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

RESOLUTION NO. 24-179

A RESOLUTION TO RELEASE PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED SECTION OF SOUTH 23RD STREET AND TWO PREVIOUSLY VACATED NORTH/SOUTH ALLEYS LEGALLY DESCRIBED AS BEING PORTIONS OF LOT 3, RAILROAD ADDITION REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines the permanent and perpetual easements across the previously vacated section of South 23rd Street and two previously vacated north/south alleys legally described as being portions of Lot 3, Railroad Addition Replat 1, City of Council Bluffs, Pottawattamie County, Iowa, as identified in the easements exhibits included as Attachment 'A' and the ALTA survey included as Attachment 'C,' of the case staff report are of no benefit to the public and should be released; and

WHEREAS, upon receipt of signed authorization forms from all local utility companies and pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of these easements interest by conveying all of its right, title, and interest in it to the abutting property owner(s).

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

That the release of the permanent and perpetual easements across the previously vacated section of South 23rd Street and two previously vacated north/south alleys legally described as being portions of Lot 3, Railroad Addition Replat 1, City of Council Bluffs, Pottawattamie County, Iowa, as legally described above and shown in easements exhibits included as Attachment 'A' and the ALTA survey included as Attachment 'C' of the case staff report, are hereby approved contingent upon all local utility companies submitting a signed authorization form, releasing their interest(s) in said utility easements, to the City of Council Bluffs; and

BE IT FURTHER RESOLVED

That upon receipt of signed authorization forms from all local utility providers releasing their interests; the City of Council Bluffs is hereby authorized to dispose of this easement conveying all of its right, title, and interest in it to the abutting property owner(s); 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: June 24, 2024.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF) ss
POTTAWATTAMIE)

On this _____ day of _____, 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