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2020-15113

RECORDER MARK BRANDENBURG

POTTAWATTAMIE COUNTY, IA

FILE TIME: 10/14/2020 01:25:58 PM

RECORDING FEE	25.00
AUDITOR FEE	5.00
RMA FEE	1.00
ECM FEE	1.00

R FEES \$ 25⁰⁰ RMA \$ 1⁰⁰
A FEES \$ 5⁰⁰ ECOM \$ 1⁰⁰
T TAX \$ _____

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: (712) 890-5261

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: (712) 890-5350

RESOLUTION NO. 20-224 amended

A RESOLUTION TO VACATE AND DISPOSE OF 42ND AVENUE RIGHT-OF-WAY LYING BETWEEN INDIAN CREEK AND SOUTH 13TH STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The city-owned right-of-way described as follows: 42nd Avenue right-of-way lying between Indian Creek and South 13th Street, City of Council Bluffs, Pottawattamie County; and

WHEREAS, a public meeting was held on this matter on the 14th day of September, 2020; 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 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-emplacment 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-emplacment, 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 conveyed as follows:

North Shore Manawa Holdings LLC and all successors in interest: The South 1/2 of vacated 42nd Avenue right-of-way lying between Indian Creek and South 13th Street, abutting property legally described as that part of the NE 1/4 NE 1/4 of Section 14-74-44 lying south of 42nd Avenue and north of the State Park except the East 244.5 feet along with the northerly 1055.66 feet of the NW 1/4 NE 1/4 lying east of Indian Creek, for the total sum of \$20,124.62.

SML Management LLC and all successors in interest: The North 1/2 of vacated 42nd Avenue right-of-way lying between Indian Creek and South 13th Street, abutting legally described as part of the SE 1/4 SE 1/4 of Section 11-74-44 lying south of Highway 275 and north of 42nd Avenue being the west 400.75 feet of the east 952.38 feet, except the road for the total sum of \$3,417.88.

G.A.C.H. LLC and all successors in interest: The North 1/2 of vacated 42nd Avenue right-of-way lying between Indian Creek and South 13th Street, abutting legally described as the west 200 feet of the east 1152.38 feet of the SE 1/4 SE 1/4 of Section 11-74-44 lying south of Highway 275 and north of 42nd Avenue, for the total sum of \$1,475.00.

Leach Camper Sales, Inc. and all successors in interest: The North 1/2 of vacated 42nd Avenue right-of-way lying between Indian Creek and South 13th Street, abutting legally described as being part of the SW 1/4 SE 1/4 of Section 11-74-44 lying south of Highway 275, north of 42nd Avenue and east of Indian Creek along with that part of the SE 1/4 SE 1/4 of Section 11-74-44 lying south of Highway 275 and North of 42nd Avenue except the east 1152.38 feet, for the total sum of \$12,371.66.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described right-of-way; 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

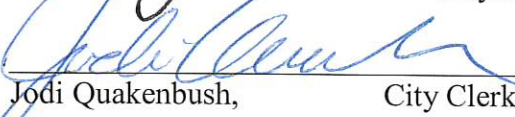
AND

APPROVED:

September 28, 2020.

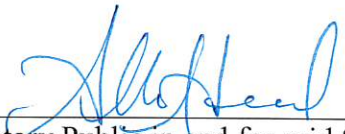

Matthew J. Walsh, Mayor

ATTEST:

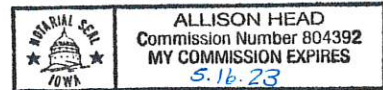

Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 29th day of September, 2020, 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



Council Communication

Department: City Clerk
Case/Project No.: SAV-20-005
Submitted by: Moises Monroy, Planner

Resolutions 20-224 amended
ITEM 8.A.

Council Action: 9/28/2020

Description

Resolution 20-224 to vacate and dispose of 42nd Avenue right-of-way lying between Indian Creek and South 13th Street. Location: Immediately South of properties addressed as 1301, 1403, and 1629 Veterans Memorial Highway, SAV-20-005

Background/Discussion

It was discovered a wrong entity name was stated in Resolution No. 20-224 (approved 9-14-20) which vacated and dispose of 42nd Avenue right-of-way in association with K.C. Knudson's Lake Manawa redevelopment project. The entity name James L. Moss Jr. is incorrect. It should've read Leach Camper Sales, Inc. and all successors in interest.
Amended Resolution showing correct name is highlighted as only amendment to this Resolution.

