*Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5261*
*Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350*

**RESOLUTION NO. 24-20**

**A RESOLUTION TO VACATE AND DISPOSE OF THE UNIMPROVED EAST/WEST ALLEY PLATTED IN BLOCK 25, FLEMING AND DAVIS' ADDITION AND BLOCK 'G', RIDDLE SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: the unimproved east/west alley platted in Block 25, Fleming and Davis' Addition, and Block 'G', Riddle Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

**WHEREAS,** a public meeting was held on this matter on the 22nd day of January, 2024; and

**WHEREAS,** pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying all of its right, title, and interest in it to the abutting property owner(s); and

**WHEREAS,** this conveyance is subject to the reservation of an easement over the north half of the westerly 90 feet and over the south half of the westerly 60 feet of the east/west alley located in Block 25, Fleming and Davis' Addition, City of Council Bluffs, Pottawattamie County, Iowa, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record; and

**WHEREAS,** all portions of the subject alley shall be disposed of to an abutting property owner; and

**WHEREAS,** the applicant shall execute an administrative parcel combination with Pottawattamie County to consolidate their three parcels and portions of vacated alley into one parcel;

**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 and conveyed as follows:

Jose Lorenzo Perez: The unimproved east/west alley adjacent to Lots 1 through 4, Block 'G', Riddle Subdivision, and Lots 4 through 14, Block 25, Fleming and Davis' Addition, in consideration of the vacation application fee already paid.

Chicago Northwestern RR: The unimproved east/west alley adjacent to Lots 1 through 3 and 15 and 16, Block 25, Fleming and Davis' Addition, in consideration of the vacation application fee already paid.

**BE IT FURTHER RESOLVED**

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above described alley right-of-way in consideration of the vacation application fee already paid; and

**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 Section 354.23.

ADOPTED
AND
APPROVED: January 22, 2024

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA )
COUNTY OF )ss
POTTAWATTAMIE)

On this _____ day of January, 2024, 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