MISC. REC. 31

650

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BOOK 31 PAGE 650
1977 DEC 22 PM 1:52
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

5 pgs.

Fee $10.50

IND. ✓
REC. ✓
PAGE ✓

CERTIFICATE

STATE OF IOWA)
) SS.
COUNTY OF MADISON)

I, the undersigned (City) ~~Township~~ Clerk of Winterset, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held pursuant to the rules of the Council and the provisions of Chapter 28A, Code of Iowa, upon advance notice to the public and media as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this 20th day of December, 19 77

Mark J. Nitchals
Clerk of the City of Winterset, Iowa

WINTERS SEAL

The sale of the"tavern lot" described as W 1/3 of Lot 6, Block 12, Original Plat was discussed.

A motion was made by Council Member Jordan and seconded by Council Member Dorrell that the following resolution be adopted:

The Council voted as follows:

AYES: C. Jean Bristow, Rex Dorrell, Lee Jordan, Patrick C. McNamara, Don K. Young

NAYS: None

8-16-77 lw

RESOLUTION ON THE PROPOSED SALE OF COMMERCIAL LOT

WHEREAS, the Council now proposes to sell the Commercial Lot which is legally described as:

> The West One-Third (1/3) of Lot Six (6) in Block Twelve (12) of the Original Town of Winterset, Madison County, Iowa.

WHEREAS, the Council believes that the property should be sold by public auction and the conveyance to the Buyer made by Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa, that the City does hereby propose to sell the Commercial Lot described above.

BE IT FURTHER RESOLVED that the Council of the City of Winterset, Iowa, proposes that said property be sold by public auction to the highest, responsible bidder subject to the right to reject any and all bids and that said bidder shall be tendered a Warranty Deed for said premises. The purchase price shall be due to the City as follows: 15% on the date of sale and the balance upon tender of the Warranty Deed and abstract showing marketable title. Buyer shall execute purchase contract on sale date.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that a public hearing on this proposed sale of real estate to the highest, responsible bidder shall be held on the 19 day of September, 1977, at 7:30 o'clock P.M. before the Council in its chambers in the City Hall in the City of Winterset, Iowa, at which time all interested parties and citizens may appear to offer their objections to this proposed sale.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the City Clerk is hereby directed to publish notice of said hearing on the proposed sale of real estate in the Winterset Madisonian, in compliance with Chapter 362 of the Code of Iowa.

This Resolution was passed and approved on the 22 day of August, 1977.

APPROVED:

BERNARD MORRISSEY, MAYOR

ATTEST:

O. D. SIMMONS, CITY CLERK

Affidavit of Publication

STATE OF IOWA } ss.
Madison County

John Gorman BEING DULY SWORN SAYS HE IS publisher OF THE WINTERSET MADISONIAN, a weekly newspaper of general circulation, published in Winterset, Iowa, and that the notice, a copy of which is annexed and made part hereof, was correctly published in said newspaper for the period of two consecutive weeks the last publication thereof being on the 31st day of August, 19 77

John Gorman

Subscribed and sworn to before me this 1st day of August, 19 77

Lucille C. Blanchard
NOTARY PUBLIC
In and for Madison County

Fee $ 12.78

PUBLIC NOTICE

PUBLIC NOTICE
TO ALL INTERESTED PERSONS:

YOU ARE HEREBY NOTIFIED that the Council of the City of Winterset, Iowa, has proposed by Resolution that the real estate legally described as:

The West One-Third (1-3) of Lot Six (6) in Block Twelve (12) of the Original Town of Winterset, Madison County, Iowa.

be sold. The tract is a commercial lot adjoining the City Hall property. The Council proposes to sell said property at public auction to the highest, responsible bidder. The conveyance will be by Warranty Deed.

A public hearing on this proposed sale of real estate will be held on the 19 day of September, 1977, at 7:30 o'clock P.M. before the Council in its chambers in the City Hall in the City of Winterset, Iowa. Any citizen or interested party may appear at said hearing to offer objections to the proposed sale of this real estate.

