Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 890-5261
Prepared by: Legal Dept., Co. Bluffs, IA 51503 - Phone: 890-5317

RESOLUTION NO. 19-21

A RESOLUTION 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 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, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described, as followed, is of no benefit to the public and should be vacated:

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.

WHEREAS, the subject right-of-way is unimproved but does have known utilities located within in it; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by vacating and conveying 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 the above-described city right-of-way is hereby vacated.

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: January 28, 2019

_____
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 #SAV-18-005