

Pass to 2nd Reading 2-28-66  
Pass to 3rd Reading 3-2-66  
Public Hearing March 7, 1966

copied  
3-18-66

CITY ORDINANCE NO: 3747....

AN ORDINANCE to vacate a portion of the North-South platted public alley situated between First and Second Avenues and 33rd and 34th Streets, in Council Bluffs, Iowa; providing for the conveyance of said vacated portion to the owners of properties abutting thereon; and repealing all Ordinances, Rules and Regulations, or portions thereof, in conflict herewith.

WHEREAS, the owner of the properties abutting a portion of the North-South platted public alley situated between First and Second Avenues and 33rd and 34th Streets, in Council Bluffs, Iowa, have petitioned this City Council for the vacation and conveyance of a portion of said public alley, described as follows:

That portion of the North-South platted public alley abutting the East Property Line of Lot Three (3) in Block Six (6), Ferry Addition to the City of Council Bluffs, Iowa, and the West Property Line of Lot Seven (7) in Block Seven (7), Bryant & Clark's Addition to the City of Council Bluffs, Iowa; and

WHEREAS, the request of said petitioner for such vacation and conveyance has previously been referred to the City's Planning Commission and said Commission after study and consideration and public hearing thereon has filed its written recommendations with this City Council pursuant to determination made; and

WHEREAS, after study and consideration, and being otherwise fully advised in the matter, this City Council has determined that the portion of said public alley as above described is of no further use or benefit to the City of Council Bluffs, Iowa, and that the best interests of said City will be served by the vacation and conveyance of such portion of said public alley, as aforesaid:

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

SECTION 1: That a portion of the North-South platted public alley situated between First and Second Avenues and 33rd and 34th Streets, in Council

Bluffs, Iowa, as more particularly hereinafter described, be and the same is hereby vacated as follows, to-wit:

That portion of the West-Half ( W-1/2 ) of the North-South platted public alley abutting the East Property Line of Lot Three (3) in Block Six (6) in Ferry Addition to the City of Council Bluffs, Iowa, and that portion of the East-Half ( E-1/2 ) of the North-South platted public alley abutting the West Property Line of Lot Seven (7) in Block Seven (7) in Bryant & Clark's Addition to the City of Council Bluffs, Iowa.

SECTION 2: That the vacation and conveyance of the property hereinbefore vacated shall be subject always to a permanent and perpetual easement of way being granted to the City of Council Bluffs, Iowa and its licensees for the maintenance of any and all public utilities equipment presently in place and for the construction, reconstruction, emplacement, re-emplacment, repair and maintenance of any and all public utilities equipment which said City or its licensees may in the future deem necessary or advisable.

SECTION 3: That subsequent to final passage, approval and publication of this Ordinance the Mayor and City Clerk be and they are hereby authorized, empowered and directed to execute and deliver to the owners of the properties abutting the vacated portion of said platted public alley, a Quit Claim Deed conveying that portion of the City's right, title and interest in and to the property hereinbefore vacated upon which the property of the owner abuts, to be so conveyed pursuant to the terms and conditions prescribed in this Ordinance.

SECTION 4: That all Ordinances, Rules and Regulations, or portions thereof, in conflict herewith be and the same are hereby repealed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

ATTEST:

*Elmer F. Westphal*  
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ELMER F. WESTPHAL  
CLERK, CITY OF COUNCIL BLUFFS, IOWA

Passed *March 14,* 1966  
Approved *March 14,* 1966  
*Joseph B. Katelman*  
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JOSEPH B. KATELMAN  
MAYOR, CITY OF COUNCIL BLUFFS, IOWA