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) 890-5350

RESOLUTION NO. 20-218

A RESOLUTION TO VACATE AND DISPOSE OF MICHIGAN AVENUE RIGHT-OF-WAY ABUTTING LOTS 39 THROUGH 52, RAYMONA SUBDIVISION, 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: Michigan Avenue lying West of South 9th Street between Veterans Memorial Highway and Wright Road and abutting properties legally described as Lots 39 through 52, Raymona Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public meeting was held on this matter on the 14th day of September, 2020; 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

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:

Shoppes at Manawa, LLC and all successors in interest: The North ½ of vacated Michigan Avenue right-of-way abutting Lots 39 through 42, and the South ½ of vacated Michigan Avenue right-of-way abutting Lots 46 through 52, all in Raymona Subdivision for the sum of $1,325.00; and
Brandy K. Fisher and all successors in interest: The North ½ of vacated Michigan Avenue right-of-way abutting Lots 43 through 45, Raymona Subdivision for the sum of $345.00; and

BE IT FURTHER RESOLVED

The conveyance of said Michigan Avenue right-of-way shall not occur until such time that the abutting property owners, Shoppes at Manawa, LLC and Brandy K. Fisher, or their successors in interest, execute a final plat(s) to replat said vacated right-of-way along with their existing lots of record adjacent into one or more parcels of land in order to prevent any of their lots from becoming landlocked as a result of the vacation; 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 street right-of-way upon execution of above described final plat(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: September 14, 2020.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, _____, 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