IND. ✓
REC. ✓
PAGE ✓

226
FILED NO.
BOOK 34 PAGE 274

1982 AUG 18 PM 12:15

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $15.00

AFFIDAVIT AND CERTIFICATION

STATE OF IOWA :
: ss
COUNTY OF MADISON :

I, Ava Lea Edwards, being first duly sworn on oath state that I am the City Clerk of the City of Macksburg, Madison County, Iowa. I further state that on July 7, 1982, the City Council of the City of Macksburg, Iowa, adopted a resolution entitled Resolution - Vacation of Street, a copy of which is attached hereto and marked Exhibit "A".

I further state that a Notice of Proposal to Dispose of Real Estate was given by the City of Macksburg, Iowa, by posting said notice in three (3) public places in the City which have been designated by the ordinances of the City of Macksburg, Iowa. A copy of said notice is attached hereto and marked Exhibit "B".

I further state that the City of Macksburg, Iowa, adopted Ordinance No. 1-82 on the 2nd day of August, 1982, and a copy of said ordinance is attached hereto and marked Exhibit "C".

I further state that on August 2, 1982, the City of Macksburg, Iowa adopted a Resolution Concerning the Sale of a Portion of Church Street in Mack's First Addition to the City of Macksburg, Madison County, Iowa, and a copy of said Resolution is attached hereto and marked Exhibit "D".

Ava Lea Edwards
Ava Lea Edwards

Subscribed and sworn to before me by Ava Lea Edwards this 2nd day of August, 1982.

Orpha O. Foreman
Notary Public in and for the State of Iowa

IOWA
ORPHA O. FOREMAN
MY COMMISSION EXPIRES
September 30, 1983

RESOLUTION - VACATION OF STREET
No. 1-82-R

WHEREAS, the City of Macksburg, Iowa, proposes to pass an ordinance for the vacation of a portion of Church Street described as follows:

> Commencing at the Southeast corner of Lot 110, Block 9, Mack's First Addition to the Town of Macksburg, Madison County, Iowa, and running thence West to the Southwest corner of said Block 9, thence South 56 feet to the Northwest corner of Block 11 of Mack's First Addition to the Town of Macksburg, Madison County, Iowa, thence East on the North line of said Block 11 to a point directly South of the point of beginning, thence North 56 feet to the point of beginning;

and

WHEREAS, the City of Macksburg, Iowa, proposes to sell all that part of the said vacated street lying South of lots 110 and 111, Block 9 of Mack's First Addition to the Town of Macksburg, Madison County, Iowa, to Harriet Garrett; and

WHEREAS, the City of Macksburg, Iowa, proposes to sell the remainder of said vacated street to Mildred Eyerly.

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

1. The City of Macksburg, Iowa, proposes to pass an ordinance vacating said street described above.

2. The City of Macksburg, Iowa, proposes to sell the vacated street as set forth above. The consideration for said sale shall be the expenses incurred by the City of Macksburg, Iowa.

3. Hearing on said proposal to sell said vacated street shall be held on the 2nd day of August, 1982, at 7:30 o'clock p m. before the City Council.

4. Notice of such hearing shall be given by posting a notice of hearing in three (3) public places in the City which have been designated by ordinance as required by ordinances of the City of Macksburg, Iowa, and Section 362.3 of the Code of Iowa.

Approved this 7th day of July, 1982.

Ralph Kirkland
Mayor of the City of Macksburg, Iowa

ATTEST:

Ava Lee Edwards
Clerk of the City of Macksburg, Iowa

"EXHIBIT" A

NOTICE OF PROPOSAL TO DISPOSE OF REAL ESTATE

Notice is hereby given that the City of Macksburg, Iowa, proposes to vacate the following-described street in the City of Macksburg, Madison County, Iowa, to-wit:

> Commencing at the Southeast corner of Lot 110, Block 9 of Mack's First Addition to the Town of Macksburg, Madison County, Iowa, and running thence West to the Southwest corner of said Block 9, thence South 56 feet to the Northwest corner of Block 11, Mack's First Addition to the Town of Macksburg, Madison County, Iowa, thence East on the North line of said Block 11 to a point directly South of the point of beginning, thence North 56 feet to the point of beginning.

