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. 22-244

A RESOLUTION TO VACATE AND DISPOSE OF THE EAST/WEST ALLEY THAT IS PLATTED BETWEEN BLOCK 3, NINTH AVENUE ADDITION, AND BLOCK 9, WEBSTER'S 1ST ADDITION, LOCATED BETWEEN S. 26TH AND S. 27TH STREETS AND 8TH AND 9TH AVENUES, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City-owned alley right-of-way described as follows: the east/west alley that is platted between Block 3, Ninth Avenue Addition, and Block 9, Webster's 1st Addition, located between S. 26th and S. 27th Streets and 8th and 9th Avenues, City of Council Bluffs, Pottawattamie County, Iowa is of no benefit to the public and should be vacated and disposed of; and

WHEREAS, a public meeting was held on this matter on the 10th day of October, 2022; 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 a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, 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;

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:

DWM Properties and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 9-11, Block 3, Ninth Avenue Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

A Vital Corporation and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 12 and 13, Block 3, Ninth Avenue Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

Controlled Materials and Equipment Transportation Corporation and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 7 and 8, Block 3, Ninth Avenue Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

Rod Pressgrove and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 5 and 6, Block 3, Ninth Avenue Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

Robinson Ventures, LLC, and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 1-4, Block 3, Ninth Avenue Addition, and the North ½ of the vacated east/west alley abutting Lots 1-11 and the East ½ of Lot 12, Block 9, Webster's 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

Scott E. and Barbara A. Workman and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 13, the West ½ of Lot 12, and the East ½ of Lot 14, Block 9, Webster's 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

William A. and Carrie L. Brown and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 15 and the West ½ of Lot 14, Block 9, Webster's 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, in consideration of the vacation application fee already paid.

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: October 10, 2022.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Allison Head, Deputy City Clerk

STATE OF IOWA)

Planning Case #SAV-22-005

COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, _____, 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