CERTIFICATE AS TO SALE OF REAL ESTATE

STATE OF IOWA :
MADISON COUNTY :ss
CITY OF WINTERSET :

I, O. D. Simmons, City Clerk of the City of Winterset, Iowa, hereby certify that I was the City Clerk of the City of Winterset, Iowa, at all times hereinafter referred to and I further certify:

May 20, 1974 an application to vacate Adair Street between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) of Kirkwood's Addition to the City of Winterset, Iowa was filed with the City Council of said City by the owners of all the real estate abutting the portion of the street to be vacated. A true copy of said application is attached hereto and marked Exhibit "A".

On May 20, 1974, Ordinance No. 241 of the City of Winterset was duly passed and adopted by the City Council of said City and approved by Robert W. Howell, Mayor of the City of Winterset, Iowa. Said ordinance was duly published in the Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa. A true and correct copy of said ordinance is attached hereto and marked Exhibit "B".

On June 10, 1974, a resolution was passed and adopted by the City Council of the City of Winterset, Iowa, and approved by Robert W. Howell, Mayor of said City, proposing to sell that portion of said street vacated by Ordinance No. 241. A true and correct copy of said Resolution is attached hereto and marked Exhibit "C".

On June 12, 1974 and June 19, 1974, a certain notice was published in the Winterset Madisonian with reference to said sale and a copy of said notice is attached hereto and marked Exhibit "D".

On July 8, 1974, a resolution was duly passed and adopted by the City Council of the City of Winterset, Iowa, and approved by Robert W. Howell, Mayor of said City, approving the sale of said vacated street to Burton J. Smith. A true and correct copy of said resolution is attached hereto and marked Exhibit "E".

Witness my hand as City Clerk of the City of Winterset, Iowa, and the official seal of said City on July 11, 1974.

CITY OF WINTERSET IOWA

O D Simmons
City Clerk of the City of Winterset, Iowa

COMPARED

FILED NO. 1181
BOOK 46 PAGE 117
1974 JUL 23 PM 1:02
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $12.50

46-52

EXHIBIT "A"

APPLICATION TO VACATE STREET

TO.....THE CITY COUNCIL OF WINTERSET, IOWA:

Comes now Burton J. Smith and Jean J. Smith, husband and wife, and Dennis Little and Brenda Little, husband and wife, respectfully request that the following described street to-wit:

Adair Street between Lot One(1) in Block Four (4) and Lot Eight (8) in Block One (1) of Kirkwood's addition to the city of Winterset, Iowa,

be vacated, and as grounds therefore states:

That the undersigned Burton J. Smith and Jean J. Smith are the owners of Lot One (1) in Block Four (4) of Kirkwood's Addition to the City of Winterset, Iowa, and

That the undersigned Dennis Little and Brenda Little are the owners of Lot Eight in Block One(1) in Kirkwood's Addition to the City of Winterset, Iowa, and therefore are the owners of all of the real estate abutting the portion of the street to be vacated.

It is unlikely that the City of Winterset will need said street in the future, as said street has been platted for a number of years and has never been opened.

That no property owner will be deprived of access to any real estate because of the vacation of said street.

That these petitioners are desirous of purchasing the vacated street.

WHEREFORE, the undersigned petitioners hereby request the City of Winterset to vacate the above described real estate and to sell said v vacated street to the undersigned petitioners, with Dennis Little and Brenda Little offering to buy the North One-Half (N½) of said vacated street, and Burton J. Smith and Jean J. Smith offering to buy the South One-half (S½) of said vacated street.

Burton J. Smith

Jean J. Smith

Dennis Little

Brenda Little

EXHIBIT "B"

ORDINANCE No. 241

An ordinance vacating Adair Street between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) of Kirkwood's Addition to the City of Winterset, Iowa.

BE IT ORDAINED by the City Council of the City of Winterset, Iowa:

SECTION ONE. That the street described herein is not needed for the use of the public nor for any public purpose, and there is no reason to believe that it will be so needed at any time in the future, and the City of Winterset, Iowa, should be releived from any responsibility in connection therewith.

SECTION TWO. That the owners of the property abutting said street have petitioned for said vacation and said vacation will not deny such owners reasonable access to abutting property.

SECTION THREE: That the City Planning and Zoning Commission has approved the vacating of said street.

SECTION FOUR. That Adair Street between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) of Kirkwood's Addition of the City of Winterset, Iowa, be and is hereby vacated and declared vacated.

SECTION FIVE. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION SIX. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved the 20th day of May, 1974.

Attest:

O.D. Simmons, City Clerk
(SEAL)

Robert W. Howell, Mayor
City of Winterset, Iowa

CERTIFICATE

I, O.D. Simmons, City Clerk of the City of Winterset, Iowa, do hereby certify that the foregoing Ordinance No. 241 was passed and adopted by the City Council in an adjourned meeting held on the 20th day of May, 1974 and published in the Winterset Madisonian, a weekly newspaper of general circulation on the 22nd day of May, 1974, as shown by the publisher's affidavit on file in the office of the City Clerk.

(SEAL)

City Clerk of the City of Winterset, Iowa

EXHIBIT "C"

RESOLUTION, SALE OF VACATED STREET

WHEREAS, the City of Winterset, Iowa, has passed an ordinance for the vacation of Adair Street between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) in Kirkwood's Addition to the City of Winterset, Iowa, and

WHEREAS, the sale thereof will not interfere with the free access to public street of any abutting property;

NOW THEREFORE, be it resolved by the City Council of the City of Winterset, Iowa that the City of Winterset, Iowa, proposes to sell the vacated Adair Street between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) of Kirkwood's Addition to the City of Winterset, Iowa, subject to an easement to the City of Winterset, Iowa, across the north twenty (20) feet thereof for drainage purposes to the highest bidder.

That a hearing on this proposal to sell said real estate to the highest bidder, shall be held on the 8 day of July, 1974, at 7:30 o'clock P m. before this City Council in its council chambers in the City Hall in the City of Winterset, Iowa, at which time the City Council will accept bids and will sell said property to the highest bidder, and that notice of such hearing be given by publication once each week for two consecutive weeks in the Winterset Madisonian, the last of such publications shall be at least ten days before the date of said hearing, and that the Mayor and City Clerk shall tend to the giving of said notice.

On roll call the members of the City Council voted as follows:

Richard Cooper	Yes	Burton J. Smith	Yes
Willard Short	Yes	Don K. Young	No
C. Jean Bristow	Yes		

Approved by me this 10th day of June, 1974.

Robert W. Howell
Mayor of the City of Winterset, Iowa

ATTEST:

O. D. Simmons
Clerk of the City of Winterset, Iowa

EXHIBIT "D"

PUBLIC NOTICE

TO ALL INTERESTED PERSONS

You are hereby notified that on the 8th day of July, 1974 at 7:30 o'clock p. m. in the Council Chamber of the City Council of the City of Winterset at the City Hall in Winterset, Iowa, the City of Winterset will sell to the highest bidder the following described real estate, to-wit:

> Vacated Adair Street between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) in Kirkwood's Addition to the City of Winterset, Iowa, subject to an easement to the City of Winterset, Iowa across the north twenty (20) feet thereof for drainage purposes.

Notice is further given that the City of Winterset proposes to sell said real estate without furnishing an abstract opinion thereto, and will execute to the buyer a Quit Claim Deed.

Notice is further given that any person may appear at said hearing and bid upon said property subject to the terms hereinbefore set forth and said property will be sold to the highest bidder therefore.

Dated this 10 day of June, 1974.

Robert W. Howell
Mayor of the City of Winterset, Iowa

ATTEST:

O. D. Simmons
Clerk of the City of Winterset, Iowa

EXHIBIT "E"

RESOLUTION

DEED TO VACATED PORTION OF ADAIR STREET BETWEEN BLOCK FOUR (4) AND BLOCK ONE (1) IN KIRKWOOD'S ADDITION.

WHEREAS, on May 20, 1974 an ordinance was passed by the City Council of the City of Winterset, Iowa, vacating the portion of Adair Street lying between Lot One (1) in Block Four (4) and Lot Eight (8) in Block One (1) of Kirkwood's Addition to the City of Winterset, Iowa, and,

WHEREAS, on June 10, 1974, the City Council passed a resolution proposing to sell said vacated street, and,

WHEREAS, a hearing on said proposal to sell said vacated street was held on the 8th day of July, 1974, at 7:30 P.M., before the City Council in the council chambers, and,

WHEREAS, notice of such hearing was given by publication once each week for two consecutive weeks in the Winterset Madisonian, the last of which publications appeared at least ten (10) days before the date of said hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa:

That the vacated portion of Adair Street lying between Lot One (1) in Block Four (4) and Lot eight (8) in Block One (1) of Kirkwood's Addition to the City of Winterset, Iowa, be sold by Quit Claim Deed without abstract subject to an easement for sewage and drainage purposes across the North 20 feet thereof to Burton J. Smith and that the mayor and city clerk are hereby authorized to execute the necessary Quit Claim Deed to transfer said real estate.

On roll call the members of the City Council voted as follows:

C. Jean Bristow	Yes	Richard L. Cooper	Yes
Willard J. Short	Yes	Burton J. Smith	Passed
Don K. Young	No		

Approved this 8th day of July, 1974.

CITY OF WINTERSET

Attest: _____
City Clerk

_____
Mayor of the City of Winterset, Iowa