Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 - Phone: (712) 328-4629

RESOLUTION NO. 19-84

A RESOLUTION FOR RELEASE OF THE SOUTH 48.5 FEET OF THE PERMANENT AND PERPETUAL EASEMENT GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH AVENUE RIGHT-OF-WAY EXTENDING 252 FEET FROM THE WEST RIGHT-OF-WAY LINE OF SOUTH 13TH STREET AND NORTH OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, WHILE STILL MAINTAINING THE UTILITY EASEMENT OVER THE NORTH 17.5 FEET OF THE FORMER 26TH AVENUE RIGHT-OF-WAY (OUTLOT 1).

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines the perpetual and permanent easements located over the South 48.5 feet of the East 252 feet of the vacated 26th Avenue located West of South 13th Street, as is platted North of Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, as shown in Attachment 'A', are of no benefit to the public and should be released; and

WHEREAS, upon receipt of signed authorization forms from all local utility companies and pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this easement interest by conveying all of its right, title, and interest in it to the abutting property owner(s).

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

That the release of the perpetual and permanent utility easements across the South 48.5 feet of the East 252 Feet of the vacated 26th Avenue right-of-way, as legally described above, is hereby approved contingent upon all local utility companies submitting a signed authorization form, releasing their interest(s) in said utility easements, to the City of Council Bluffs; and

BE IT FURTHER RESOLVED

That upon receipt of signed authorization forms from all local utility providers releasing their interests; the City of Council Bluffs is hereby authorized to dispose of this easement conveying all of its right, title, and interest in it to the abutting property owner(s); 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: March 25, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2019, 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