Town Lot Deed Record, No. 35

City of Winterset, Iowa
To
The Public et al

#3912

Fee $ 5.00 √G.H.

Filed for record the 23 day of October A. D. 1956 at 3:45 o'clock P. M.

Mary E. Welty, Recorder

CERTIFICATE AS TO SALE OF REAL ESTATE
TO R. C. DUNN

O. D. Simmons, City Clerk of the City of Winterset, Iowa,
to
R. C. Dunn, 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 25th day of September, 1956, an ordinance bearing No. 116 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 25th day of September, 1956, 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 1st day of October, 1956, 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 1st day of October, 1956, with reference to the sale to R. C. Dunn of part of the alley vacated by said Ordinance No. 116, and that a true and correct copy of said resolution is attached hereto, marked Exhibit "B" and made part hereof;

and that on the 3rd day of October, 1956, and on the 10th day of October, 1956, 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 "C" and made part hereof, showing said notice as part thereof;

and that on the 22nd day of October, 1956, a resolution was duly passed and adopted by the City Council of the City of Winterset, Iowa, approving said sale to R. C. Dunn and providing for deed, without warranty, to him, and that a true and correct copy of said resolution is attached hereto, marked Exhibit "D" and made part hereof, and that the real estate conveyed by said deed is the real estate in the City of Winterset, Iowa, which was the West 132 feet of the alley running East and West through Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, which alley has been vacated in accordance with the provisions of Ordinance No. 116 of the City of Winterset, Iowa, said real estate being also described as a tract of real estate bounded by and included within a line running as follows: Commencing at the southeast corner of Lot 3, running thence West to the southwest corner of Lot 4, thence South 16½ feet to the northwest corner of Lot 5, thence East to the northeast corner of Lot 6, thence North 16½ feet to the place of beginning, in Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa.

Witness my hand as City Clerk of the City of Winterset, Iowa, and the official Seal of the City of Winterset, Iowa, on the 23rd day of October, 1956.

(CITY OF WINTERSET IOWA SEAL)

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

ORDINANCE NO. 116 Exhibit "A"

An ordinance vacating the alley running East and West through Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINTERSET, IOWA:

Section One. That the alley running East and West through Block 2 of Pitzer and Knight's addition, in the City of Winterset, Iowa, be and the same is hereby vacated as a public alley, and shall no longer be a public alley, 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 alley are terminated, and any and all rights of public use thereof are terminated, but it is understood that this action does not affect the rights, privileges and easements now existing in said alley for lines and poles and any other equipment as part of the municipal electrical distribution system in the City of Winterset, Iowa, and as part of the telephone system in the City of Winterset, Iowa, and the maintenance, repair, upkeep and replacement of

the same, nor any rights of Iowa Power and Light Company under its gas franchise in the City of Winterset, Iowa, and the vacating of said alley is subject to such rights, privileges and easements. Said alley is also described as a tract of land bounded by and included within a line running as follows: Commencing at the southeast corner of Lot 1, running thence west to the southwest corner of Lot 4, thence South 16½ feet to the northwest corner of Lot 5, thence East to northeast corner of Lot 8, thence north 16½ feet to the place of beginning, all in said Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa.

Section Two. That this ordinance shall be in full force and affect from and after its passage and publication as provided by law.

Section Three. That this ordinance and a showing of its adoption and publication be certified by the City Clerk to the County Recorder of Madison County, for filing and recording in that office.

Passed and adopted and approved the 25th day of September, 1956.

Attest: (S.) O. D. Simmons (S.) A. E. Emerson

City Clerk of the City of Winterset,Iowa. Mayor of the City of Winterset, Iowa.

RESOLUTION - Sale of Alley to R. C. Dunn Exhibit "B"

Whereas, R. C. Dunn of Winterset, Iowa, has made a proposal to the City of Winterset, Iowa, for the purchase of certain real estate in the City of Winterset, Iowa, being the West 132 feet of the real estate which was the alley running East and West through Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, which has been vacated for alley purposes by Ordinance No. 116 of the City of Winterset, Iowa, such proposal being for the price Thirty Five Dollars, with conveyance to be made by deed without warranty, and without furnishing any abstract of title to the purchaser, and such conveyance to be subject to all rights, privileges and easements now existing in said real estate for lines and poles and any other equipment as part of the electrical distribution system in the City of Winterset, Iowa, and as part of the telephone system in the City of Winterset, Iowa, and subject to any rights of Iowa Power and Light Company under its gas franchise in the City of Winterset, Iowa, and with possession to be given to the purchaser after final approval of such sale is given after a hearing under Section 368.39 of the Code of Iowa, and,

Whereas, said real estate which said R. C. Dunn proposes to purchase is also described as a tract of land bounded by and included within a line running as follows: commencing at the southeast corner of Lot 3, running thence West to the southwest corner of Lot 4, thence South 16½ feet to the northwest corner of Lot 5, thence East to the northeast corner of Lot 6, thence North 16½ feet to the place of beginning, all in Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, and

Whereas, it is found by this City Council that said real estate is not now needed, and in the future will not be needed for any municipal purposes, except such as are prescribed by the rights, privileges and easements to which such conveyance would be subject, and that proposal made by said R. C. Dunn is a fair and reasonable proposal therefor and is the best proposal which has been obtained therefor, and that it is for the best interests of the City of Winterset, Iowa, to sell and convey said real estate on said proposal.

Now Therefore, Be It Resolved By the City Council Of The City Of Winterset, Iowa:

That the City of Winterset, Iowa, accepts such proposal, subject to the provisions of Section 368.39 of the Code of Iowa, and that hearing on said proposal is hereby fixed to be held before the City Council of the City of Winterset, Iowa, on the 22nd day of October, 1956, at 7:30 o'clock P. M., and that the City Clerk shall cause notice of such hearing to be given in the Winterset Madisonian, a weekly newspaper printed and published at Winterset, Iowa, in accordance with Section 368.39 of the Code of Iowa.

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

Clarence Johnson	Yes	A. C. Brittain	Yes
Lowell L. Olson	Yes	Charles E. Tucker, Jr.	Yes

Approved by me this 1st day of October, 1956.

A. E. Emerson

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

(CITY OF WINTERSET, IOWA SEAL)

AFFIDAVIT OF PUBLICATION — NOTICE OF PROPOSAL TO DISPOSE OF REAL ESTATE

STATE OF IOWA, MADISON COUNTY, SS: — Exhibit "C"

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 and conveying to R. C. Dunn, of Winterset, Iowa, the real estate which was the West 132 feet of the alley running East and West through Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, also described as a tract of real estate bounded by and included within a line running as follows: Commencing at the southeast corner of Lot 3, running thence West to the southwest corner of Lot 4, thence South 16½ feet to the Northwest corner of Lot 5, thence East to the northeast corner of Lot 6, thence North 16½ feet to the place of beginning, in Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, which has been vacated for alley purposes by ordinance of said city, such sale being for the price of Thirty-five Dollars, conveyance to be made by deed without warranty, and without furnishing any abstract of title to the purchaser, and with possession to be given after final approval of such sale is given after a hearing under Section 368.39 of the Code of Iowa, such real estate being sold subject to all rights, privileges and easements now existing in said alley for lines and posts and any other equipment as part of the electrical distribution system in the City of Winterset, Iowa, and as a part of the telephone system in the City of Winterset, Iowa, and subject to any rights of Iowa Power and Light Company under its gas franchise in the City of Winterset, Iowa.

And notice is further given that at a meeting of the City Council of said City, to be held on October 22, 1956, at 7:30 P. M. at the regular meeting place of said City Council, in the Council Chamber in the City building located at the northeast corner of the intersection of East Jefferson Street and North First Street in said City of Winterset, Iowa, said City Council will hear any objections thereto and will take final action on said proposal to dispose of said real estate by said sale on said terms. This notice is given by order of said City Council.

Attest: O. D. Simmons, City Clerk — City of Winterset, Iowa, by A. E. Emerson, Mayor

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 10th day of October, 1956.

(S.) Marion S. Moore

Subscribed and sworn to before me this 11th day of October, 1956.

(Notarial Seal of Paul J. White affixed) (S.) Paul J. White, Notary Public in and for Madison County

Fee $21.66

RESOLUTION (Sale to R. C. Dunn) "Exhibit D"

WHEREAS, the City of Winterset, Iowa, as owner of certain real estate in the City of Winterset, Iowa, which was the West 132 feet of the alley running East and West through Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, which alley has been vacated in accordance with the provisions of Ordinance No. 116 of the City of Winterset, Iowa, said real estate being also described as a tract of real estate bounded by and included within a line running as follows: Commencing at the southeast corner of Lot 3, running thence West to the southwest

BOONE BLANK BOOK CO., BOONE, IOWA 1251A-62

corner of Lot 4, thence South 16½ feet to the northwest corner of Lot 5, thence East to the northeast corner of Lot 6, thence North 16½ feet to the place of beginning, in Block 2 of Pitzer and Knight's Addition, in the City of Winterset, Iowa, received an offer from R. C. Dunn, of Winterset, Iowa, for the sale to him of said real estate for the price of Thirty-five Dollars, with conveyance to be made by deed without warranty, and without furnishing any abstract of title to the purchaser, and with possession to be given after final approval of such sale is given after a hearing under Section 368.39 of the Code of Iowa, such real estate being sold subject to all rights, privileges and easements now existing in said real estate for lines and posts and any other equipment as part of the electrical distribution system in the City of Winterset, Iowa, and as a part of the telephone system in the City of Winterset, Iowa, and subject to any rights of Iowa Power and Light Company under its gas franchise in the City of Winterset, Iowa, and,

WHEREAS, said offer was accepted by the City of Winterset, Iowa, subject to the provisions of Section 368.39 of the Code of Iowa, and hearing on the proposal to sell said real estate to said R. C. Dunn on said terms was set for October 22, 1956, at 7:30 P. M. before the City Council of the City of Winterset, Iowa, under Section 368.39 of the Code of Iowa, and

WHEREAS, it is now past the hour of 7:30 P. M. of the 22nd day of October, 1956, 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 said offer of R. C. Dunn for the purchase of said real estate on said terms be and the same is hereby approved and is accepted by this final action by this City Council of the City of Winterset, Iowa, thereon, and that the proposal to sell said real estate to said R. C. Dunn on said terms be and the same is hereby approved, and that the sale of said real estate to said R. C. Dunn on said terms be and the same is approved, and that the City of Winterset, Iowa, does sell said real estate to said R. C. Dunn on said terms, and that the Mayor of the City of Winterset, Iowa, is authorized and directed to execute a deed, without warranty, to said R. C. Dunn, conveying said real estate, subject to all rights, privileges and easements now existing in said real estate for lines and posts and any other equipment as part of the electrical distribution system in the City of Winterset, Iowa, and as part of the telephone system in the City of Winterset, Iowa, and subject to any rights of Iowa Power and Light Company under its gas franchise in the City of Winterset, Iowa, and the City Clerk of the City of Winterset, Iowa is authorized and directed to attest the same, and delivery of the same is authorized and directed, in consideration of the payment of the purchase price.

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

Clarence Johnson	Yes	A. C. Brittain	Yes
Lowell L. Olson	Yes	Charles E. Tucker, Jr.	Yes

Approved by me this 22nd day of October, 1956.

COMPARED

Attest: (S.) O. D. Simmons (S.) A. E. Emerson
City Clerk of the City of Winterset, Iowa. Mayor of the City of Winterset, Iowa