

COMPARED

7155

RESOLUTION NO. 93-206

A RESOLUTION TO VACATE AND CONVEY THE EAST/WEST ALLEY AND THE NORTH ONE HALF OF THE NORTH/SOUTH ALLEY IN BLOCK 7, BRYANT AND CLARK'S SUBDIVISION AND BLOCK 6, FERRY ADDITION IN THE 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:

All of the 16 feet wide East-West alley that adjoins Lots 1 through 12 inclusive in Block 7 in Bryant and Clark's Subdivision in Council Bluffs, Pottawattamie County, Iowa. Said alley lies between 1st Avenue and 2nd Avenue and between the West right-of-way line of 33rd Street and the West line of said Subdivision.

and

All of the 12 feet wide East-West alley that adjoins Lots 1 through 6 inclusive in Block 6 in Ferry Addition to Council Bluffs, Pottawattamie County, Iowa. Said alley lies between 1st Avenue and 2nd Avenue and between the East right-of-way line of 34th Street and the East line of said Subdivision.

and

All of the 12 feet wide North-South alley that adjoins Lot 4 in Block 6 in Ferry Addition to Council Bluffs, Pottawattamie County, Iowa and Lot 6 in Block 7 in Bryant and Clark's Subdivision. Said alley lies between the East right-of-way line of 34th Street and the East line of Ferry Addition being also the West line of Bryant and Clark's Subdivision and is bounded on the South by the East prolongation of the South line of said Lot 4 and on the North by the South right-of-way line of 1st Avenue being the East prolongation of the North line of Lot 4 in Block 6 in Ferry Addition, Council Bluffs, Pottawattamie County, Iowa.

is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 409A.23, the City Council declares its intent to dispose of this city right-of-way by conveying and quitclaiming all its right, title, and interest in it to the abutting property owner(s), as set out in attached Exhibit 'A'; and

WHEREAS, this conveyance shall be subject to the reservation of permanent and perpetual easement of way in the east/west portion only in favor of the City of Council Bluffs, limited to U.S. West Communications, Midwest Power and any other utility and franchise of the City of Council Bluffs, Iowa for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacment 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-emplacment, 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.

NOV 1 1993

Entered for Taxation

*Marilyn J. Drake*

COUNTY AUDITOR

ATTACHMENT D

94-16761

Filed for record, indexed, and delivered to the county auditor,  
this 17 day of November,  
A. D. 1993, at Council Bluffs, Mo., and  
recorded in Book 94 page 16761

Rec. Fee \$ 20 Aud. Fee \$ 50 paid.

Recorder

Deputy

*John Scortino*

*George Garage*

4-B

COMPARED

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, conveyed and quitclaimed to the abutting owner(s) as set out in Exhibit 'A' in consideration of the vacation application fee already paid; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are authorized, empowered and directed to execute this resolution conveying the City's interest in said City property described above to the abutting property owner(s), subject to the reservation of the necessary easements; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attachments to the County Recorder to be recorded according to Iowa Code Section 409A.23.

ADOPTED  
AND  
APPROVED

September 27, 1913

Thomas P. Hanafan  
Thomas P. Hanafan Mayor

ATTEST: Olga Arellano  
Olga Arellano City Clerk

STATE OF IOWA)  
COUNTY OF ) SS  
POTTAWATTAMIE)

On this 28 day of September, 1913, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Olga Arellano, 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 Thomas P. Hanafan and said Olga Arellano, 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.

Cheryl Pundery  
Notary Public in and for said State

Planning Case No. SAV-93-013

94-16762

4-B

EXHIBIT 'A'  
CASE No. SAV-93-013

BLOCK 7, BRYANT AND CLARK'S SUBDIVISION

Reference No. 1 and 2

Property Owner: Bungee Corporation, a New York Corporation

Legal Description of property being conveyed:

All of the 16 feet wide East-West alley that adjoins Lots 1 through 12 inclusive in Block 7 in Bryant and Clark's Subdivision in Council Bluffs, Pottawattamie County, Iowa, except that part of the South 1/2 of said alley that adjoins Lots 11 and 12 in said Block 7 and that is bounded on the East by the West right-of-way line of 33rd Street and on the West by a line joining the Northwest corner of said Lot 11 with the Southwest corner of Lot 2 in said Block 7. Said alley lies between 1st Avenue and 2nd Avenue and between the West right-of-way line of 33rd Street and the West line of said Subdivision.

Reference No. 3

Property Owner: Anna Lang

Legal Description of property being conveyed:

That part of the South 1/2 of the 16 feet wide East-West alley that adjoins Lots 11 and 12 in Block 7 in Bryant and Clark's Subdivision in Council Bluffs, Pottawattamie County, Iowa and is bounded on the East by the West right-of-way line of 33rd Street and on the West by a line joining the Northwest corner of said Lot 11 with the Southwest corner of Lot 2 in said Block 7. Said alley lies between 1st and 2nd Avenue.

BLOCK 6, FERRY ADDITION

Reference No. 1 and 2

Property Owner: Bungee Corporation, a New York Corporation

Legal Description of property being conveyed:

All of the 12 feet wide east-west alley that adjoins Lots 1 through 6 inclusive in Block 6 in Ferry Addition to Council Bluffs, Pottawattamie County, Iowa. Said alley lies between 1st Avenue and 2nd Avenue and between the East right-of-way line of 34th Street and the East line of said subdivision.

and

All of the 12 feet wide North-South alley that adjoins Lot 4 in Block 6 in Ferry Addition to Council Bluffs, Pottawattamie County, Iowa and Lot 6 in Block 7 in Bryant and Clark's Subdivision. Said alley lies between the East right-of-way line of 34th Street and the East line of Ferry Addition being also the West line of Bryant and Clark's Subdivision and is bounded on the South by the East prolongation of the South line of said Lot 4 and on the North by the South right-of-way line of 1st Avenue being the East prolongation of the North line of Lot 4 in Block 6 in Ferry Addition.