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. 23-167

A RESOLUTION TO VACATE AND DISPOSE OF 16TH AVENUE RIGHT-OF-WAY, LYING WEST OF THE INTERSECTION OF 16TH AVENUE AND SOUTH 17TH STREET, AND SOUTH OF PROPERTIES LEGALLY DESCRIBED AS LOTS 7 THROUGH 12, BLOCK 36, FLEMING AND DAVIS ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City-owned right-of-way described as 16th Avenue right-of-way, lying west of the intersection of 16th Avenue and South 17th Street, and lying south of properties legally described as Lots 7 through 12, Block 36, Fleming and Davis Addition, 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 12th day of June, 2023; 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 and quitclaiming 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 utility easement in favor of the Council Bluffs Water Works, as shown in Attachment 'C' of the staff report for CASE #SAV-23-002; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utility easement in favor of MidAmerican Energy Company, as shown in Attachment 'D' of the staff report for CASE #SAV-23-002; and

WHEREAS, the applicant shall combine said 16th Avenue right-of-way with their abutting landholdings; and

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:

1700 Council Bluffs LP: the City-owned right-of-way described as 16th Avenue right-of-way, lying west of the intersection of 16th Avenue and South 17th Street, and lying south of properties legally described as Lots 7

through 12, Block 36, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa, for the sum of $6,020.00.

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: June 12, 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