Recommendation





ATTACHMENTS:

Description	Type	Upload Date
Resolution 20-224 amended	Resolution	9/22/2020

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASES #SUB-20-007, #SAV-20-005, #ZC-20-009 AND #PR-20-002 LOCATION/ZONING MAP

Legend

-  The Landing on Lake Manawa
-  Portion of 42nd Avenue ROW proposed to be vacated
-  Area proposed to be zoned R-1
-  Area proposed to be zoned R-4

0 145 290
 1 Inch = 297 Feet

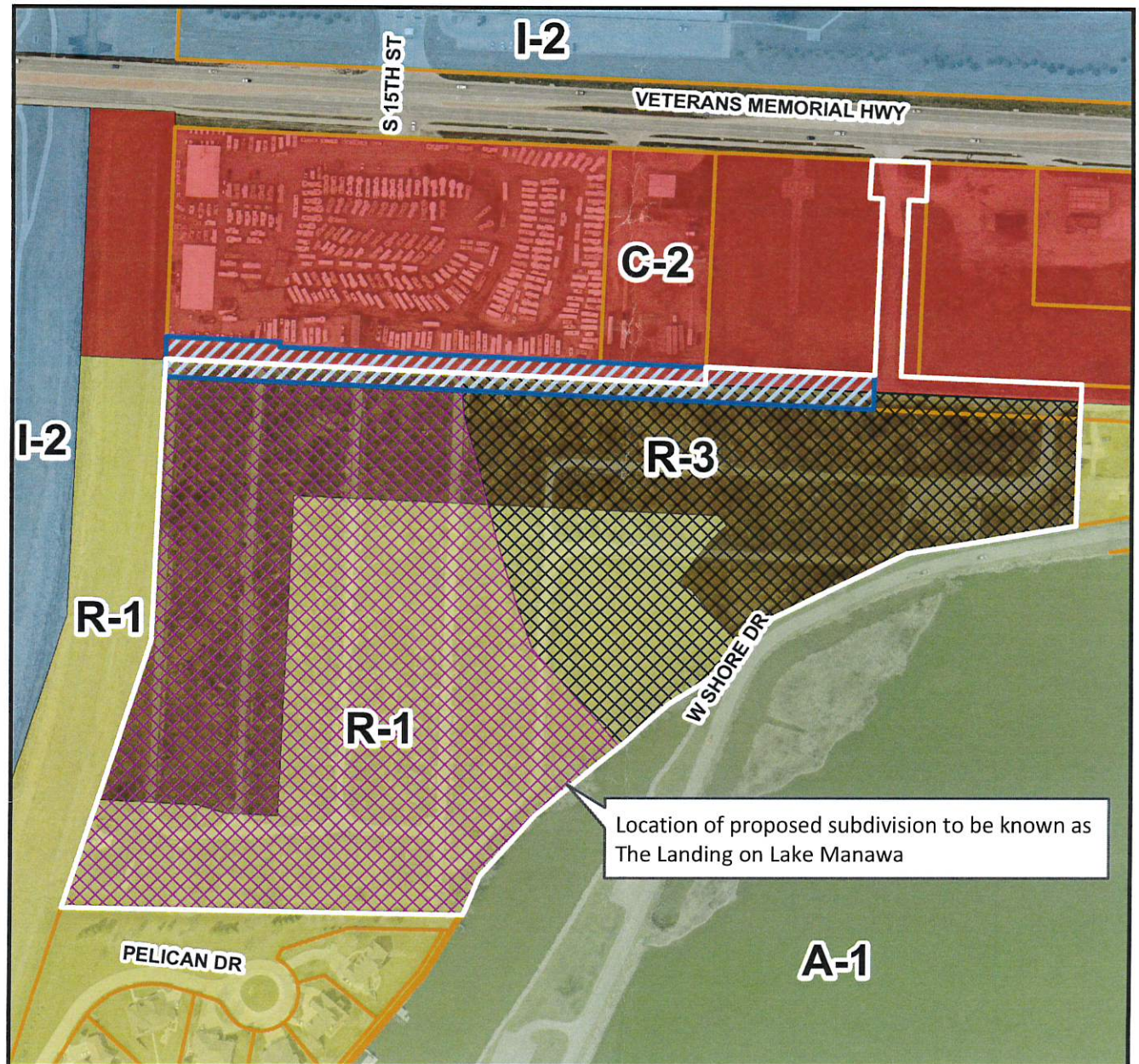


Last Amended: 7/23/2020



Council Bluffs Community
 Development Department
 209 Pearl Street
 Council Bluffs, IA 51503
 Telephone: (712) 890-5350

DISCLAIMER
 This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly disclaims any and all responsibility for errors, if any, in the information contained on this map, the reliance of the user by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Proof Of Publication

State of Iowa

Pottawattamie County

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL-BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 06th day of September, 2020.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 6th day of September, A.D. 2020.

NOTICE OF PUBLIC HEARING ON INTENT TO VACATE CITY PROPERTY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Knudson Companies to vacate and dispose of 42nd Avenue right-of-way lying between Indian Creek and South 13th Street, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m. on the 14th day of September, 2020 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk
2020(9)6-1 Sunday



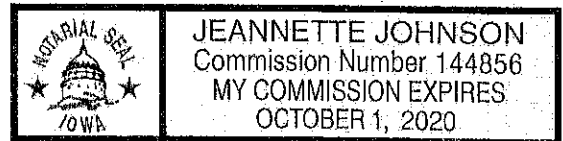
Tom Schmitt
Daily Nonpareil Publisher



Jeannette Johnson
Notary Public

Filed this 6th day of September, A.D. 2020.

Publication Cost: \$15.60



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