ATTACHMENT B

8528305
Tx:4967562

2018-13174
RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA
FILE TIME: 10/12/2018 02:07:31 PM

RECORDING FEE	30.00
AUDITOR FEE	5.00
RMA FEE	1.00
ECM FEE	1.00

C R FEE $30.00 RMA $1.00

A FEE $5.00 ECOM $1.00

T TAX $_____

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 890-5261
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 18-286

A RESOLUTION TO VACATE AND DISPOSE OF THAT 66' BY 252' SECTION OF 26TH AVENUE RIGHT-OF-WAY EXTENDING FROM THE WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTH 13th STREET, AND LOCATED BETWEEN BLOCKS 54 AND 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: That 66' by 252' portion of 26th Avenue right-of-way, lying West of the Westerly right-of-way line of the South 13th Street and located between Blocks 54 and 59, Railroad Addition, is of no benefit to the public and should be vacated; and

WHEREAS, a public meeting was held on this matter on the 8th day of October, 2018; 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-emplacement 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-emplacement, 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 vacated and conveyed as follows:

John Kilnoski and all successors in interest: The entirety of the 66' by 252' portion of vacated 26th Avenue right-of-way lying West of the right-of-way of South 13th Street, for the sum of $6,596.00

BE IT FURTHER RESOLVED

The vacation shall not be finalized until a final plat is approved by the City Council for the subject 26th Avenue right-of-way and the adjacent properties to the south; and

BE IT FURTHER RESOLVED

The applicant shall dedicate the northerly portion of the subject 26th Avenue right-of-way to the property owner located at 2532 S. 13th Street in order to insure access is provided to their accessory structures. This dedication shall occur as part of the final plat of the subject 26th Avenue right-of-way and the adjacent properties to the south; and

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 354.23.

ADOPTED
AND
APPROVED: October 8, 2018

Matthew J. Walsh, Mayor

ATTEST:
Jodi Quakenbush, City Clerk

ATTACHMENT C

RELEASE OF A PORTION OF A PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH AVENUE RIGHT-OF-WAY ABUTTING WEST OF SOUTH 13TH STREET AND LYING THE EAST 252 FEET OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the former 26th Avenue right-of-way abutting the East 252 Feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, Black Hills Energy is a Utility this easement was reserved for; and

WHEREAS, I am an authorized representative of said Utility and by placing my signature below I do hereby support the grant of the release of said easement described above.

Dated this 15th, day of February 2019.

Steven Stone
Signature

Operations Manager
Title

Black Hills Energy
Organization

ATTACHMENT D

RESOLUTION
NO. 02-03-19

RELEASE OF PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS THE VACATED 26TH AVENUE RIGHT-OF-WAY, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

WHEREAS, the Board of Water Works Trustees has received a request to release permanent and perpetual easements granted for utility purposes across the former 26th Avenue right-of-way abutting the East 252 feet of Bock 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, the Board has determined that there is no need for future use of the aforementioned easements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Water Works Trustees does hereby disclaim any right of interest in and to the portion of easements to be released as described above.

ROLL CALL VOTE RECORDED

AYE: Trustee Heinrich, Trustee Brooks, Trustee Kruse, Trustee Wallner, Trustee Beresford

NAY: -none-

ABSTENTION: -none-

ABSENT: -none-

Adopted and approved this 19th day of February 2019.

Caitlin A. Beresford, Chairman

Martin L. Brooks, Vice-Chairperson

ATTEST:

Douglas P. Drummey, Secretary

Carl L. Heinrich, Trustee

Maureen R. Kruse, Trustee

Michael J. Wallner, Trustee

Filed and recorded this 19th day of February 2019.

Douglas P. Drummey, Secretary

ATTACHMENT E

Christopher Meeks

To: Vinson, Rob L
Subject: RE: Comments Required by the City of Council Bluffs

From: Vinson, Rob L <Rob.Vinson@CenturyLink.com>
Sent: Monday, February 25, 2019 10:29 AM
To: Christopher Meeks <cmeeks@councilbluffs-ia.gov>
Subject: RE: Comments Required by the City of Council Bluffs

Only facilities that I have are parallel with 13th street. There are no Centurylink facilities in the ROW that is proposed as being vacated.

Thanks
Rob V

ATTACHMENT F

RELEASE OF A PORTION OF A PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH AVENUE RIGHT-OF-WAY ABUTTING WEST OF SOUTH 13TH STREET AND LYING THE EAST 252 FEET OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the former 26th Avenue right-of-way abutting the East 252 Feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, Cox Communications, is a Utility this easement was reserved for; and

WHEREAS, I am an authorized representative of said Utility and by placing my signature below I do hereby support the grant of the release of said easement described above.

Dated this 1, day of February 2019.

Timothy Hahn
Signature

Cox ROW Agent
Title

Cox Communications
Organization

ATTACHMENT G

RELEASE OF A PORTION OF A PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH AVENUE RIGHT-OF-WAY ABUTTING WEST OF SOUTH 13TH STREET AND LYING THE EAST 252 FEET OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the former 26th Avenue right-of-way abutting the East 252 Feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, MidAmerican Energy, is a Utility this easement was reserved for; and

WHEREAS, I am an authorized representative of said Utility and by placing my signature below I do hereby support the grant of the release of said easement described above.

Dated this 5, day of February 2019.

Seth M Behn
Signature

Supv. Elec Distribution Eng.
Title

MidAmerican Energy Co.
Organization