Prepared by: City Attorney's Office, 209 Pearl St.., Co. Bluffs, IA 51503 – Phone: 890-5317
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 890-5261

RESOLUTION NO. 19-02

A RESOLUTION OF INTENT TO VACATE THAT PORTION OF 4TH STREET RIGHT-OF-WAY EXTENDING FROM 13th AVENUE SOUTH TO 16TH AVENUE IN ORDER TO EFFECTUATE SALE OF CITY PROPERTY TO CONAGRA PREVIOUSLY AUTHORIZED BY COUNCIL IN RESOLUTION #18-139, AND TO VACATE CERTAIN PORTIONS OF PLATTED RIGHT-OF-WAY THAT REMAIN IN PLACE ON PRIVATELY OWNED PROPERTY FOR PURPOSES OF CLEARING UP TITLE.

WHEREAS, ConAgra has conducted a title search of the city property authorized for conveyance to ConAgra pursuant to Resolution #18-139, and found that the following property, publicly and privately owned, contains non-vacated right-of-way interest still held by the City of Council Bluffs:

AREA "A" – THAT PART OF SOUTH 4TH STREET LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "B" – THAT PART OF SOUTH 11TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "C" - ALL OF THE EAST-WEST ALLEY LYING IN BLOCK 9, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "D" - ALL OF THE NORTH-SOUTH ALLEY LYING IN BLOCK 16, RIDDLE SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 12TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "E" – THAT PART OF 13TH AVENUE LYING WEST OF THE WEST LINE OF LOT 12, BLOCK 10, PROJECTED SOUTH, AND EAST OF THE EAST LINE OF LOT 8, BLOCK 10, PROJECTED SOUTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "F" – THAT PART OF 14TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 16, PROJECTED SOUTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "G" – THAT PART OF THE EAST-WEST ALLEY LYING IN BLOCK 17, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8,

BLOCK 17, PROJECTED NORTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "H" – THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 17, PROJECTED SOUTH, ALL IN, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "I" – THAT PART OF THE EAST-WEST ALLEY LYING IN BLOCK 20, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 20, PROJECTED NORTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "J" – THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "K" – THE WEST 73 FEET OF THE EAST-WEST ALLEY LYING IN BLOCK 5, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

AND ALSO ALL PUBLIC RIGHT-OF-WAYS, PUBLIC ALLEYS AND OTHER PUBLIC WAYS NOT PREVIOUSLY VACATED AS BOUND ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF 9TH AVENUE, BOUND ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, BOUND ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND BOUND ON THE WEST THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA; and

WHEREAS, vacation of said right-of-way is required in order to effectuate sale of city property authorized under Resolution #18-139, and to remove any cloud on the title of property privately owned as described herein; and

WHEREAS, this City Council hereby declares its intent to consider vacation of this City right-of-way by vacating all of its right, title and/or interest in it for the purposes described herein.

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

That this City Council hereby declares its intent to consider disposition of the above City Right-of-way; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to vacate this city right-of-way is hereby set for January 28, 2019.

ADOPTED
AND
APPROVED: January 14, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk