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Tx:4970865

R FEE \$ 25.00 RMA \$ 1.00

A FEE \$ _____ ECOM \$ 1.00

T TAX \$ _____

2019-01403

RECORDER MARK BRANDENBURG

POTTAWATTAMIE COUNTY, IA

FILE TIME: 02/07/2019 11:15:35 AM

RECORDING FEE	25.00
RMA FEE	1.00
ECM FEE	1.00

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 890-5261

Prepared by: Legal Dept., Co. Bluffs, IA 51503 - Phone: 890-5317

RESOLUTION NO. 19-21

A RESOLUTION TO VACATE THAT PORTION OF 4TH STREET RIGHT-OF-WAY EXTENDING FROM 13TH AVENUE SOUTH TO 16TH AVENUE IN ORDER TO EFFECTUATE SALE OF CITY PROPERTY PREVIOUSLY AUTHORIZED BY COUNCIL IN RESOLUTION #18-139, AND TO VACATE CERTAIN PORTIONS OF PLATTED RIGHT-OF-WAY THAT REMAIN IN PLACE ON PRIVATELY OWNED PROPERTY FOR PURPOSES OF CLEARING UP TITLE.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described, as followed, is of no benefit to the public and should be vacated:

AREA "A" – THAT PART OF SOUTH 4TH STREET LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "B" – THAT PART OF SOUTH 11TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "C" - ALL OF THE EAST-WEST ALLEY LYING IN BLOCK 9, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "D" - ALL OF THE NORTH-SOUTH ALLEY LYING IN BLOCK 16, RIDDLE SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 12TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "E" – THAT PART OF 13TH AVENUE LYING WEST OF THE WEST LINE OF LOT 12, BLOCK 10, PROJECTED SOUTH, AND EAST OF THE EAST LINE OF LOT 8, BLOCK 10, PROJECTED SOUTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "F" – THAT PART OF 14TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 16, PROJECTED SOUTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "G" – THAT PART OF THE EAST-WEST ALLEY LYING IN BLOCK 17, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 17, PROJECTED NORTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "H" – THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 17, PROJECTED SOUTH, ALL IN, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "I" – THAT PART OF THE EAST-WEST ALLEY LYING IN BLOCK 20, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 20, PROJECTED NORTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "J" – THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "K" – THE WEST 73 FEET OF THE EAST-WEST ALLEY LYING IN BLOCK 5, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

AND ALSO ALL PUBLIC RIGHT-OF-WAYS, PUBLIC ALLEYS AND OTHER PUBLIC WAYS NOT PREVIOUSLY VACATED AS BOUND ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF 9TH AVENUE, BOUND ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, BOUND ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND BOUND ON THE WEST THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the subject right-of-way is unimproved but does have known utilities located within in it; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by vacating and conveying all of its right, title and/or interest in it for the purposes described herein.;

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the above-described city right-of-way is hereby vacated.

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED
AND
APPROVED:

January 28, 2019

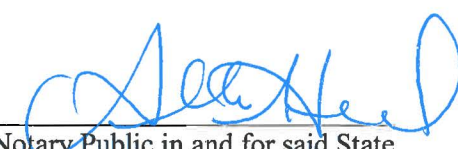

Matthew J. Walsh, Mayor

ATTEST:

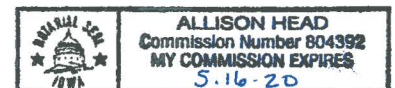

Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 1st day of February, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.


Notary Public in and for said State

Planning Case #SAV-18-005



Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING ON INTENT TO VACATE CITY RIGHT OF WAY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to vacate City Right-of-way legally described as follows:

AREA "A" - THAT PART OF SOUTH 4TH STREET LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

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I, Amy McKay, on my oath do solemnly that I am Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 20th day of January, 2019.

Signed in my presence by the said Amy McKay and by her sworn to before me this 20th day of January, A.D. 2019.

AREA "J" - THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

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You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 28th day of January, 2019, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush City Clerk
2019(1)20-1 Sunday

Filed this 20th day of January, A.D. 2019.

Publication Cost: \$64.32


Amy McKay
Daily Nonpareil Controller


Jeannette Johnson
Notary Public



JEANNETTE JOHNSON
Commission Number 144856
MY COMMISSION EXPIRES
OCTOBER 1, 2020

Customer Number: 1003258
Order Number: 0000033371

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by:

Resolution 19-21
ITEM 4.H.

Council Action: 1/28/2019

Description

Resolution to vacate that portion of 4th Street right-of-way extending from 13th Avenue south to 16th Avenue in order to effectuate sale of city property to Conagra previously authorized by Council in Resolution 18-139, and to vacate certain portions of platted right-of-way that remain in place on privately owned property.

Background/Discussion

A title search was conducted by ConAgra relating to the proposed sale of City property referenced above in Resolution #18-139. The title search found that a portion of that property proposed for sale still retained City right-of-way that had not been vacated. ConAgra is requesting we vacate this interest to clear title prior to purchase from the City.

