Passed to 2nd Reading 4-20-70 Read to 3rd 5-4-70

Public Hearing 5-18-70 8 P.M.

Return to City Clerk 209 Record

Comp'd 5-11-70 4-A

COMPARED

Fee 15.00 908

May 18, 1970

CITY ORDINANCE NUMBER 3909

AN ORDINANCE to vacate that portion of the Southerly Half of Thomas Street which abuts Lot 4 in Block 5, Hagg's Extension, and that portion of the Northerly Half of Thomas Street which abuts Lot 14 in Block 6, Hagg's Extension, in Council Bluffs, Iowa; providing for the conveyance thereof to the Board of Park Commissioners of the City of Council Bluffs, Iowa, under the terms and conditions hereinafter set forth; and repealing all other Ordinances, Rules and Regulations, or portions thereof, in conflict herewith.

WHEREAS, the Board of Park Commissioners of the City of Council Bluffs, Iowa has requested the vacation and conveyance of the above-described portions of Thomas Street for purposes of beautification; and

WHEREAS, the request of said Board has been referred to the City's Planning Commission and after study and public hearing held by said Commission the request for such vacation and conveyance has been approved by said Commission and its written recommendation has been filed with this City Council in accordance with the determination reached by said Commission; and

WHEREAS, after study and consideration, and being otherwise fully advised in the matter, this City Council has determined that the best interests of the City will be served by the vacation and conveyance of said portion of Thomas Street, as aforesaid:

NOW, THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the portion of the Southerly Half of Thomas Street which abuts Lot 4 in Block 5, Hagg's Extension, and the portion of the Northerly Half of Thomas Street which abuts Lot 14 in Block 6, Hagg's Extension, in Council Bluffs, Iowa, be and the same is hereby vacated.

SECTION 2. That the property vacated by this Ordinance shall be subject always to a permanent and perpetual easement of way being granted to and reserved in the City of Council Bluffs, Iowa and its licensees and/or franchise grantees, for the maintenance of any and all public 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, advisable and proper.

STATE OF IOWA, Pottawattamie County
Filed for record the 22 day of July
1970 at 11:20 o'clock A.M. and recorded
In book 92 page 1976
John Sciortino
By _____ Recorder

ATTACHMENT D

92 1976

COMPARED

SECTION 3. That following the final passage, approval and publication of this Ordinance, and upon payment of the sum of $1.00 in consideration therefor, the Mayor and City Clerk are hereby authorized, empowered and directed to execute and deliver a Quit Claim Deed conveying the property herein vacated to the Board of Park Commissioners of the City of Council Bluffs, Iowa, said conveyance to be made pursuant to the terms and conditions herein prescribed.

SECTION 4. That all Ordinances, Rules and Regulations, or portions thereof, in conflict herewith, are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

Passed and Approved May 18, 1970

Kenneth G. Jensen
Kenneth G. Jensen Mayor

Attest: Elmer F. Westphal
Elmer F. Westphal City Clerk