Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared by: City Legal Dept., Co. Bluffs, IA 51503 – Phone: (712) 890-5317

RESOLUTION NO. 20-82

A RESOLUTION TO DISPOSE OF CITY PROPERTY GENERALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN THE SW ¼ SW ¼ OF SECTION 17, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City received multiple parcels of vacated CBEC railroad Right-of-Way, Pursuant to a Real Estate Transfer Agreement dated April 13, 2013, which covered the construction, maintenance and relocation of highway and railroad right-of-way that is identified as a part of IDOT Project IMN-029-3(65)54-OE-79 (Interstate 29 project); and

WHEREAS, disposal of the particular city-owned parcel above to CBEC would benefit adjacent CBEC and private-property access while restricting access to those same parcels over the City controlled levee; and

WHEREAS, the city will require, and stipulate on the deed, certain deed restrictions to maintain access under Interstate 29 to the referenced adjacent parcels, and that CBEC will grant an easement of access across their parcel to the private property owner.

WHEREAS, a public hearing has been held in this matter on March 23, 2020 at 7 p.m.

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

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

CBEC Railway, Inc., and all successors in interest: a parcel of land generally described as a parcel of land located in the SW ¼ SW ¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M. Pottawattamie County, Iowa and legally described in Exhibit "A"; and

BE IT FURTHER RESOLVED

That the City will require, and stipulate on the deed, a private blanket access and maintenance easement on the parcel herein. Closing and the property closing must occur within 60 days of the date of approval.

ADOPTED
AND
APPROVED: March 23, 2020.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk