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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 September, 2014, at Winterset, Iowa.



Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION 2014-97

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:

Parcel "R" 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, 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.

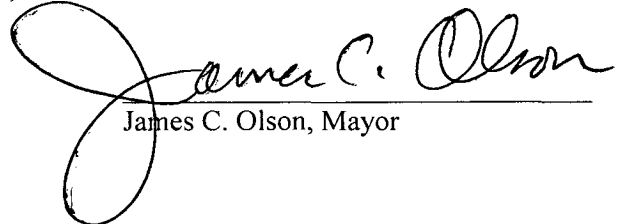
WHEREAS, the Iowa Code Section 354.23 requires a public hearing be held on the proposal to vacate a portion of a City street right of way and that public notice be made on the proposal.

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 September 8, 2014, at 7:00 PM., at the City Hall, 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 18th day of August, 2014.

  
James C. Olson, Mayor

ATTEST:

  
Mark Nitchals, City Administrator

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 Winterset, Iowa will be held on September 8, 2014, at 7:00 PM., at the Winterset City Hall, 124 West Court Avenue in Winterset, Madison County, Iowa on a proposal to vacate a portion of a City street right-of-way located adjacent to 1009 N. John Wayne Drive and legally described as:

Parcel "R" 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, 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.

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 2014-101

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:

Parcel "R" 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, 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 set the date for a public hearing upon the proposal to vacate a portion of a City street right-of-way pursuant to Iowa Code Section 354.23;

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;

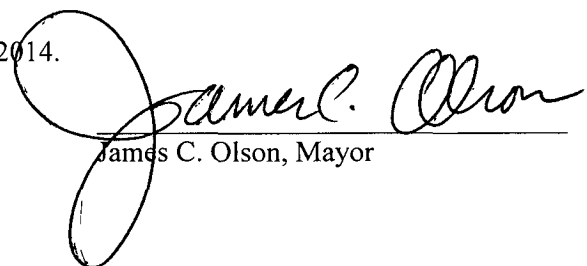
WHEREAS, the public hearing has been held and all interested persons have been heard on the proposal,

WHEREAS, the City Council now determines that the vacation of a portion of a City street right-of-way as described above 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.

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 8th day of September, 2014.

  
James C. Olson, Mayor

ATTEST:

  
Mark Nitchals, City Administrator

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 Winterset, Iowa will be held on September 8, 2014, at 7:00 P.M., at the Winterset City Hall, 124 West Court Avenue in Winterset, Madison County, Iowa on a proposal to vacate a portion of a City street right-of-way located adjacent to 1009 N. John Wayne Drive and 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.

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 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 1 consecutive weeks, the last publication thereof being

on the 27 day of Aug 20 14

*Ted G. Gorman*

Subscribed and sworn to before me this

28 day of Aug 20 14

*Cleota E. Tapken*

NOTARY PUBLIC  
In and for Madison County

Fee  
\$ 21.11

