FILED NO. 181
BOOK 44 PAGE 195
1971 FEB 16 PM 2:03
MARY E. WELL
RECORDER
MADISON COUNTY, IOWA
Fee 5.50
L.M.M.

CLERK'S CERTIFICATE

STATE OF IOWA :
: SS
MADISON COUNTY:

I, John V. Morgland Carolyn Treadway, Town Clerk of the Town of Earlham, Madison County, Iowa, do hereby certify that foregoing Ordinance No. 151 entitled "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY AS PLATTED IN BLOCK 3, WILSON'S ADDITION TO THE TOWN OF EARLHAM, MADISON COUNTY, IOWA, FROM THE NORTHERN BOUNDARY OF CENTER STREET TO THE SOUTHERN BOUNDARY OF ACADEMY AVENUE, ACCORDING TO THE RECORDED PLAT THEREOF IN THE TOWN OF EARLHAM, IOWA," was duly passed by the Town Council of the Town of Earlham, Madison County, Iowa, on the 28th day of December A.D., 1970, and has been recorded in the official records of said Town.

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 31st day of December, A.D., 1970.

I do further certify that I am now and was at the times herein mentioned that duly qualified and acting clerk of the Town 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 Town.

Witnesseth my official signature and Seal of the Town of Earlham, Iowa, on this 29th day of January, A.D., 1971.

John V. Morgland
Carolyn Treadway

Town Clerk Acting
Earlham, Iowa

(SEAL)

COUNCIL MINUTES

It was moved by Councilman Love and seconded by Councilman Peterson that the Ordinance entitled: "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY AS PLATTED IN BLOCK 3, WILSON'S ADDITION TO THE TOWN OF EARLHAM, MADISON COUNTY, IOWA, FROM THE NORTHERN BOUNDARY OF CENTER STREET TO THE SOUTHERN BOUNDARY OF ACADEMY AVENUE, ACCORDING TO THE RECORDED PLAT THEREOF IN THE TOWN OF EARLHAM, IOWA", be now read by the Town Clerk. The Mayor put the question on the motion, and the roll being called, the following named Councilmen voted:

Ayes: Love, Peterson, Schardein, Jones

Absent: None

Nays: Conrad

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RECORDER
MADISON COUNTY, IOWA

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

It was moved by Councilman Peterson and seconded by Councilman Schardein 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: Peterson, Schardein, Jones, Love

Absent: None

Nays: Conrad

WHEREUPON, the Mayor declared the motion duly carried.

It was moved by Councilman Jones and seconded by Councilman Love that the Ordinance entitled: "AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY AS PLATTED IN BLOCK 3, WILSON'S ADDITION TO THE TOWN OF EARLHAM, MADISON COUNTY, IOWA, FROM THE NORTHERN BOUNDARY OF CENTER STREET TO THE SOUTHERN BOUNDARY OF ACADEMY AVENUE, ACCORDING TO THE RECORDED PLAT THEREOF IN THE TOWN OF EARLHAM, 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: Jones, Love, Peterson, Schardein

Absent: None

Nays: Conrad

WHEREUPON, the Mayor declared said Ordinance duly adopted.

"ORDINANCE NO. 151"

AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY AS PLATTED IN BLOCK 3, WILSON'S ADDITION TO THE TOWN OF EARLHAM, MADISON COUNTY, IOWA, FROM THE NORTHERN BOUNDARY OF CENTER STREET TO THE SOUTHERN BOUNDARY OF ACADEMY AVENUE, ACCORDING TO THE RECORDED PLAT THEREOF IN THE TOWN OF EARLHAM, IOWA.

84-70-B

#2. Council Minutes

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

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

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

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

2. The vacation will not deny owners of property abutting on the 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 alley not more than twenty-one days nor less than seven days prior to the date set for the hearing.

4. The Town 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 town. The last of these publications appeared not less than ten days before the meeting of the council at which this ordinance was enacted.

SECTION 3. Vacation. The alley as platted in Block 3, Wilson's Addition to the Town of Earlham, Madison County, Iowa, from the northern boundary of Center Street to the southern boundary of Academy Avenue, according to the recorded plat thereof 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 Willard Rhine for the sum of $ 150.00 . The Town 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.

FILED NO. 181
BOOK 44 PAGE 195
1971 FEB 16 PM 2:03 W.W
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

84-70-C

#3. Council Minutes

Passed by the Council the 28th day of December, 1970, and approved this _____ day of _____, 1970.

Raymond L. Flaim
MAYOR

Attest: John M. McDonald
Clerk, Acting

(TOWN SEAL)

Recorded in the records of the Town, this 30th day of December, 1970, and officially published on the 31st day of December, 1970.

John M. McDonald
(Town Clerk) Acting

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RECORDER
MADISON COUNTY, IOWA

AFFIDAVIT OF PUBLICATION

STATE OF IOWA }
Madison County } ss.

PUBLIC NOTICE!

ORDINANCE NO. 151
AN ORDINANCE PROVIDING FOR THE VACATION AND SALE OF THE ALLEY AS PLATTED IN BLOCK 3, WILSON'S ADDITION TO THE TOWN OF EARLHAM, MADISON COUNTY, IOWA, FROM THE NORTHERN BOUNDARY OF CENTER STREET TO THE SOUTHERN BOUNDARY OF ACADEMY AVENUE, ACCORDING TO THE RECORDED PLAT THEREOF IN THE TOWN OF EARLHAM, IOWA.

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

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

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

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

2. The vacation will not deny owners of property abutting on the 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 alley not more than twenty-one days nor less than seven days prior to the date set for the hearing.

4. The Town 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 town. The last of these publications appeared not less than ten days before the meeting of the council at which this ordinance was enacted.

SECTION 3. Vacation. The alley as platted in Block 3, Wilson's Addition to the Town of Earlham, Madison County, Iowa, from the northern boundary of Center Street to the southern boundary of Academy Avenue, according to the recorded plat thereof is hereby declared vacated.

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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 28th day of December, 1970, and approved this 28th day of December, 1970.

(s) RAYMOND S. FLINN
Mayor

Attest: (s) JOHN J. MORELAND
Clerk, Acting

(TOWN SEAL)

Recorded in the records of the Town, this 30th day of December, 1970, and officially published on the 31st day of December, 1970.

(s) JOHN J. MORELAND
Acting Town Clerk

LESLIE R. GOELDNER, BEING DULY SWORN SAYS HE IS 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 31 day of December, 1970

Leslie R. Goeldner

Subscribed and sworn to before me this 31 day of December, 1970

Margaret F. Schafer
Notary Public

Fee $ .....

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA