*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. 22-189**

**A RESOLUTION OF INTENT TO RELEASE THE PERMANENT AND PERPETUAL UTILITY EASEMENT OVER THE PREVIOUSLY VACATED 12TH AVENUE RIGHT-OF-WAY LYING BETWEEN SOUTH 34TH AND SOUTH 35TH STREETS EXCEPT FOR THE PORTION ABUTTING LOTS 1 THROUGH 3 AND THE EASTERLY 28 FEET OF LOT 4 ALONG WITH LOTS 9 THROUGH 15 ALL IN BLOCK 18, BROWN'S SUBDIVISION AND THE WESTERLY TEN FEET ABUTTING LOT 16, BLOCK 19, BROWN'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Scott Porter has requested to release the permanent and perpetual utility easement over the previously vacated 12th Avenue right-of-way lying between South 34th and South 35th Streets except for the portion abutting Lots 1 through 3 and the easterly 28 feet of Lot 4 along with Lots 9 through 15 all in Block 18, Brown's Subdivision and the westerly ten feet abutting Lot 16, Block 19, Brown's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

**WHEREAS,** a permanent and perpetual utility easement shall be retained over the westerly 10 feet of the vacated 12th Avenue right-of-way for the installation and maintenance of utilities; and

**WHEREAS,** a permanent and perpetual utility easement shall be retained over the southerly 33 feet of the wets 308 feet of the vacated 12th Avenue right-of-way for the installation and maintenance of utilities; and

**WHEREAS,** a permanent and perpetual utility easement shall be retained over the southerly 33 feet of the east 160 feet of the vacated 12th Avenue right-of-way for the installation and maintenance of utilities; and

**WHEREAS,** this City Council hereby declares its intent to consider release of this easement by conveying all of its easement interest to the abutting property owner(s).

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

That this City Council hereby declares its intent to consider disposition of the above described easement interests; and

**BE IT FURTHER RESOLVED**

That a public hearing on the City's intent to dispose of this property is hereby set for August 8, 2022.

ADOPTED
AND
APPROVED: July 25, 2022.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk