Attachment B

RESOLUTION
NO. 06-13-22

RELEASE OF A PERMANENT AND PERPETUAL EASEMENT GRANTED FOR UTILITY PURPOSES ACROSS THE 12TH AVENUE RIGHT-OF-WAY EXCEPT THE WEST 10 FEET LYING BETWEEN SOUTH 34TH AND SOUTH 35TH STREETS AND ABUTTING PROPERTY LEGALLY DESCRIBED AS LOTS 16 THROUGH 30, BLOCK 19, BROWN'S SUBDIVISION AND LOTS 1 THROUGH 15, BLOCK 18, BROWN'S SUBDIVISION, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

WHEREAS, 12th Avenue right-of-way between South 34th and South 35th Streets abutting property legally described as Lots 16 through 30, Block 19, Brown's Subdivision and Lots 1 through 15, Block 18, Brown's Subdivision, was vacated by the City of Council Bluffs by Resolution No. 22-22 on January 24, 2022; and

WHEREAS, a permanent and perpetual easement was retained over said alley at the time of the right-of-way vacation for utility purposes; and

WHEREAS, The Board will not release a 10 foot easement over the west portion of the vacated right-of-way for maintenance of existing infrastructure.

WHEREAS, the Board has determined that there is no need for future use of the aforementioned easement, except as described above.

NOW, THEREFORE, BE IT RESOLVED that the Board of Water Works Trustees does hereby disclaim any right of interest in and to the portion of easement to be released as described.

ROLL CALL VOTE RECORDED

AYE: Trustee Brooks, Trustee Wallner, Trustee Beresford, Trustee Jones

NAY: -none-

ABSTENTION: -none-

ABSENT: Trustee Kruse

Adopted and approved this 14th day of June 2022.

Caitlin A. Beresford, Chairperson

Keith R. Jones, Vice Chairperson

ATTEST:

Martin L. Brooks, Trustee

Douglas P. Drummey, Secretary

Maureen R. Kruse, Trustee

Michael J. Wallner, Trustee

Filed and recorded this 14th day of June 2022.

Douglas P. Drummey, Secretary