



Document 2016 546

Book 2016 Page 546 Type 06 024 Pages 7  
Date 3/04/2016 Time 10:48:07AM  
Rec Amt \$37.00

INDX ✓  
ANNO  
SCAN

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

✓ Prepared by and return to:  
Mark Nitchals, City Administrator  
City of Winterset  
124 W. Court Avenue  
Winterset IA 50273  
515-462-1422

CERTIFICATION

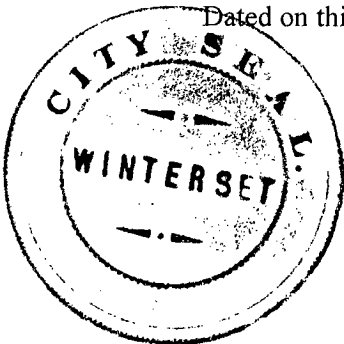
The undersigned, the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of Clerk of the City of Winterset, Iowa.

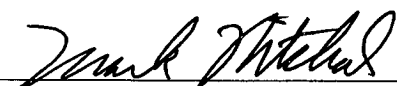
1. Resolution of City of Winterset, Iowa proposing to convey real estate and setting public hearing on the proposal;
2. Notice of Hearing on Proposed Conveyance of Real Estate by City of Winterset, Iowa;
3. Resolution Approving the Conveyance of Real Estate; and,
4. The Affidavit of Publication from the Winterset Madisonian.

The undersigned further certifies the Resolutions described above were duly passed by the Council and approved by the Mayor on the dates shown thereon.

The undersigned further certifies the Notice of Hearing was duly and timely published in the Winterset Madisonian in accordance with the Affidavit attached hereto.

Dated on this 4th day of March, 2016, at Winterset, Iowa.



  
\_\_\_\_\_  
Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION 2016-16

RESOLUTION OF CITY OF WINTERSET, IOWA  
PROPOSING TO CONVEY REAL ESTATE AND  
SETTING DATE FOR PUBLIC HEARING ON THE PROPOSAL

WHEREAS, the City proposes to dispose of its interest in certain real estate legally described as:

Parcel "M" a part of 5th Avenue a street through Lindsey Addition to the City of Winterset, Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of Lot 6 of Lindsey Addition to the City of Winterset, Madison County, Iowa, thence North 00°13'48" East 198.86 feet along the East line of said Lot 6 and the South Half of Lot 5 which is the West line of 5th Avenue right-of-way; thence South 89°38'55" East 60.08 feet to a point on the West line of Lot 8 of said Lindsey Addition; thence South 00°13'48" West 199.19 feet to the Southwest Corner of Lot 7, Lindsey Addition; thence North 89°19'09" West 60.08 feet along the North line of Husky Drive to the Point of Beginning, containing 0.275 acres.

WHEREAS, the City proposes to convey title of the real estate by Quit Claim Deed to the Winterset Community School District on the following terms and conditions:

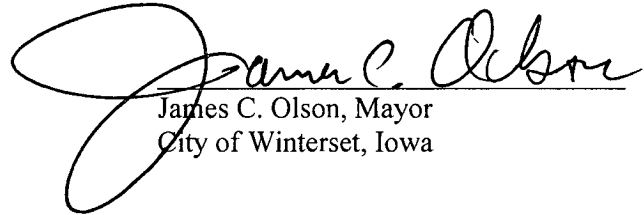
The City will quit claim its interest in this real estate to the Winterset Community School District reserving upon, across and under the above described real estate a perpetual easement granting and allowing public or private utility companies the right to install, maintain, repair, and replace public utilities upon, along, across and under this real estate and the right of access to this real estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the utility company to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the utility company must disturb the land surface incident to the exercise of the foregoing easement rights. The Winterset Community School District shall pay the City for its actual costs of these statutory proceedings.

WHEREAS, Iowa Code Section 364.7 requires public hearing be held on the proposal to convey the City's interest in real estate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa that proposal is hereby made to convey to the described real estate upon the terms and conditions above provided.

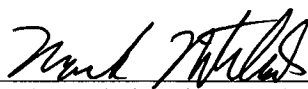
BE IT FURTHER RESOLVED that a public hearing before the City Council on this proposal shall be held on February 15, 2016 at 7:00 o'clock p.m., at the City Hall in Winterset, Iowa, located at 124 West Court Avenue, Winterset, Iowa.

Passed and approved this 1st day of February, 2016.



James C. Olson, Mayor  
City of Winterset, Iowa

ATTEST:



Mark Nitchals, City Administrator  
City of Winterset, Iowa

RESOLUTION 2016-19

RESOLUTION APPROVING THE CONVEYANCE OF REAL ESTATE

WHEREAS, the City Council of Winterset, Iowa has proposed the conveyance of the following described real estate:

Parcel "M" a part of 5th Avenue a street through Lindsey Addition to the City of Winterset, Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of Lot 6 of Lindsey Addition to the City of Winterset, Madison County, Iowa, thence North 00°13'48" East 198.86 feet along the East line of said Lot 6 and the South Half of Lot 5 which is the West line of 5th Avenue right-of-way; thence South 89°38'55" East 60.08 feet to a point on the West line of Lot 8 of said Lindsey Addition; thence South 00°13'48" West 199.19 feet to the Southwest Corner of Lot 7, Lindsey Addition; thence North 89°19'09" West 60.08 feet along the North line of Husky Drive to the Point of Beginning, containing 0.275 acres.

WHEREAS, the City Council has proposed to convey title of the real estate by Quit Claim Deed to the Winterset Community School District upon the following terms and conditions:

The City will quit claim its interest in this real estate to the Winterset Community School District reserving upon, across and under the above described real estate a perpetual easement granting and allowing public or private utility companies the right to install, maintain, repair, and replace public utilities upon, along, across and under this real estate and the right of access to this real estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the utility company to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the utility company must disturb the land surface incident to the exercise of the foregoing easement rights. The Winterset Community School District shall pay the City for its actual costs of these statutory proceedings.

WHEREAS, the City Council set February 15, 2016 as the date for a public hearing upon the proposed conveyance of real estate pursuant to Iowa Code Section 364.7;

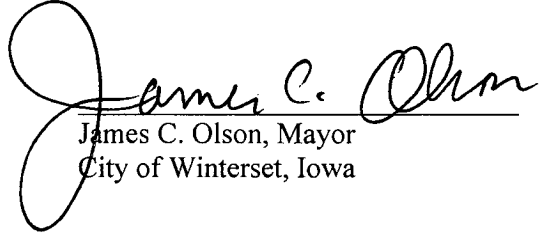
WHEREAS, notice of the hearing has been timely published as provided by Iowa Code Section 362.3 in the Winterset Madisonian, a newspaper published weekly and having general circulation in the City, as evidenced by the Affidavit of Publication from the Madisonian on file in the Office of the City Administrator.

WHEREAS, the public hearing has been held and all interested persons have been heard on the proposal,


NOW, THEREFORE, BE IT RESOLVED that the proposed conveyance of real estate described above be and is hereby approved in all respects as provided by the prior Resolution of the City Council of Winterset, Iowa.

BE IT FURTHER RESOLVED that the Mayor and City Administrator be and are hereby authorized and directed to take all necessary steps to complete this transaction including, but not limited to, the tender of a Quit Claim Deed to The Winterset Community School District.

Passed and approved on this 15th day of February, 2016.

  
James C. Olson, Mayor  
City of Winterset, Iowa

ATTEST:

  
Mark Nitchals, City Administrator  
City of Winterset, Iowa

NOTICE OF HEARING ON PROPOSED CONVEYANCE  
OF REAL ESTATE TO THE WINTERSSET COMMUNITY SCHOOL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing before the City Council of the City of Winterset, Iowa will be held on the 15th day of February, 2016, at 7:00 o'clock PM, at the City Hall in Winterset, Iowa located at 124 West Court Avenue, Winterset, Iowa on a proposal to convey title of real estate legally described as:

Parcel "M" a part of 5th Avenue a street through Lindsey Addition to the City of Winterset, Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of Lot 6 of Lindsey Addition to the City of Winterset, Madison County, Iowa, thence North 00°13'48" East 198.86 feet along the East line of said Lot 6 and the South Half of Lot 5 which is the West line of 5th Avenue right-of-way; thence South 89°38'55" East 60.08 feet to a point on the West line of Lot 8 of said Lindsey Addition; thence South 00°13'48" West 199.19 feet to the Southwest Corner of Lot 7, Lindsey Addition; thence North 89°19'09" West 60.08 feet along the North line of Husky Drive to the Point of Beginning, containing 0.275 acres.

upon the following terms and conditions:

The City will quit claim its interest in this real estate to the Winterset Community School District reserving upon, across and under the above described real estate a perpetual easement granting and allowing public or private utility companies the right to install, maintain, repair, and replace public utilities upon, along, across and under this real estate and the right of access to this real estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the utility company to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the utility company must disturb the land surface incident to the exercise of the foregoing easement rights. The Winterset Community School District shall pay the City for its actual costs of these statutory proceedings.

Any interested person may appear and be heard at the public hearing at the time, date and place described above to offer objections or comments to the City Council on the proposed conveyance of City owned real estate.

Mark Nitchals  
City Administrator  
City of Winterset, Iowa

STATE OF IOWA

SS

MADISON COUNTY

AFFIDAVIT OF PUBLICATIONS

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of General circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof was correctly published in said paper.

for the period 1 consecutive weeks, the last publication thereof being

on the 9 day of Feb 20 16

Ted G. Gorman

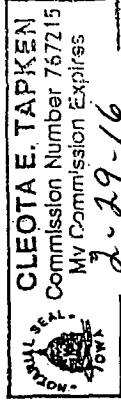
Subscribed and sworn to before me this

10 day of Feb 20 16

Cleota E. Tapken

NOTARY PUBLIC

In and for Madison County



Fee \$ 30.19

**NOTICE OF HEARING ON PROPOSED CONVEYANCE OF REAL ESTATE TO THE WINTERSET COMMUNITY SCHOOL DISTRICT**

NOTICE IS HEREBY GIVEN that a public hearing before the City Council of the City of Winterset, Iowa will be held on the 15th day of February, 2016, at 7:00 o'clock P.M. at the City Hall in Winterset, Iowa located at 124 West Court Avenue, Winterset, Iowa on a proposal to convey title of real estate legally described as:

Parcel "M" a part of 5th Avenue a street through Lindsey Addition to the City of Winterset, Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of Lot 6 of Lindsey Addition to the City of Winterset, Madison County, Iowa, thence North 00°13'48" East 198.86 feet along the East line of said Lot 6 and the South Half of Lot 5 which is the West line of 5th Avenue right-of-way; thence South 89°38'55" East 60.08 feet to a point on the West line of Lot 8 of said Lindsey Addition; thence South 00°13'48" West 199.19 feet to the Southwest Corner of Lot 7, Lindsey Addition; thence North 89°19'09" West 60.08 feet along the North line of Husky Drive to the Point of Beginning, containing 0.275 acres. upon the following terms and conditions:

The City will quit claim its interest in this real estate to the Winterset Community School District reserving upon, across and under the above described real estate a perpetual easement granting and allowing public or private utility companies the right to install, maintain, repair, and replace public utilities upon, along, across and under this real estate and the right of access to this real estate for these purposes, which reservation of easement rights shall be a covenant running with this land binding upon the successors and assigns of the parties. The easement reservation shall not require the utility company to restore any surface covering such as Portland cement concrete placed upon the surface by Grantee, its successors or assigns in the event the utility company must disturb the land surface incident to the exercise of the foregoing easement rights. The Winterset Community School District shall pay the City for its actual costs of these statutory proceedings.

Any interested person may appear and be heard at the public hearing at the time, date and place described above to offer objections or comments to the City Council on the proposed conveyance of City owned real estate.

Mark Nichals, City Administrator  
City of Winterset, Iowa