FILED NO. 718
BOOK 45 PAGE 348
1973 MAY -4 PM 1:33
RECORDER
MADISON COUNTY, IOWA
Fee $10.50

COUNCIL MINUTES

It was moved by Councilman Neil Schardein and seconded by Councilman Lloyd Love that the Ordinance entitled: "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE STREET AND ALLEY DESCRIBED AS Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa, thence North to a point Sixteen feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence East to the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence South to the Southwest Corner of said Block Fourteen, (14), thence East to the Southeast Corner of said Block (14), thence South to Northeast Corner of Block Thirteen (13) of Wilson's Addition, thence West to the Northwest Corner of said Block Thirteen (13), thence South to the Southwest Corner of said Block Thirteen (13) thence West to the point of beginning, all in Wilson's Addition to the City of Earlham, Madison County, Iowa," be now read by the City Clerk. The Mayor put the question on the motion, and the roll being called, the following named Councilmen voted:

Ayes: Neil Schardein, Lloyd Love, Eugene Conrad, Claire Jones, Ron Myers

Absent: _____

Nays: _____

WHEREUPON, the Mayor declared the motion duly carried and said ordinance was read by the City Clerk, and duly considered by the Council.

It was moved by Councilman Eugene Conrad and seconded by Councilman Claire Jones that the rule requiring said Ordinance to be read on three different days be dispensed with. The Mayor put the question on the motion, and the roll being called, the following named Councilmen voted:

Ayes: Neil Schardein, Lloyd Love, Eugene Conrad, Claire Jones, Ron Myers

Absent: _____

Nays: _____

WHEREUPON, the Mayor declared the motion duly carried.

It was moved by Councilman Ron Myers and seconded by Councilman Neil Schardein that the Ordinance entitled: "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE STREET AND ALLEY DESCRIBED AS Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa thence North to a point Sixteen Feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence East to the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence

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South to the Southwest Corner of said Block Fourteen (14), thence East to the Southeast Corner of said Block (14), thence South to Northeast Corner of Block Thirteen (13) of Wilson's Addition, thence West to the Northwest Corner of said Block Thirteen (13), thence South to the Southwest Corner of said Block Thirteen (13) thence West to the point of beginning, all in Wilson's Addition to the City of Earlham, Madison County, Iowa," be now put upon its final passage and adoption. The Mayor put the question on the final passage and adoption of said Ordinance and the roll being called, the following named Councilmen voted:

Ayes: Neil Schardein, Lloyd Love, Eugene Conrad, Claire Jones, Ron Myers

Absent: _____

Nays: _____

WHEREUPON, the Mayor declared said Ordinance duly adopted, and the Clerk designated it as Ordinance No. 160.

"ORDINANCE NO. 160 "

"AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE STREET AND ALLEY DESCRIBED AS Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa, thence North to a point Sixteen Feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence East to the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence South to the Southwest Corner of said Block Fourteen (14), thence East to the Southeast Corner of said Block (14), thence South to Northeast Corner of Block Thirteen (13), of Wilson's Addition, thence West to the Northwest Corner of said Block Thirteen (13), thence South to the Southwest Corner of said Block Thirteen (13) thence West to the point of beginning, all in Wilson's Addition to the City of Earlham, Madison County, Iowa,"

Be It Enacted by the Council of the City of Earlham, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to vacate and sell the described alley and street and thereby relieve the City of Earlham, Iowa, of the responsibility for their maintenance and supervision.

SECTION 2. Facts found. The Council of the City of Earlham, Iowa, hereby makes the following findings:

1. The described street and alley are not needed for the use of the public, and , therefore, their maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the street and alley reasonable access to their property.

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3. Notice of the intended vacation, including the date on which the council will first consider the vacating ordinance, has been posted at least twice on each block along the described street and alley not more than twenty-one days nor less than seven days prior to the date set for the hearing.

4. The City Clerk has published notice of the proposed sale once each week for two consecutive weeks in a newspaper published in and having general circulation in the city. The last of these publications appeared not less than ten days before the meeting of the council at which this ordinance was to be considered.

SECTION 3. Vacation. The street and alley described as Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa, thence North to a point Sixteen Feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition thence East to the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence South to the Southwest Corner of said Block Fourteen (14), thence East to the Southeast Corner of said Block (14), thence South to Northeast Corner of Block Thirteen (13) of Wilson's Addition, thence West to the North west Corner of said Block Thirteen (13), thence South to the Southwest Corner of said Block Thirteen (13) thence West to the point of beginning, all in Wilson's Addition to the City of Earlham, Madison County, Iowa, is hereby declared vacated.

SECTION 4. Sale. On behalf of the town, the mayor shall contract to sell and shall deed the above described property to Earlham Mobile Home Terrace, Inc. for the sum of $400.00. The City Clerk shall co-sign all such contracts and deeds.

SECTION 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. When effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council the 2nd day of April, 1973, and approved this 2nd day of April, 1973.

Raymond L. Klein
MAYOR

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Attest: Carolyn Treadway
Clerk

(TOWN SEAL)

Recorded in the records of the City this 2nd day of April, 1973, and officially published on the 19th day of April, 1973.

