Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 328-4616
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 23-56

A RESOLUTION TO RELEASE PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS THE PORTION OF THE PREVIOUSLY VACATED ALLEY BETWEEN NORTH 14TH STREET, VACATED NORTH 15TH STREET, AVENUE J, AND VACATED AVENUE I THAT OVERLAPS LOT 2, LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2; ACROSS THE PREVIOUSLY VACATED ALLEY BETWEEN NORTH 14TH STREET, VACATED NORTH 15TH STREET, VACATED AVENUE H, AND VACATED AVENUE I; ACROSS THE PORTIONS OF THE PREVIOUSLY VACATED AVENUE I RIGHT-OF-WAY BETWEEN NORTH 14TH STREET AND VACATED NORTH 15TH STREET THAT OVERLAP LOT 2, LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2, AND THE PROPOSED LOT 1, LEGACY FAMILY CAMPUS SUBDIVISION PHASE 3; ACROSS THE PREVIOUSLY VACATED AVENUE H RIGHT-OF-WAY BETWEEN NORTH 14TH STREET AND VACATED NORTH 15TH STREET; AND ACROSS THE PREVIOUSLY VACATED AVENUE H RIGHT-OF-WAY BETWEEN NORTH 16TH STREET AND VACATED NORTH 15TH STREET; ALL IN LEGACY FAMILY CAMPUS SUBDIVISION PHASE 1 AND LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2, 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 located across the portion of the previously vacated alley between North 14th Street, vacated North 15th Street, Avenue J, and vacated Avenue I that overlaps Lot 2, Legacy Family Campus Subdivision Phase 2; across the previously vacated alley between North 14th Street, vacated North 15th Street, vacated Avenue H, and vacated Avenue I; across the portions of the previously vacated Avenue I right-of-way between North 14th Street and vacated North 15th Street that overlap Lot 2, Legacy Family Campus Subdivision Phase 2, and the proposed Lot 1, Legacy Family Campus Subdivision Phase 3; across the vacated Avenue H right-of-way between North 14th Street and vacated North 15th Street; and across the vacated Avenue H right-of-way between North 16th Street and vacated North 15th Street; all in Legacy Family Campus Subdivision Phase 1 and Legacy Family Campus Subdivision Phase 2, City of Council Bluffs, Pottawattamie County, Iowa, as shown in Attachment 'A', are of no benefit to the public and should be released; and

WHEREAS, 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:

The release of the perpetual and permanent utility easements across said vacated alleys and rights-of-way, as legally described above, shall become effective once all local utility providers submit a signed authorization form, which releases their interest(s) in said utility easements, to the City of Council Bluffs; 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 354.23.

ADOPTED
AND
APPROVED: February 27, 2023

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
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

Planning Case #MIS-23-001