Prepared by: Community Development Dept., Council Bluffs, IA 51503 - Phone: (712) 328-4629
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261

RESOLUTION NO. 22-245

A RESOLUTION FOR THE RELEASE OF A PERMANENT AND PERPETUAL EASEMENT GRANTED FOR UTILITY PURPOSES ACROSS A SECTION OF 45TH AVENUE RIGHT-OF-WAY, LYING WEST OF GIFFORD ROAD AND SOUTH OF VETERANS MEMORIAL HIGHWAY (U.S. HWY 275), AND BEING LEGALLY DESCRIBED AS A PORTION OF PARCELS 21219 AND 21220 OF THE SE1/4 NE1/4 AND A PORTION OF THE NE1/4 SE1/4, ALL IN SECTION 15-74-44, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED ON ATTACHMENT 'B'.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines the permanent and perpetual utility easement reserved over the southerly portion of vacated 45th Avenue, being legally described as a portion of Parcels 21219 and 21220 of the SE1/4 NE1/4, and a portion of NE1/4 SE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'B', is 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 this easement 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 perpetual and permanent utility easements across previously vacated 45th Avenue right-of-way, being legally described as a portion of Parcels 21219 and 21220 of the SE1/4 NE1/4, and a portion of NE1/4 SE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'B', is hereby approved contingent upon all local utility companies submitting a signed authorization form, releasing their interest(s) in said utility easement, 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 by 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: October 10, 2022.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Allison Head, Deputy City Clerk

STATE OF IOWA)
COUNTY OF) ss
POTTAWATTAMIE)

On this _____ day of _____, 2022, 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