The search also found various parcels of land, now privately owned by ConAgra, that still have City right-of-way interests on the title and have not been adequately vacated. ConAgra is requesting that we vacate these interests to clear title to their property future re-platting. These vacations of right-of-way are for the sole purpose of clearing title, as the parcels are all privately owned by ConAgra

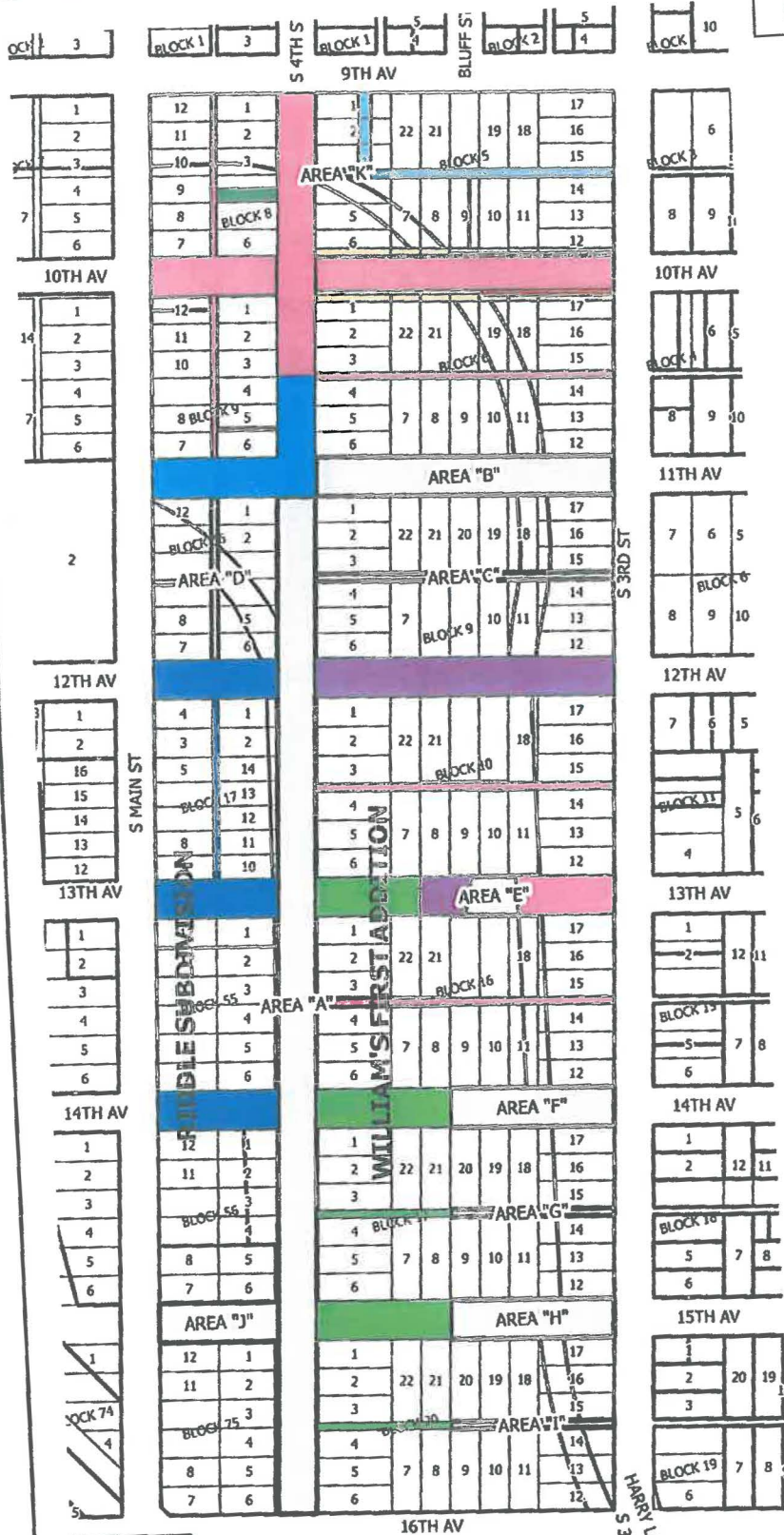
Recommendation

The City Legal Department recommends approval of this Resolution.

ATTACHMENTS:

Description	Type	Upload Date
Map	Map	1/21/2019
Resolution 19-21	Resolution	1/21/2019

EXHIBIT "A"



Legend

VACATED

99-90

3602

4086

4568

4662

4663

4804

18-162

4693

OPEN-ROW



**EHRHART
GRIFFIN &
ASSOCIATES**

- ENGINEERING
- PLANNING
- LAND SURVEYING
- CONSTRUCTION MANAGEMENT

142 West Broadway Suite 136
Council Bluffs, Iowa 51503
712 / 256-5248

RIGHT-OF-WAY & ALLEY VACATION MAP

9TH TO 16TH AVE's
3RD ST TO S MAIN

DATE: 10/8/18
DESIGNED BY: WAW
DRAWN BY:
CHECKED BY:

SHEET NO.
1 OF 1