Carolyn Treadway
(City Clerk)

AFFIDAVIT OF PUBLICATION

STATE OF IOWA }
Madison County } ss.

DOLORES SUMMY, BEING DULY SWORN SAYS SHE IS CO-PUBLISHER OF THE EARLHAM ECHO, a weekly newspaper of general circulation, published in Earlham, Iowa, and that the notice, a copy of which is annexed and made a part hereof, was correctly published in said newspaper for the period of 1 consecutive weeks, the last publication thereof being on the 19th day of April, 19 73

Dolores Summy

Subscribed and sworn to before me this 4th day of May 1973

Notary Public

Fee $

THE EARLHAM ECHO
Thursday, April 19, 1973

PUBLIC NOTICE

"ORDINANCE NO. 160"

"AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE STREET AND ALLEY DESCRIBED AS Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa, thence North to a point Sixteen Feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence East to the Northwest Corner of Block Fourteen ((14) of Wilson's Addition, thence South to the Southwest Corner of said Block Fourteen (14), thence East to the Southeast Corner of said Block (14), thence South to Northeast Corner of Block Thirteen (13), of Wilson's Addition, thence West to the Northwest Corner of said Block Thirteen (13), thence South to the Southwest Corner of said Block Thirteen (13) thence West to the point of beginning, all in Wilson's Addition to the City of Earlham, Madison County, Iowa."

Be It Enacted by the Council of the City of Earlham, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to vacate and sell the described alley and street and thereby relieve the City of Earlham, Iowa, of the responsibility for their maintenance and supervision.

SECTION 2. Facts found. The Council of the City of Earlham, Iowa, hereby makes the following findings:

1. The described street and alley are not needed for the use of the public, and, therefore, their maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the street and alley reasonable access to their property.

3. Notice of the intended vacation, including the date on which the council will first consider the vacating ordinance, has been posted at least twice on each block along the described street and alley not more than twenty-one days nor less than seven days prior to the date set for the hearing.

4. The City Clerk has published notice of the proposed sale once each week for two consecutive weeks in a newspaper published in and having general circulation in the city. The last of these publications appeared not less than ten days before the meeting of the council at which this ordinance was to be considered.

SECTION 3. Vacation. The street and alley described as Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa, thence North to a point Sixteen Feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence East to the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence South to the Southwest Corner of said Block Fourteen (14), thence East to the Southeast Corner of said Block (14), thence South to Northeast Corner of Block Thirteen (13) of Wilson's Addition, thence West to the Northwest Corner of said Block Thirteen (13), thence South to the Southwest Corner of said Block Thirteen (13), thence West to the point of beginning, all in Wilson's Addition to the City of Earlham, Madison County, Iowa, is hereby declared vacated.

SECTION 4. Sale. On behalf of the town, the mayor shall contract to sell and shall deed the above described property to Earlham Mobile Home Terrace, Inc. for the sum of $400.00. The City Clerk shall co-sign all such contracts and deeds.

SECTION 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. When effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council the 2nd day of April, 1973, and approved this 2nd day of April, 1973.

(s) RAYMOND S. FLINN
Mayor

Attest: CAROLYN TREADWAY
Clerk

(TOWN SEAL)

CLERK'S CERTIFICATE

STATE OF IOWA :
: SS
MADISON COUNTY:

I, Carolyn Treadway, City Clerk of the City of Earlham, Madison County, Iowa, do hereby certify that foregoing Ordinance No. 160 entitled "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE STREET AND ALLEY DESCRIBED AS Commencing Sixteen Feet (16') due West of the Southwest Corner of Block Thirteen (13), Wilson's Addition, City of Earlham, Madison County, Iowa, thence North to a point Sixteen Feet (16') due West of the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence East to the Northwest Corner of Block Fourteen (14) of Wilson's Addition, thence South to the Southwest Corner of said Block Fourteen (14), thence East to the Southeast Corner of said Block (14), thence South to the Northeast Corner of Block Thirteen (13) of Wilson's Addition, thence West to the Northwest Corner of said Block Thirteen (13) thence South to the Southwest Corner of said Block Thirteen (13) thence West to the point of Beginning, all in Wilson's addition to the City of Earlham, Madison County, Iowa," was duly passed by the City Council of the City of Earlham, Madison County, Iowa, on the 2nd day of April A.D., 1973, and has been recorded in the official records of said City.

I do further certify that said Ordinance was duly published in the Earlham Echo, a legal newspaper, printed wholly in the English language, of general circulation in the Municipality of Earlham, Iowa, on the 19th day of April, A.D., 1973. A copy of the proof of publication, marked Exhibit "A" is hereto attached and by this reference incorporated herein and made a part hereof.

I do further certify that I am now and was at the times herein mentioned that duly qualified and acting clerk of the City of Earlham, Madison County, Iowa, and that as such clerk I am in charge of the records herein stated and that I have executed this certificate by full authority of said City.

Witnesseth my official signature and seal of the City of Earlham, Iowa, on this 4th day of May, A.D., 1973.

Carolyn Treadway

City Clerk
Earlham, Iowa

TOWN SEAL