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

RESOLUTION NO. 19-155

A RESOLUTION TO VACATE AND DISPOSE OF THE SECTION OF LINDBERG DRIVE LOCATED EAST OF THE RIGHT-OF-WAY LINE OF MADISON AVENUE, AND ABUTTING THE WEST 40 FEET OF LOT 9, AND ALL OF LOT 10, BLOCK 1, OAK GROVE ADDITION; LOT 10, BLOCK 2, OAK GROVE ADDITION; AND LOTS 3-6 AND LOT 8, BLOCK 3, OAK GROVE 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: The section of Lindberg Drive located East of the right-of-way line of Madison Avenue, and abutting the West 40 feet of Lot 9, and all of Lot 10, Block 1, Oak Grove Addition; Lot 10, Block 2, Oak Grove Addition; and Lots 3-6 and Lot 8, Block 3, Oak Grove Addition, is of no benefit to the public and should be vacated; and

WHEREAS, a public meeting was held on this matter on the 24th day of June, 2019; 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 30 foot wide 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. The easement shall be located over the section of sewer line that runs through the former right-of-way and shall be documented on the final plat.

**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:

Joseph McKenzie Jr. and all successors in interest: The North ½ of the vacated Lindberg Drive right-of-way abutting Lot 10, Block 1, Oak Grove Addition and the West ½ of the alleyway adjacent; The North ½ of Lindberg Drive right-of-way abutting the right-of-way of Grove Street; The North ½ of Lindberg Drive right-of-way abutting Lot 10, Block 2, Oak Grove Addition; and the South ½ of Lindberg Drive right-of-way abutting Lot 3-6 and Lot 8, Block 3, Oak Grove Addition, for the total fee of $8,160.65; and

The John S. and Ramona L. Crookham Trust and all successors in interest: The North ½ of the vacated Lindberg Drive right-of-way abutting the West 40 feet of Lot 9, Block 1, Oak Grove Addition, and the East ½ of the vacated Lindberg Drive right-of-way abutting the alleyway platted in Block 1, Oak Grove Addition, for the total fee of $243.75; 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: June 24, 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