



Document 2014 2284

Book 2014 Page 2284 Type 06 024 Pages 7

Date 9/12/2014 Time 3:36 PM

Rec Amt \$37.00

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

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 12th day of September, 2014, at Winterset, Iowa.



Mark Nitchals
City Administrator
City of Winterset, Iowa

RESOLUTION 2014-98

RESOLUTION OF CITY OF WINTERSET, IOWA
PROPOSING TO CONVEY REAL ESTATE AND
SETTING DATE FOR PUBLIC HEARING ON THE PROPOSAL

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

Parcel "R" 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, being the Easterly 30.00 feet of Right-of-Way of John Wayne Drive (North First Street) adjacent to Lot 5 of Replat of Lot 3 of the Gold Buffet Subdivision more particularly described as follows:

Beginning at the Northwest Corner of Lot 5, Replat of Lot 3, Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, thence South 00°01'22" West 103.14 feet along the West line of said Lot 5; thence extending the South line of said Lot 5 South 89°59'43" West 30.00 feet; thence North 00°00'00" West 103.05 feet; thence North 89°48'39" East 30.04 feet along the South line of existing Parcel "O" to the Point of Beginning, containing 3095 square feet.

WHEREAS, the City proposes to convey title of the real estate by quit claim deed to Pizza Ranch of Winterset LLC on the following terms and conditions:

The City will quit claim its interest in this real estate to Pizza Ranch of Winterset LLC 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 this real estate and the right of access to this 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.

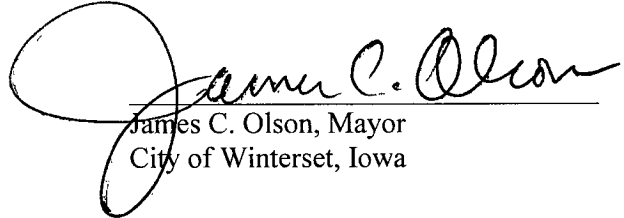
WHEREAS, Iowa Code Section 364.7 requires public hearing be held on the proposal to convey the City's interest in real estate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa that proposal is hereby made to convey to the described real estate upon the terms and conditions above provided.

BE IT FURTHER RESOLVED that a public hearing be held on this proposal to convey real estate on the 8th day of September, 2014 at 7:00 o'clock p.m. before the City Council at the City Hall in Winterset, Iowa located at 124 West Court Avenue, Winterset, Iowa.


BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to cause notice of this public hearing to be published in a timely manner as required by law.

Passed and approved this 18th day of August, 2014.



James C. Olson, Mayor
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 will be held on the 8th day of September, 2014 at 7:00 o'clock PM, at the City Hall in Winterset, Iowa located at 124 West Court Avenue, Winterset, Iowa on a proposal to convey title of real estate legally described as:

Parcel "R" 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, being the Easterly 30.00 feet of Right-of-Way of John Wayne Drive (North First Street) adjacent to Lot 5 of Replat of Lot 3 of the Gold Buffet Subdivision more particularly described as follows:

Beginning at the Northwest Corner of Lot 5, Replat of Lot 3, Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, thence South 00°01'22" West 103.14 feet along the West line of said Lot 5; thence extending the South line of said Lot 5 South 89°59'43" West 30.00 feet; thence North 00°00'00" West 103.05 feet; thence North 89°48'39" East 30.04 feet along the South line of existing Parcel "O" to the Point of Beginning, containing 3095 square feet.

upon the following terms and conditions:

The City will quit claim its interest in this real estate to Pizza Ranch of Winterset LLC 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 this real estate and the right of access to this 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 2014-102

RESOLUTION APPROVING THE CONVEYANCE OF REAL ESTATE

WHEREAS, the City Council of Winterset, Iowa has proposed the conveyance of the following described real estate:

Parcel "R" 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, being the Easterly 30.00 feet of Right-of-Way of John Wayne Drive (North First Street) adjacent to Lot 5 of Replat of Lot 3 of the Gold Buffet Subdivision more particularly described as follows:

Beginning at the Northwest Corner of Lot 5, Replat of Lot 3, Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, thence South 00°01'22" West 103.14 feet along the West line of said Lot 5; thence extending the South line of said Lot 5 South 89°59'43" West 30.00 feet; thence North 00°00'00" West 103.05 feet; thence North 89°48'39" East 30.04 feet along the South line of existing Parcel "O" to the Point of Beginning, containing 3095 square feet.

WHEREAS, the City Council has proposed to convey title of the real estate by quit claim deed to Pizza Ranch of Winterset LLC upon the following terms and conditions:

The City will quit claim its interest in this real estate to Pizza Ranch of Winterset LLC 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 this real estate and the right of access to this 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 September 8, 2014 as the date for a public hearing upon the proposed conveyance of real estate pursuant to Iowa Code Section 364.7;

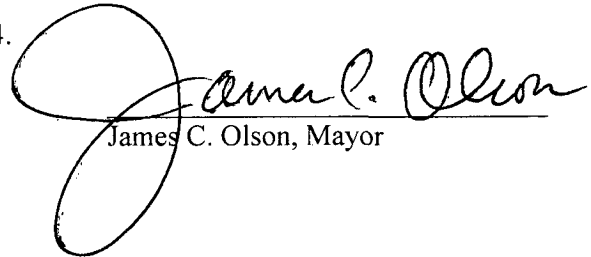
WHEREAS, notice of the hearing has been timely published as provided by Iowa Code Section 362.3 in the Winterset Madisonian, a newspaper published weekly and having general circulation in the City, as evidenced by the Affidavit of Publication from the Madisonian on file in the Office of the City Administrator.

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 Pizza Ranch of Winterset LLC.

Passed and approved on this 8th day of September, 2014.


James C. Olson, Mayor

ATTEST:


Mark Nitchals, City Administrator

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 will be held on the 8th day of September, 2014 at 7:00 o'clock PM, at the City Hall in Winterset, Iowa located at 124 West Court Avenue,

Winterset, Iowa on a proposal to convey title of real estate legally described as: Parcel "R" 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, being the Easterly 30.00 feet of Right-of-Way of John Wayne Drive (North First Street) adjacent to Lot 5 of Replat of Lot 3 of the Gold Buffet Subdivision more particularly described as follows: Beginning at the Northwest Corner of Lot 5, Replat of Lot 3, Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, thence South 00°01'22" West 103.14 feet along the West line of said Lot 5; thence extending the South line of said Lot 5 South 89°59'43" West 30.00 feet; thence North 00°00'00" West 103.05 feet; thence North 89°48'39" East 30.04 feet along the South line of existing Parcel "O" to the Point of Beginning, containing 3095 square feet.

upon the following terms and conditions:

The City will quit claim its interest in this real estate to Pizza Ranch of Winterset LLC 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 this real estate and the right of access to this 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 1

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 / consecutive weeks, the last publication thereof being

on the 27 day of Aug 2014

Ted Gorman

Subscribed and sworn to before me this

28 day of Aug 2014

Cleota Tapken

NOTARY PUBLIC
In and for Madison County

Fee
\$ 28.93

