City of Winterset, Iowa
To
Winterset Cemetery
Improvement Association

#176

Fee $4.40

Filed for record the 11 day of January A. D. 1958 at 11:55 o'clock A.M.

Mary E. Welty, Recorder

CERTIFICATE AS TO SALE OF REAL ESTATE TO
THE WINTERSET CEMETERY IMPROVEMENT ASSOCIATION

O. D. SIMMONS, City Clerk of the City of Winterset, Iowa,
To
The Winterset Cemetery Improvement Association 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 6th day of September, 1955, an ordinance bearing No. 109 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 6th day of September, 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 "A" and made part hereof:

and that on the 23rd day of January, 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 23rd day of January, 1956, with reference to the sale to The Winterset Cemetery Improvement Association of part of the street vacated by said Ordinance No. 109, and that a true and correct copy of said resolution is attached hereto, marked Exhibit "B" and made part hereof;

and that on the 1st day of February, 1956, and on the 8th day of February, 1956, a certain notice was published in said newspaper, The Winterset Madisonian, with reference to said sale, and that a copy of said notice is attached hereto, marked Exhibit "C" and made part hereof;

and that on the 20th day of February, 1956, a resolution was duly passed and adopted by the City Council of the City of Winterset, Iowa, approving said sale to The Winterset Cemetery Improvement Association and providing for deed, without warranty, to them, 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 is described in said resolution, a copy of which is attached hereto, marked Exhibit "D" and made part hereof; and that no appeal from such action has been taken by anybody.

WITNESS my hand as City Clerk of the City of Winterset, Iowa, and the official Seal of the City of Winterset, Iowa, on the 10th day of January, 1958.

(CITY OF WINTERSET, IOWA, SEAL)

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

ORDINANCE NO. 109 EXHIBIT "A"

An ordinance vacating the part of East Summit Street which lies between the east line of South Fourth Street and the east line of South Fifth Street, including the intersection of East Summit Street and South Fifth Street, 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 Summit Street which lies between the east line of South Fourth Street and the east line of South Fifth Street, including the intersection of East Summit Street and South Fifth Street, 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, 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 or highway are terminated, and all rights of public use thereof are terminated, but it is understood that this action does not affect the Iowa Power and Light Company gas line easement in said part of said street which is hereby vacated.

Section Two. That this action is taken with the consent of, and at the request of the Winterset Cemetery Improvement Association, of Winterset, Iowa, which has control of all the property which lies next to and abuts upon the said street area which is herein vacated.

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

Section Four. That this ordinance and a showing of its adoption and publication be certified by the City Clerk to the County Recorder of Madison County, Iowa, for filing and recording in that office. Passed and adopted and approved this 6th day of September, 1955.

(CITY OF WINTERSET, IOWA, SEAL) A. E. Emerson Mayor,
Attest: O. D. Simmons City of Winterset, Iowa
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. 109 was passed and adopted by the City Council in a special called meeting held on the 6th day of September, 1955, and published in the Winterset Madisonian, a weekly newspaper of general circulation on the 14th day of September, 1955, A.D., as shown by the publisher's affidavit on file in the office of the City Clerk.

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

RESOLUTION - Sale of Real Estate to The Winterset Cemetery Improvement Association, of Winterset, Iowa EXHIBIT "B"

WHEREAS, the City of Winterset, Iowa, has heretofore, by Ordinance No. 109 of this City, vacated for street purposes the part of East Summit Street in the City of Winterset, Iowa, lying between the East line of South Fourth Street and the East line of South Fifth Street, including the intersection of East Summit Street and South Fifth Street, and,

WHEREAS, said real estate is not now required for any municipal purpose, and it does not appear that it will ever be required for any municipal purpose in the future, and,

WHEREAS, The Winterset Cemetery Improvement Association, of Winterset, Iowa, a corporation, has made a proposal and offer to purchase said real estate which was formerly laid out as a street and which has been vacated as aforesaid, and has offered to pay therefor the sum of $25.00 cash, to be paid when such proposal and offer has been acted upon and accepted and approved by this City and deed and possession has been delivered, such deed to be without warranty, and the sale to be made without furnishing any abstract of title, and it being the intention of said association not to make any burials in said tract, and,

