1834

FILED NO. _____
BOOK 31 PAGE 751

1978 MAR 13 PM 4:38

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $10.50
5pgs

CERTIFICATION AS TO SALE OF REAL ESTATE

STATE OF IOWA)
MADISON COUNTY) ss
CITY OF WINTERSET)

I, Mark J. Nitchals, City Clerk of the City of Winterset, Iowa, hereby certify that I am the City Clerk of the City of Winterset, Iowa, and that I was the City Clerk of the City of Winterset, Iowa, at all times hereinafter referred to, and I further certify that:

On January 23, 1978, the City Council of the City of Winterset, Iowa, adopted Resolution 78-11, which Resolution was approved by the Mayor, Bernard Morrissey. Resolution 78-11 proposed the sale of real estate and set January 30, 1978 as the date for a public hearing regarding such sale. Resolution 78-11 is attached as Exhibit A.

On January 25, 1978, public notice was duly published in the Winterset Madisonian. The Affidavit of Publication is attached as Exhibit B.

On January 30, 1978, the City Council of the City of Winterset, Iowa, adopted Resolution 78-12, which Resolution was approved by the Mayor, Bernard Morrissey. Resolution 78-12 overruled any objections to the sale and established February 25, 1978 at 10:00 A.M. as date for public auction. Resolution 78-12 is attached as Exhibit C.

On March 6, 1978, the City Council adopted Resolution 78-22, which Resolution was approved by the Mayor, Bernard Morrissey. Resolution 78-22 approved the bid received during the public auction on February 25, 1978. Resolution 78-22 is attached as Exhibit D.

Witness my hand as City Clerk of the City of Winterset, Iowa, and the official seal of the City of Winterset, Iowa, this 10th day of March, 1978.

CITY SEAL WINTERS

Mark J. Nitchals

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

Councilman Cole introduced Resolution 78-11 and moved its adoption. Councilman Jordan seconded the motion.

Exhibit A

RESOLUTION 78-11

RESOLUTION ON THE PROPOSED SALE OF RESIDENTIAL LOT
(East Filmore Street)

WHEREAS, the Council now proposes to sell the real estate which is legally described as:

Lot Two (2) in Block Eight (8) of Rail Road Addition to the Town of Winterset, Madison County, Iowa.

WHEREAS, THE COUNCIL believes that the property should be sold by public auction and 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 real estate 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 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 date of auction, which contract shall be subject to the approval of the City of Winterset, Iowa.

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 30th day of January, 1978, 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

On roll call the vote was:

AYES: Eldon Cole, Rex Dorrell, Lee Jordan, Patrick C. McNamara, Maurice Mitchell

NAYS: None

This Resolution was passed and approved on the 23rd day of January, 1978.

Mayor, City of Winterset, Iowa

ATTEST:

Mark J. Mitchell
City Clerk, Winterset, Iowa

Exhibit B

MISC. RECORD 31

753

Affidavit of Publication

Exhibit B

STATE OF IOWA }
Madison County, } ss.

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 one consecutive weeks

the last publication thereof being on the 25th day

of January, 19 78

John Gorman

Subscribed and sworn to before me this 26th day

of January, 1978

Lucille C. Hansen
NOTARY PUBLIC
In and for Madison County

Fee $ 7.70

PUBLIC NOTICES

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:

Lot Two (2) in Block Eight (8) of Railroad Addition to the Town of Winterset, Madison County, Iowa

be sold. The tract is a residential lot whose local address is 916 East Filmore Street, Winterset, Iowa. 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 30th day of January, 1978, 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.

Mark J. Nitchals,
City Clerk

32

Exhibit C

The mayor declared that the public hearing on the sale of a residential lot is now open for discussion. No one appeared to object and there were no written objections.

Resolution

Councilman Dorrell introduced/78-12 and moved its adoption. Councilman Cole seconded the motion.

RESOLUTION 78-12
RESOLUTION ON SALE OF RESIDENTIAL LOT

WHEREAS, the City of Winterset, Iowa, has adopted a Resolution proposing to sell the real estate legally described as;

Lot Two (2) in Block Eight (8) of Rail Road Addition to the Town of Winterset, Madison County, Iowa.

WHEREAS, a hearing on said proposal to sell the premises was held on the 30th day of January, 1978, 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 with Chapter 362 of the Code of Iowa.

WHEREAS, the Council finds that any objections to proposed sale, if any, should now be overruled 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 according to the Resolution proposing this sale.

BE IT FURTHER RESOLVED that the public auction for said premises shall be held on the 25th day of February, 1978, at 10:00 o'clock A.M. on the premises to be sold. The City Clerk is directed to duly advertise said auction sale in the newspaper and by other ordinary means of communication.

On roll call, the vote was:

AYES: Cole, Dorrell, Jordan, Mitchell
NAYS: None
ABSENT: McNamara (temporarily)

This Resolution was passed and approved this 30th day of January, 1978.

Bernard Morrissey, Mayor

ATTEST:

Mark J. Nitchals, City Clerk

Exhibit D

RESOLUTION 78-22

APPROVING BID

BE IT RESOLVED that the bid of Andrew Allen Neri and Sheryl A. Neri in the sum of $5,500.00 for the purchase of the real estate legally described as:

> Lot Two (2) in Block Eight (8) of Rail Road addition to the 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 said real estate contract on behalf of the City.

Passed and approved on the 6th day of March, 1978.

Bernard E. Morrissey
BERNARD M. MORRISSEY, MAYOR

ATTEST:

Mark J. Nitchals
MARK J. NITCHALS, CITY CLERK