Notice is further given that the City of Macksburg, Iowa, proposes to sell all that part of said vacated street lying South of Lots 110 and 111, Block 9 of Mack's First Addition to the Town of Macksburg, Madison County, Iowa, to Harriet Garrett, and the remainder of said vacated street to Mildred Eyerly. The consideration for said sale shall be the expenses incurred by the City of Macksburg, Iowa.

Notice is further given that at a meeting of the City Council of the City of Macksburg, Iowa, to be held at 7:30 o'clock p. m. on the 2nd day of August, 1982, at Shelter House in Macksburg, Iowa, the City Council of the City of Macksburg, Iowa, will act upon said proposal.

CITY OF MACKSBURG, IOWA

By Ralph Kirkland
Mayor

ATTEST:

Ava Lea Edwards
Clerk

"EXHIBIT" B

ORDINANCE NO. 1-82

AN ORDINANCE VACATING A PORTION OF CHURCH STREET IN MACK'S FIRST ADDITION TO THE CITY OF MACKSBURG, MADISON COUNTY, IOWA.

BE IT ENACTED by the City Council of the City of Macksburg, Iowa:

SECTION ONE. The following-described street is hereby vacated and declared vacated:

> Commencing at the Southeast corner of Lot 110, Block 9, Mack's First Addition to the Town of Macksburg, Madison County, Iowa, and running thence West to the Southwest corner of said Block 9, thence South 56 feet to the Northwest corner of Block 11, Mack's First Addition to the Town of Macksburg, Madison County, Iowa, thence East on the North line of said Block 11 to a point directly South of the point of beginning, thence North 56 feet to the point of beginning.

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

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

Passed and approved this 2nd day of August, 1982.

Ralph Kirkland
Mayor of the City of Macksburg, Iowa

ATTEST:

Ava Lea Edwards
Clerk of the City of Macksburg, Iowa

"EXHIBIT" C

RESOLUTION CONCERNING THE SALE OF
A PORTION OF CHURCH STREET
IN MACK'S FIRST ADDITION TO THE CITY OF MACKSBURG,
MADISON COUNTY, IOWA

WHEREAS, on July 7, 1982, the City Council passed a resolution proposing to vacate a portion of Church Street in Mack's First Addition to the City of Macksburg, Iowa; and

WHEREAS, on August 2, 1982, an Ordinance was passed by the City Council of the City of Macksburg to vacate said street; and

WHEREAS, a hearing on said proposal to sell said vacated street was held on the 2nd day of August, 1982, at 7:30 o'clock p M. before the City Council; and

WHEREAS, notice of such hearing was given by posting in three (3) public placed as required by ordinances of the City of Macksburg and Section 362.3 of the Code of Iowa.

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

That a deed in fee simple - without warranty should be executed by the City of Macksburg, Iowa, as follows:

> Commencing at the Southeast corner of Lot 110, Block 9, Mack's First Addition to the Town of Macksburg, Iowa, thence West on the South line of said Block 9 to the Southwest Corner of Lot 111, Block 9 of Mack's First Addition, thence South 56 feet to the North line of Block 11 of Mack's First Addition, thence East on the North line of Block 11 to a point directly South of the point of beginning, thence North 56 feet to the point of beginning,

to Harriet Garrett; and

> Commencing at the Southwest corner of Lot 111, Block 9, Mack's First Addition to the Town of Macksburg, Iowa, thence East to the Southwest corner of Lot 116, Block 9 of Mack's First Addition to the Town of Macksburg, Iowa, thence South 56 feet to the Northwest corner of Block 11, thence along the North line of Block 11 to a point directly South of the point of beginning, thence North 56 feet to the point of beginning,

to Mildred Eyerly. The consideration for said sale shall be the expenses incurred by the City of Macksburg, Iowa.

Passed and approved this 3rd day of August, 1982.

Ralph Kibbee
Mayor of the City of Macksburg, Iowa

ATTEST:

Ava Lea Edwards
Clerk of the City of Macksburg, Iowa

"EXHIBIT" D