WHEREAS, said sum offered represents the fair and reasonable value of said real estate, and is believed to be the highest price obtainable therefor, and this City Council believes that it is for the best interests of this City and the inhabitants thereof, to make sale of said tract to said association on said terms, the same to be subject to the easement of the Iowa Power and Light Company for gas line therein,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa, that said proposal and offer of the Winterset Cemetery Improvement Association, of Winterset, Iowa, to purchase said real estate be and it is hereby accepted, subject to the provisions of Section 368.39 of the Code of Iowa, and that notice of such proposal and hearing thereon shall be given in accordance with said Section 368.39 of the Code of Iowa, and hearing on said proposal shall be held before this City Council at a meeting to be held on the 20th day of February, 1956, at 7:30 P.M., in the Council Chamber, and the City Clerk is authorized and directed to attend to

publication of notice of such hearing in the Winterset Madisonian in accordance with said 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 23rd day of January, 1956.

Attest: O. D. Simmosn City Clerk of the City of Winterset, Iowa.
(CITY OF WINTERSET, IOWA SEAL)

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

NOTICE OF PROPOSAL TO DISPOSE OF CITY REAL ESTATE 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 the Winterset Cemetery Improvement Association, of Winterset, Iowa, a corporation, the real estate which was the part of East Summit Street lying between the east line of South Fourth Street and the east line of South Fifth Street, including the intersection of East Summit Street and South Fifth Street, in the City of Winterset, Iowa, which part of street has been officially vacated for street purposes, for the price of Twenty-five Dollars, by deed without warranty, and without furnishing any abstract of title, it being the intention that such real estate shall not be used for any burial purposes, and notice is given that at a meeting of the City Council of said City, to be held on February 20, 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

RESOLUTION-Sale of part of East Summit Street to Winterset Cemetery Improvement Association. EXHIBIT "D"

WHEREAS, the City of Winterset, Iowa, as owner of certain real estate in the City of Winterset, Iowa, described as a tract of real estate which was the part of East Summit Street in the City of Winterset, Iowa, lying between the east line of South Fourth Street and east line of South Fifth Street, including the intersection of East Summit Street and South Fifth Street, which part of street has been vacated for street purposes by Ordinance No. 109 of the City of Winterset, Iowa, enacted September 6, 1955, has received a proposal from The Winterset Cemetery Improvement Association of Winterset, Iowa, a corporation, for the purchase of said real estate for the price of $25.00, with deed without warranty of any kind, and without any abstract of title to be furnished therefor, and with the intention and understanding and agreement on the part of said association that said association will accept said real estate with a provision that no burial shall be made or be permitted by said association in said real estate hereinbefore described and with said tract being subject to gas line easement of the Iowa Power and Light Company of Des Moines, Iowa, affecting the same, and,

WHEREAS, hearing on such proposal was set for February 20, 1956, at 7:30 P.M., and notice thereof has been duly given by two newspaper publications in accordance with Section 368.39 of the Code of Iowa, and it is now past the time fixed, and,

WHEREAS, no objector has appeared at this hearing and no objection has been filed, and no objection has been made at this hearing by anybody, and,

WHEREAS, this City Council considers that it is proper that such proposal should be accepted,

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

That any and all objections to said proposal be and are overruled, and that the sale of

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said tract of real estate to The Winterset Cemetery Improvement Association, of Winterset, Iowa, a Corporation, on said terms, be and is hereby approved, and that the City of Winterset, Iowa, sell said tract of real estate to The Winterset Cemetery Improvement Association, of Winterset, Iowa, on said terms, and that the Mayor of this City is authorized and directed to execute a deed, without warranty of any kind, to The Winterset Cemetery Improvement Association, of Winterset, Iowa, a Corporation, and the City Clerk of this City 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, and said sale shall be without the furnishing of any abstract of title to said real estate, and said deed shall contain a provision that said deed is made with the understanding and agreement by said grantee that no burial shall be made or permitted by said grantee in said real estate, and said real estate shall also be subject to the gas line easement of the Iowa Power & Light Company, of Des Moines, Iowa, affecting said real estate.

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

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

Approved by me this 20th day of February, 1956.

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

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

(CITY OF WINTERSET, IOWA SEAL)

COMPARED