City of Winterset, Iowa #7773 Filed for record the 31 day of December
To A. D. 1955 at 10:45 o'clock A. M.
Fee $3.80 VS
Evlyn H. Conley et al Mary E. Welty, Recorder

CERTIFICATE AS TO SALE OF CITY REAL ESTATE TO EVLYN H. CONLEY

O. D. Simmons, City Clerk of the City of Winterset, Iowa
to
Evlyn H. Conley, and to the Public

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

I, O. D. Simmons, 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 the 22nd day of November, 1954, an ordinance bearing No. 105 of the City of Winterset, Iowa, was duly passed and adopted by the City Council of the City of Winterset, Iowa, and was approved by A. E. Emerson, Mayor of the City of Winterset, Iowa, on the 22nd day of November, 1954, and that said ordinance was duly published in the Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa, as shown by the affidavit of publication on file in the office of this City Clerk, and as known by me

to have been so published, and that a true and correct copy of said ordinance is attached hereto, marked Exhibit "A" and made part hereof;

and that on the 7th day of March, 1955, an ordinance bearing No. 107 of the City of Winterset, Iowa, was duly passed and adopted by the City Council of the City of Winterset, Iowa, and was approved by A. E. Emerson, mayor of the City of Winterset, Iowa, on the 7th day of March, 1955, and that said ordinance was duly published in the Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa, as shown by the affidavit of publication on file in the office of this City Clerk, and as known by me to have been so published, and that a true and correct copy of said ordinance is attached hereto, marked Exhibit "B" and made part hereof:

and that on the 7th day of March, 1955, a resolution was duly passed and adopted by the City Council of the City of Winterset, Iowa, and was approved by A. E. Emerson, Mayor of the City of Winterset, Iowa, on the 7th day of March, 1955, with reference to the sale to Evlyn H. Conley of a vacated part of Arnold Street in said City, being that part between the south line of Lots 1,2, and 3 of Block 2 of Jenkins Addition and the north line of Lots 1,2 and 3 of Block 3 of Jenkins Addition, and that a true and correct copy of said resolution is attached hereto marked Exhibit "C" and made part hereof;

and that on the 9th day of March, 1955, and on the 16th day of March, 1955, a certain notice was published in said newspaper, the Winterset Madisonian, with reference to said sale, and that a copy of the affidavit as to publication thereof is attached hereto, marked Exhibit "D" and made part hereof, showing said notice as part thereof.

and that on the 28th day of March, 1955, a resolution was duly passed and adopted by the City Council of the City of Winterset, Iowa, approving said sale to Evlyn H. Conley and providing for quitclaim deed to her, and that a true and correct copy of said resolution is attached hereto, marked Exhibit "E" and made part hereof;

and that no appeal has ever been taken by anybody from said final action taken by said City Council of the City of Winterset, Iowa, on the 28th day of March, 1955, as aforesaid.

Witness my hand as City Clerk of the City of Winterset, Iowa, and the official Seal of the City of Winterset, Iowa, affixed hereto, this 31st day of December, 1955, at Winterset, Iowa.

(CITY OF WINTERSET SEAL)

O. D. Simmons City Clerk
of the City of Winterset, Iowa.

ORDINANCE NO. 105

AN ORDINANCE vacating the part of East Adair Street between Lot 8 in Block 2 and Lot 2 in Block 3 of Kirkwood's Addition, and the part of Arnold Street between Lots 1 and 2 in Block 2 and Lots 1 and 2 in Block 3 of Jenkins Addition, in the City of Winterset, Iowa.

BE IT ORDAINED by the City Council of the City of Winterset, Iowa;

SECTION ONE. That the part of East Adair Street in the City of Winterset, Iowa, which lies between the south line of Lot 8 in Block 2 of Kirkwood's Addition and the north line of Lot 2 in Block 3 of Kirkwood's Addition, being a portion, 123 feet and 9 inches from east to west and 60 feet wide north and south, and the part of Arnold Street in the City of Winterset, Iowa, which lies between the south line of Lots 1 and 2 in Block 2 of Jenkins Addition and the north line of Lots 1 and 2 of Block 3 of Jenkins Addition, being a portion 132 feet east and west and 60 feet wide north and south, be and the same are hereby vacated as public streets, and shall no longer be public streets, nor any part of public streets, and there shall be no rights of public travel or passage in, upon, through, across or over the same, and that any and all duties of maintaining the same as public streets are terminated, and any and all rights of public therein as public streets are terminated, and all rights of public use thereof are terminated.

SECTION TWO. The location of said parts of streets, and the topography of the land where located make it impracticable, if not impossible, to use them for street purposes, and they

have never been opened or used for street purposes, and there is no need for them for street purposes, and it would be of no benefit to anybody to try to use them for street purposes.

SECTION THREE. That this ordinance and a showing of its adoption and publication shall be certified by the City Clerk to the County Recorder of Madison County, Iowa, for filing and recording in said County Recorder's Office.

SECTION FOUR. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION FIVE. That this ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this 22nd day of November, 1954.

(City Seal) A. E. Emerson Mayor,
Winterset, Iowa

ATTEST:
O. D. Simmons City Clerk
of the City of Winterset, Iowa

I, O. D. Simmons, the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, hereby certify that the foregoing Ordinance No. 105 was passed and adopted by the City Council in a special called meeting held on the 22nd day of November, 1954, and published in the Winterset Madisonian, a weekly newspaper of general circulation on the 24th day of November, 1954, A. D., as shown by the publishers affidavit on file in the office of the City Clerk.

(CITY SEAL) O. D. Simmons City Clerk,
Winterset, Iowa

Exhitit "A"

ORDINANCE NO. 107

An ordinance vacating the part of Arnold Street which lies between Lots 3, 4 and 5 in Block 2, and Lots 3, 4 and 5 in Block 3 of Jenkins Addition in the City of Winterset, Iowa.

Be it ordained by the City Council of the City of Winterset, Iowa:

SECTION ONE. That the part of Arnold Street in the City of Winterset, Iowa, which lies between Lots 3, 4 and 5 in Block 2 and Lots 3, 4 and 5 in Block 3, of Jenkins Addition in the City of Winterset, Iowa, be and the same is hereby vacated as a public street, and shall no longer be a public street, nor any part of a public street, and there shall be no rights of public travel or passage in, upon, through, across or over the same, and that any and all duties of maintaining the same as a public street are terminated, and any and all rights of the public therein as a public street are terminated, and all rights of public use therein are terminated.

SECTION TWO. The location of said part of said street and the topography of the land where located make it impracticable, if not impossible, to use the same for street purposes, and said land has never been maintained for street purposes, and has long been discontinued for any part of a street, and there is no need of using the same for street purposes. That the portion of said street lying between Lots 1 and 2 of Block 2 and Lots 1 and 2 of Block 3 of said Jenkins Addition have heretofore been vacated by Ordinance No. 105 of this City.

SECTION THREE. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION FOUR. That this ordinance shall be in full force and effect from and after its passage and publication as provided by law, and this ordinance and the showing of its adoption and publication shall be certified by the City Clerk to the County Recorder of Madison County, Iowa, for filing and recording in said County Recorders's Office.

Passed and approved this 7th day of March, 1955.

(CITY OF WINTERSET SEAL) A. E. Emerson Mayor
of the City of Winterset, Iowa

Attest:
O. D. Simmons City Clerk
of the City of Winterset, Iowa

I, O. D. Simmons, the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, hereby certify that the foregoing Ordinance No. 107 was passed and adopted by the

City Council in a regular session held on the 7th day of March, 1955, and published in the Winterset Madisonian, a weekly newspaper of general circulation on the 9th day of March, 1955, A.D., as shown by the publishers affidavit on file in the office of the City Clerk.

(CITY OF WINTERSET SEAL) O. D. Simmons City Clerk

Exhibit "B"

RESOLUTION-Conley Purchase of Part of Arnold Street

WHEREAS, THE CITY OF WINTERSET, IOWA, has passed and adopted ordinances, No. 105 and No. 107, vacating part of Arnold Street in the City of Winterset, Iowa, including that part of Arnold Street which lies between Lots 1, 2 and 3 of Block 2 and Lots 1, 2 and 3, Block 3 in Jenkins Addition in the City of Winterset, Iowa, and said part of street could not be used for street purposes and has been long discontinued as any part of a street, and is mostly in a ravine, and has no salable value beyond what is hereinafter set out, and,

WHEREAS, Evlyn H. Conley, has offered the sum of $25.00 for said part of Arnold Street above described, to be conveyed to her by quitclaim deed or deed without any warranty of any kind, and without any abstract of title being furnished, with the agreement that sufficient opening or tiling or conduit will be left in said tract to permit the passage of water through the same and so as not to obstruct the natural flow and drainage of water through the same, and,

WHEREAS, said offer is the highest offer made for the same, and is considered to be the best offer obtainable, and all abutting property owners have consented to the disposal of the same on such terms as this Council may direct,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa: That said proposal of Evlyn H. Conley be accepted, subject to opportunity for hearing thereon as provided by Section 368.39 of the Code of Iowa, and that said proposal shall come on for final action at a meeting of this City Council, to be held on the 28th day of March, 1955, at 7:30 P.M. in the Council Chamber of this City Council, and that the City Clerk cause notice thereof to be given the Winterset Madisonian, in accordance with the provisions of Section 368.39 of the Code of Iowa.

On roll call the members of the City Council voted as follows:

David M. Griswold	Yes	A. C. Brittain	Yes
Wayne Newton	Yes	Chas. E. Tucker, Jr.	Yes

Approved by me this 7th day of March, 1955:
(CITY OF WINTERSET SEAL)
A. E. Emerson Mayor
of the City of Winterset, Iowa

Attest:
O. D. Simmons City Clerk
of the City of Winterset, Iowa

Exhibit "C"

AFFIDAVIT OF PUBLICATION

STATE OF IOWA MADISON COUNTY) ss: NOTICE

Notice is hereby given that a proposal has been made by Evlyn H. Conley of Winterset, Iowa, for the purchase from the City of Winterset, Iowa, of the real estate which was formerly part of Arnold Street, lying between Lots 1, 2 and 3 of Block 2 and Lots 1, 2 and 3 of Block 3, in Jenkins Addition to the City of Winterset, Iowa, which part of said street has been vacated, which proposal is for the price of Twenty-five Dollars, with quitclaim deed, or deed without warranty of any kind, and without any abstract of title, and with the agreement on the part of the purchaser that sufficient opening or tiling or conduit will be left in said tract to permit the passage of water through the same and so as not to obstruct the natural flow and drainage of water through the same. Said tract is mostly in a ravine and not usable for street purposes and has never been maintained as a street.

Any objections to said proposal will be heard at a meeting of the City Council of the City of Winterset, Iowa, to be held in the Council Chamber in the City building at the northeast corner of the intersection of East Jefferson Street and North First Street in said City, on the 28th day of March, 1955, at 7:30 P.M., at which time and place final action is to be taken

on said proposal.

O. D. Simmons City Clerk
of the City of Winterset, Iowa

MARION S. MOORE BEING DULY SWORN SAYS SHE 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 2 consecutive weeks, the last publication thereof being on the 16th day of March, 1955.

/s/ Marion S. Moore

Subscribed and sworn to before me this 31st day of March, 1955.

(Notarial Seal) Fee $13.33

/s/ Paul J. White Notary Public
in and for Madison County.

Exhibit "D"

RESOLUTION - Sale of Tract to Evlyn Conley

WHEREAS, the City of Winterset, Iowa, vacated part of Arnold Street in the City of Winterset, Iowa, including that part of Arhold Street which lies between Lots 1, 2 and 3 of Block 2 and Lots 1, 2 and 3 of Block 3, in Jenkins Addition in the City of Winterset, Iowa, and as owner thereof after such vacation, has proposed to accept the offer of Evlyn H. Conley of Winterset, Iowa, to buy said tract for the sum of $25.00, with said Evlyn H. Conley accepting said tract by quitclaim deed without warranty of any kind, and without any abstract of title, with the agreement that sufficient opening, or tiling, or conduit will be left in said tract to permit the passage of water through the same and so as not to obstruct the natural flow and drainage of water through the same, and,

WHEREAS, hearing on such proposal was set for March 28, 1955, at 7:30 P.M., before this City Council, and it is now past the time fixed therefor, and,

WHEREAS, No objection thereto has been made or filed by anybody.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa; That any and all objections to said proposal are overruled, and that the sale of that part of Arnold Street which lies between Lots 1,2, and 3 of Block 2 and Lots 1,2 and 3 of Block 3, in Jenkins Addition in the City of Winterset, Iowa, to Evlyn H. Conley on said terms be approved, and that the City of Winterset, Iowa, sell said tract to said Evlyn H. Conley on said terms, by quitclaim deed, without warranty of any kind, and without any abstract of title, with the agreement by Evlyn H. Conley that sufficient opening, or tiling, or conduit will be left in said tract to permit the passage of water through the same and so as not to obstruct the natural flow and drainage of water through the same, and that the Mayor of this City is authorized and directed to execute quitclaim deed without warranty of any kind, and the City Clerk of this City is authorized and directed to attest the same, and delivery of the same is authorized and directed, on payment of the amount provided to be paid by Evlyn H. Conley.

On roll call the members of the City Council voted as follows:

David M. Griswold	Yes	A. C. Brittain	Yes
Wayne Newton	Absent	Charles E. Tucker,Jr.	Yes

Approved by me this 28th day of March, 1955.

A. E. Emerson Mayor,
City of Winterset, Iowa

Attest:
O. D. Simmons City Clerk,
City of Winterset, Iowa

COMPARED

(CITY OF WINTERSET, SEAL)

EXHIBIT "E"