RESOLUTION NO. 93-5

RESOLUTION PROPOSING VACATION AND SALE OF
PART OF NORTH STREET, BETWEEN DANA'S FIRST
AND SECOND ADDITIONS, ORIGINAL TOWN (NOW CITY) OF DANA
AND FIXING DATE FOR PUBLIC HEARING

WHEREAS, the City has previously conveyed to Eldon Juhl, Inc. by Warranty Deed dated January 7, 1989, and filed with the Greene County, Iowa Recorder on January 9, 1989, in Book 110 at Page 353, that was intended to be the following-described property:

> The West 212.30 feet of the East 313.18 feet of North Street in the Town of Dana, Iowa, which is also described as all that part of North Street in the Town of Dana, Greene County, Iowa, lying adjacent to and south of Lot Five (5) and the East 80.30 feet of Lot Four (4) of the Irregular Survey of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section Four (4), Township Eighty-four (84) North, Range Twenty-nine (29) West of the 5th P.M., Greene County, Iowa;

WHEREAS, Eldon Juhl, Inc. conveyed to Juhl Feed, Inc. by Special Warranty Deed dated October 26, 1992, and filed with the Greene County Recorder on October 27, 1992, in Book 113 at Page 451 that part of North Street the City conveyed to Eldon Juhl, Inc.;

WHEREAS, the City's sale and conveyance of part of North Street to Eldon Juhl, Inc. was made pursuant to an exchange agreement with Eldon Juhl, Inc. for which the City passed a Resolution on September 21, 1987, proposing that part of North Street be conveyed to Eldon Juhl, Inc. after a public hearing on the proposal;

WHEREAS, after providing legal notice of the public hearing on the proposal, a hearing was held and the City Council passed a Resolution on October 5, 1987, authorizing the sale and conveyance of part of North Street to Eldon Juhl, Inc.;

WHEREAS, the Deed from the City to Eldon Juhl, Inc. contained an incorrect distance for the part of North Street that was conveyed to Eldon Juhl, Inc.

WHEREAS, there are no filings of record with the Recorder of showing the vacation of that part of North Street that was conveyed to Juhl Feed, Inc; and the City Clerk cannot locate any such street vacation proceedings;

WHEREAS, either the City did not vacate that part of North Street before it was conveyed to Eldon Juhl, Inc. or the record of such vacation proceedings cannot be found.

WHEREAS, the City of Dana now desires to formally vacate that part of North Street that was intended to be the subject of the 1987 conveyance to Eldon Juhl, Inc. and to convey that property to Juhl Feed, Inc., Eldon Juhl, Inc.'s successor in interest to the property;

WHEREAS, Juhl Feed, Inc. has agreed to pay for all of the City's expense in preparing, publishing and recording the vacation and sale documents and notices for these proceedings;

WHEREAS, before the City may proceed with the street vacation and conveyance of part of North Street, it is necessary that notice of these proposals be published in accordance with the Iowa Code.

NOW, THEREFORE, be it resolved by the City Council of the City of Dana, Iowa, as follows:

1. The City of Dana proposes to adopt an ordinance vacating the above-described portion of North Street in Dana, Iowa.

2. The City of Dana proposes to sell and convey by quit claim deed to Juhl Feed, Inc. that part of North Street described above for the sum of $1.00 and for the cost of the City's publication, filing and other costs incurred in vacating and conveying the property; provided, however, such sale and conveyance shall be subject to all existing franchises, easements, licenses and permits.

3. The City Council shall meet at the Community Center in Dana, Iowa, on October 20, 1993, at 7:00 p.m. at which time and place a public hearing shall be held on these proposals, at which hearing all local residents who appear shall be given an opportunity to express their views for or against the proposals.

4. The City Clerk of the City of Dana is hereby directed to publish notice of these proposals one time, not less than four days nor more than twenty days before the date of the meeting in a legal newspaper published and having a general circulation within the City of Dana, or to provide for legal posting of such notice, all in accordance with the law.

5. All or part of any resolution and order in conflict with this Resolution, to the extent of such conflict, is hereby repealed, and this resolution shall be in full force and effect immediately upon adoption.

Passed and approved this 20th day of October, 1993.

Jack Pedersen

Jack Pedersen, Mayor

ATTEST:

Joan Brabbs



CLERK'S CERTIFICATE

STATE OF IOWA)
) ss:
COUNTY OF GREENE)

I, George Brabbs, being first duly sworn on oath, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Dana, and that as such I have in my possession, or have access to, the complete corporate records of the City and of its Council and its officers; that I have carefully compared the foregoing transcript of resolution with those records; that the transcript of resolution is a true, correct and complete copy of the City's records in relation to the matter covered by the resolution, and that at the City Council meeting at which the resolution was adopted a quorum was present, and the resolution was duly adopted pursuant to motion made, seconded and carried.

George Brabbs

George Brabbs, City Clerk

Subscribed and sworn to before me this 2nd day of November, 1993.

DIANA S. SCOTT
NOTARIAL SEAL

(Notarial Seal)

Diana S. Scott
Notary - State of Iowa
My commission expires: 1-18-96