O. D. Simmons,
City Clerk
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O. D. SIMMONS NOTARIAL SEAL Madison County Iowa

This being the time and date fixed by the City Council for a hearing on the proposed sale of a commercial lot legally described as:

The West one-third(1/3) of Lot Six (6)
in Block Twelve (12) of the Original
Town of Winterset, Madison County, Iowa

The Mayor declared the hearing open to hear objections, if any, and to consider any written objections to the sale.

No written testimony was presented and no oral testimony was given.

On a motion by Council Member Jordan, the following Resolution was introduced for adoption. Council Member Bristow seconded the motion.

RESOLUTION ON SALE OF COMMERCIAL LOT

WHEREAS, the City of Winterset, Iowa, had adopted a Resolution proposing to sell the Commercial Lot legally described as:

The West One-Third (1/3) of Lot Six (6) in
Block Twelve (12) of the Original Town of
Winterset, Madison County, Iowa.

WHEREAS, a hearing on said proposal to sell the premises was held on the 19th day of September, 1977, at 7:30 o'clock P. M., before the Council in its chambers, and,

WHEREAS, Notice of such hearing was given by publication in the Winterset Madisonian, which publication was in compliance wtih Chapter 362 of the Code of Iowa.

WHEREAS, the Council finds that no objections to proposed sale were made either orally or in writing and the premises described above should be sold,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa, that any and all objections to the sale of the real estate described above are hereby overruled.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa, that the sale of said premises is hereby allowed and authorized pursuant to the Resolution proposing this sale.

On roll call the members of the Council voted:

AYES: C. Jean Bristow, Rex Dorrell, Lee Jordan
Patrick C. McNamara, Do n K. Young

NAYS: None

This Resolution was passed and approved this 19th day of September, 1977.

Patrick C. McNamara
Mayor of the City of Winterset, Iowa

Attest:

Mark J. Nichols
City Clerk, Winterset, Iowa

After a discussion concerning the date of public auction, Council Member Dorrell made a motion, seconded by Council Member McNamara, that the following Resolution be adopted:

RESOLUTION - Fixing Date Of Auction

BE IT RESOLVED THAT the First day of October, 1977 at 10:00 o'clock A. M, on the sale premises shall be the time and place for the public auction on the said premises described as:

The West 1/3 (One-Third) of Lot Six (6) in Block Twelve (12) of the Original Town of Winterset, Madison County, Iowa

BE IT FURTHER resolved that the City Clerk is directed to publish notice of this sale as approved in the Winterset Madisonian and The Shopper newspapers.

On roll call the members of the Council voted:

AYES: C. Jean Bristow, Rex Dorrell, Lee Jordan, Patrick C. McNamara, Don K. Young

NAYS: None

Approved this 19th day of September, 1977.

Mayor of the City of Winterset, Iowa

Attest:

City Clerk, Winterset, Iowa

Resolution - Accepting bid of Fareway Stores, Inc.

Council Member Dorrell made a motion, seconded by Council Member Jordan, that the following Resolution be approved:

RESOLUTION - APPROVING BID
Fareway Stores, Inc.

BE IT RESOLVED that the bid of Fareway Stores, Inc. in the sum of $12,000.00 for the purchase of the lot legally described as:

The West 1/3 of Lot Six (6) in Block Twelve (12) of the Original Town of Winterset, Madison County, Iowa

is hereby accepted.

BE IT FURTHER RESOLVED that the real estate contract filed with the Clerk and submitted to the Council on said sale is hereby approved in all respects and Mayor and City Clerk are hereby directed to execute the real estate contract on said sale on behalf of the City.

The vote was as follows:

AYES: Rex Dorrell, Lee Jordan, Patrick C. McNamara

NAYS: C. Jean Birstow, Don K. Young

Passed and approved on the 10th day of October, 1977.

Mayor, City of Winterset, Iowa

ATTEST:

Mark J. Nichols, City Clerk