

ORDINANCE #817

AN ORDINANCE APPROVING THE VACATION OF CERTAIN CITY ALLEY RIGHT-OF-WAY AND DISPOSAL OF THE CITY'S INTEREST THEREIN TO ADJACENT PROPERTY OWNERS IN BLOCK 1 ANDERSEN & CHRISTENSEN ADDITION, CITY OF CLEAR LAKE, IOWA

BE IT ORDAINED by the City Council of the City of Clear Lake, Iowa:

WHEREAS, on June 6, 2016, by RESOLUTION #16-19, it was duly resolved by the City Council that the proposed vacation and conveyance of the "north-south alley right-of-way located between the south right-of-way line of 4th Avenue S. and the south right-of-way line of the east-west alley right-of-way extended West in Block One (1), Anderson & Christensen Addition" be set down for hearing on June 20, 2016, at 6:30 p.m., in the Council Chambers of City Hall; and

WHEREAS, the proposal to vacate and convey said public alley right-of-way was duly considered by the City's Planning & Zoning Commission upon referral by the City Council and said proposal was favorably recommended by the Commission.

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and


WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clear Lake, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the north-south alley right-of-way, more specifically described as follows: "north-south alley right-of-way located between the south right-of-way line of 4th Avenue S. and the south right-of-way line of the east-west alley right-of-way extended West in Block One (1), Anderson & Christensen Addition".
3. The Offer to Buy Real Estate tentatively agreed to by the City and the adjacent property owners for \$0.50/sq. ft. is hereby approved.

4. The Mayor is authorized and directed to sign the Acceptance to the Offer to Buy Real Estate and the Quit Claim Deed for the transaction as described above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the consideration, the City Clerk and City Attorney are authorized and directed to forward the original of the said deed, together with a certified copy of this Ordinance and of the affidavit of publication of the notice of this hearing, to the Cerro Gordo County Recorder's Office for the purpose of causing said documents to be recorded.
6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.
7. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance, specifically Ordinance #611, which was passed and approved on July 5, 1994, are hereby repealed.

PASSED and APPROVED this 20th day of June, 2016.



Nelson P. Crabb, Mayor

Attest:



Jennifer Larsen, City Clerk

1st reading: June 20, 2016
2nd reading: June 20, 2016
3rd reading: June 20, 2016

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