resolved to vacate Pearl Street and to provide for the sale thereof (attached is a portion of the minutes of the June 20, 1983 Winterset City Council meeting).

I further resolve that on July 18, 1983, the Winterset City Council received sealed bids for the sale of the vacated portion of Pearl Street. At that July 18th City Council meeting, the Council voted to hold a public hearing on the sale of the vacated portion of Pearl Street at the August 1, 1983 City Council meeting (attached is a portion of the minutes of the July 18, 1983 Winterset City Council meeting).

I further resolve that on August 1, 1983 the Winterset City Council conducted a public hearing on the proposed terms of the sale of the vacated portion of Pearl Street. At the August 1, 1983 City Council meeting, the Winterset City Council adopted a resolution approving the sale of the vacated portion of Pearl Street (attached is a portion of the minutes of the August 1, 1983 City Council meeting with a resolution showing the legal description of the vacated Pearl Street along with a legal description of the portion thereof that was sold to the individual property owners).

I further certify that the attached copies are true and authentic copies of the minutes of the Winterset City Council meetings for the various dates indicated thereon.

IN WITNESS THEREOF, I have set my hand hereonto this 31st day of August, 1983.

Mark Nitchals

Mark Nitchals, City Clerk
City of Winterset, Iowa

WINTERSET

Compared

FILED NO. 473
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1983 SEP -1 PM 9:32

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $18.00

IND. ✓
REC. ✓
PAGE ✓

The City Clerk reported that he had received a petition to vacate Pearl Street. The petition had been signed by the adjoining property owners of Pearl Street which is generally described as being located in Wilsey Addition. The City Attorney reported that the next step in vacating a street is to set a date for the hearing and to publish notice of the hearing at least 20 days before the hearing date. The Council discussed the matter for a period of time. It was first suggested that the date for the hearing be set for the June 6th Council meeting. However, Councilman Callison and Councilman Ward both stated they felt they would not be able to attend that meeting. In addition, Councilman Thompson stated that he would not vote on the matter, since he was one of the petitioners applying for the vacation of Pearl Street. Thereupon Councilman Cole introduced Resolution 83-28 and moved for its adoption. Councilman Callison seconded the motion. Roll call vote:

AYES: Callison, Cole, Harrell, Thompson, Ward

NAYS: None

Whereupon the Mayor declared the following resolution duly adopted.

RESOLUTION 83-28
RESOLUTION SETTING DATE FOR PUBLIC HEARING ON VACATING PEARL STREET

WHEREAS, an application to vacate Pearl Street has been filed in the office of the City Clerk, and

WHEREAS, a public hearing must be held on the matter of vacating Pearl Street,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa that a public hearing on the matter of vacating Pearl Street be set for June 20, 1983.

BE IT FURTHER RESOLVED that the City Attorney and City Clerk are hereby directed to prepare notice of the public hearing and provide that notice is published pursuant to state law.

PASSED and APPROVED this 2nd day of May, 1983.

Bernard Morrissey, Mayor

ATTEST:

Mark Nitchals, City Clerk

June 20, 1983 Winterset City Council minutes

The Mayor then declared that this was the time and place set for a public hearing on vacating Pearl Street. He asked for any comments regarding this matter from any members of the public. No one present at the meeting had any comment regarding this matter. Councilman Ward then introduced Resolution 83-40 and moved for its adoption. Motion was seconded by Councilman Harrell. Roll call vote:

AYES: Callison, Cole, Harrell, Ward

NAYS: None

ABSTAIN: Thompson

Whereupon the Mayor declared the following resolution duly adopted.

RESOLUTION 83-40
RESOLUTION VACATING PEARL STREET AND PROVIDING FOR SALE THEREOF

WHEREAS, the City has received an application to vacate a portion of Pearl Street which portion is legally described as follows:

> Commencing at the Southwest Corner of Lot Five (5) in Block Two (2) of Wilsey's Addition to the City of Winterset, Madison County, Iowa, thence East 264 Feet to the Southeast Corner of Lot Eight (8) in said Block, thence South 49½ feet on the Northeast Corner of Lot one (1) on Block Three (3) of said Addition, thence West 264 Feet to the Northwest Corner of Lot Four (4) in Block Three (3) of said Addition, thence North 49½ feet to the place of beginning, and

WHEREAS, the City Council has conducted a public hearing on this matter on June 20, 1983 and,

WHEREAS, this portion of Pearl Street as aboved described is not open to vehicular traffic and is not needed for any public utilities and,

WHEREAS, it appears that there's no public need for Pearl Street to be used now or in the future.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Winterset, Iowa that portion of Pearl Street as above described is hereby vacated.

BE IT FURTHER RESOLVED that this portion of Pearl Street be sold by sealed bid to the highest bidder and that sealed bids will be opened and considered by this Council at a meeting to be held on July 18, 1983.

BE IT FURTHER RESOLVED that the City reserves the right to reject any and all bids.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to provide public notice of this sale as required by law.

PASSED AND APPROVED this 20th day of June, 1983

Bernard Morrissey, Mayor

ATTEST:

Mark Nitchals, City Clerk

July 18, 1983 Winterset City Council minutes

The City Clerk reported that he had received one sealed bid for the purchase of the vacated portion of Pearl Street. The City Clerk opened the bid and announced it to the members of the Council and the Mayor. The bid was submitted by the Winterset Cemetery Association, Mr. and Mrs. Robert Pearson and Mr. and Mrs. Richard Thompson for a purchase price of $960. This proposal was to purchase portions of Pearl Street adjacent to each of their properties. The City Attorney advised the Council that the state law requires that the City Council conduct a public hearing whenever the City proposes to dispose of real estate. He stated that the hearing would be held on the proposed term of sale and the method of transferring title. He suggested that the City Council merely accept this bid at this meeting and conduct a public hearing at the next meeting. A motion was made by Councilman Harrell, seconded by Councilman Cole, to hold a public hearing on August 1st regarding the sale of the vacated portion of Pearl Street and directing that the City Clerk advertise this public hearing. On a voice vote, the Mayor declared that the motion carried.

August 1, 1983 Winterset City Council minutes

The Mayor stated that this was now the time and place for a public hearing on the proposal to sell the vacated portion of Pearl Street. The Mayor asked that any objections to the proposed sale to now be voiced. There were no comments in favor of or objection to the proposal to sell Pearl Street. Councilman Cole then introduced Resolution 83-56 and moved for its adoption. Councilman Callison seconded the motion to adopt. Roll call vote:

AYES: Callison, Cole, Harrell, Ward

NAYS: None

ABSTAIN: Thompson

Whereupon the Mayor declared the following resolution duly adopted.

RESOLUTION 83-56
RESOLUTION ON SALE OF VACATED STREET AND
RESOLUTION APPROVING SALE OF VACATED STREET

WHEREAS, the City of Winterset, Iowa, has adopted a Resolution proposing to sell the vacated Pearl Street, legally described as:

> Commencing at the Southwest Corner of Lot Five (5) in Block Two (2) of Wilsey's Addition to the City of Winterset, Madison County, Iowa, thence East 264 feet to the Southeast corner of Lot Eight (8) in said Block, thence South 49½ feet to the Northeast corner of Lot One (1) in Block Three (3) of said Addition, thence West 264 feet to the Northwest Corner of Lot Four (4) in Block Three (3) of said Addition, thence North 49½ feet to the place of beginning.

AND, WHEREAS, bids were received by the Council of the City of Winterset, Iowa on the 18th day of July, 1983, following publication of Notice of the taking of bids for the purchase of said real property.

AND, WHEREAS, on July 18, 1983 the Council of the City of Winterset, Iowa resolved that a public hearing be held on August 1, 1983 on said proposal to sell said real property.

AND, WHEREAS, Notice of such hearing was given by publication in the Winterset Madisonian, which publication was in compliance with Chapter 362 of the Code of Iowa (1983).

AND, WHEREAS, a hearing on said proposal to sell the premises was held on the 1st day of August, 1983, at 7:30 P. M. before the Council in its chambers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa, that any and all objections to the sale of the real estate described above are hereby overruled.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the sale of said property is hereby allowed and authorized.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the bid of the Winterset Cemetary Association in the sum of Three Hundred Sixty & no/100 Dollars ($360.00) for the purchase of the following described portion of said real property be and is hereby accepted:

> Commencing at the Southwest corner of Lot Seven (7) in Block Two (2) of Wilsey's Addition to the City of Winterset, Madison County, Iowa, thence East 132 feet to the Southeast corner of Lot Eight (8) in said Block Two (2), thence South 49.5 feet, thence West 132 feet, thence North 24.75 feet, thence West 33 feet, thence North 24.75 feet to the place of beginning.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the bid of Robert L. and Donna K. Pearson in the sum of Three Hundred Sixty & no/100 Dollars ($360.00) for the purchase of the following described portion of said real property be and is hereby accepted:

> Commencing at the Northwest corner of Lot Four (4) in Block Three (3) of Wilsey's Addition to the City of Winterset, Madison County, Iowa, thence East 165 feet, thence North 24.75 feet, thence West 165 feet, thence South 24.75 feet to the place of beginning.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa that the bid of Richard L. and Genelle F. Thompson in the sum of Two Hundred Forty & no/100 Dollars ($240.00) for the purchase of the following described portion of said real property be and is hereby accepted:

> Commencing at the Southwest corner of Lot Five (5) in Block Two (2) of Wilsey's Addition to the City of Winterset, Madison County, Iowa, thence East 132 feet to the Southeast corner of Lot Six (6) in said Block Two (2), thence South 24.75 feet, thence West 132 feet, thence North 24.75 feet to the place of beginning.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the Mayor and the City Clerk are hereby authorized to execute the necessary Quit Claim Deeds and tender the same to the said purchasers.

BE IT FURTHER RESOLVED by the City of Winterset, Iowa, that the Mayor or his designee shall receive for and on behalf of the City of Winterset, Iowa, upon tender of said Deeds the full purchase price for said property.

PASSED and APPROVED on this 1st day of August, 1983.

Bernard Morrissey, Mayor

ATTEST:

Mark Nitchals, City Clerk