City of Winterset, Iowa #7774 Filed for record the 31 day of December
To A. D. 1955 at 10:48 o'clock A. M.
Fee $3.20 VS
John Clarkson et al Mary E. Welty, Recorder

CERTIFICATE AS TO SALE OF CITY REAL ESTATE TO JOHN CLARKSON

O. D. Simmons, City Clerk of the City of Winterset, Iowa
To
John Clarkson 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 6th day of December, 1954, 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 6th day of December, 1954, with reference to the sale to John Clarkson of a vacated part of East Adair Street in said City, being that part 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, and that a true and correct copy of said resolution is attached hereto marked Exhibit "B" and made part hereof;

and that on the 15th day of December, 1954, and on the 22nd day of December, 1954, 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 there of is attached hereto, marked Exhibit "C" and made part hereof, showing said notice as part thereof.

and that on the 3rd day of January, 1955, a resolution was duly passed and adopted by the City Council of the City of Winterset, Iowa, approving said sale to John Clarkson and providing for quitclaim deed to him, and that a true and correct copy of said resolution is attached hereto, marked Exhibit "D" 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 3rd day of January, 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 the 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 OF WINTERSET 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 OF WINTERSET SEAL) O. D. Simmons City Clerk, Winterset, Iowa

Exhibit "A"

RESOLUTION
Sale of part of street to John Clarkson

WHEREAS, the City of Winterset, Iowa, did on November 22, 1954 take action to vacate that part of East Adair Street in the City of Winterset, Iowa, which lies between the south line of Lot 8 in Block 2 of Kirkwoods 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 from north to south, by Ordinance No. 105 of the City of Winterset, Iowa, and

WHEREAS, said part of said street has never been opened or used for street purposes and the location of the same, and the topography of the land where located make it impracticable if not impossible to use the same for street purposes, and said ground shall never have any use for municipal purposes, and,

WHEREAS, John Clarkson, of Winterset, Iowa, has offered the sum of $50.00 for said part of East Adair Street mentioned above, and also will pay all costs of publication in connection with the vacation and sale of said property to him, and will accept the same by quitclaim deed without any warranty of any kind, and without any abstract of title, and

WHEREAS, said proposition is the best which has been received for said tract and it is considered by this City Council that said proposition for the sale and disposal of said real estate is the best obtainable for the said tract, and is for the best interests of the City of Winterset, Iowa,

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

That said proposal be accepted, and that notice of said proposal be given, in accordance with Section 368.39 of the Code of Iowa, of 1954, by two consecutive publications in the Winterset Madisonian, the last of which shall be not less than ten days before the meeting of this City Council at which said proposal is to be acted on, and that said proposal shall be acted on at a meeting of this City Council to be held on the 3rd day of January, 1955, commencing at 7:30 P.M., at the usual meeting place of this City Council, and that such notice shall be a notice given by the City of Winterset, Iowa, by the Mayor, attested by the City Clerk.

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

BOONE BLANK BOOK CO., BOONE, IOWA 12514-57

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

Approved by me this 6th day of December, 1954;

(CITY OF WINTERSET SEAL) — A. E. Emerson Mayor

Attest:
O. D. Simmons City Clerk

Exhibit "B"

AFFIDAVIT OF PUBLICATION

STATE OF IOWA MADISON COUNTY) ss:

NOTICE

Notice is hereby given that the City of Winterset, Iowa, proposes to dispose of certain real estate in the City of Winterset, Iowa, by selling to John Clarkson, of Winterset, Iowa, the tract of real estate which is bounded by and included within a line running as follows: commencing at the southeast corner of Lot 8 of Block 2 of Kirkwood's Addition to the City of Winterset, Iowa, running thence West 123 feet and 9 inches, thence South 60 feet, thence East 123 feet and 9 inches, thence North 60 feet to the place of beginning, which was formerly a part of East Adair Street in said City, and which was vacated by the City Council of said City because it was not suitable for street purposes, and it will not be used for street purposes nor any other municipal purpose, such sale to be for the sum of Fifty Dollars, plus costs of publication in connection with the vacation and sale of said tract, with said John Clarkson accepting said real estate by quitclaim deed, without warranty of any kind, and without any abstract of title, and notice is given that at a meeting of the City Council of said City to be held on January 3, 1955, at 7:30 P.M., at the regular meeting place of said City Council in said City, in the City building at the Northeast corner of the intersection of East Jefferson Street and North First Street, said City Council proposes to take final action on said proposal and sell said tract to said John Clarkson on said terms, and any elector of said City shall have the rights to object thereto, and appeal from the action of said City Council to the District Court, within thirty days of the final action thereon by said City Council.

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

Attest:
O. D. Simmons, City Clerk.

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 22nd day of December, 1954.

/s/ Marion S. Moore

Subscribed and sworn to before me this 23rd day of December, 1954.

(Notarial Seal) — /s/ Paul J. White Notary Public in and for Madison County.

Fee $23.55

Exhibit "C"

Resolution - Sale of Tract to John Clarkson

WHEREAS, the City of Winterset, Iowa, vacated that part of East Adair Street which is described as a tract of real estate bounded by and included within a line running as follows: commencing at the southeast corner of Lot 8 of Block 2 of Kirkwood's Addition to the City of Winterset, Iowa, running thence West 123 feet and 9 inches, thence South 60 feet, thence East 123 feet and 9 inches, thence North 60 feet to the place of beginning, and as owner thereof after such vacation, has proposed to accept the offer of John Clarkson of Winterset, Iowa, to buy said tract for the price of fifty dollars, plus costs of publication in connection with the sale and vacation of said tract, with said John Clarkson accepting said tract by quitclaim deed, without warranty of any kind, and without any abstract of title, and,

WHEREAS, hearing on such proposal was set for January 3, 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, except that Wm. F. Martin,

BOOKER BLANK BOOK CO., BOOKER, IOWA 12514-52

who owns property on the south side of said tract has stated that he is not satisfied whether the location of a fence which has been placed on such tract is on his property, or not, but that he does not object to the vacating of said tract or to the sale of the same to said John Clarkson, but is only concerned as to whether said fence is on his property or not, which this City Council does not consider as a proper objection, or concerning a matter which concerns this City,

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 said tract to said John Clarkson on said terms be approved, and that the City of Winterset, Iowa, sell said tract to said John Clarkson on said terms, by quitclaim deed, without warranty of any kind, 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 said John Clarkson.

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

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

Approved by me this 3rd day of January, 1955.

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

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

COMPARED

Exhibit "D"