

## RESOLUTION No. 2017-12

### VACATING ALLEY AND AUTHORIZING THE FINAL DISPOSITION OF REAL ESTATE

**Re: That Portion of the East West Alley Lying Adjacent To And Between Lot Three (3) and Lot Four (4), in Block Ten (10), Johnson's Addition To Calliope, Now A Part Of The Incorporated City Of Hawarden, Sioux County, Iowa,**

WHEREAS, The City of Hawarden is the owner of the property legally described as the, That Portion of the East West Alley Lying Adjacent To And Between Lot Three (3) and Lot Four (4), in Block Ten (10), Johnson's Addition To Calliope, Now A Part Of The Incorporated City Of Hawarden, Sioux County, Iowa, Sioux County, Iowa and has determined that ownership of this property is of no use to the public and the disposition of such property would be in the best interest of the City and citizens of Hawarden; and,

WHEREAS, The City Council on April 12, 2017 adopted Resolution 2017-11 proposing to vacate and sell this property to James L. Abbott and Judy Abbott upon the following proposed terms and conditions:

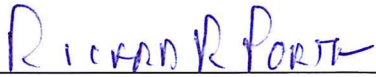
1. The property will be sold by quit claim deed and no abstract shall be provided by the City of Hawarden;
2. The environmental condition of the site is unknown and the property is being sold "AS IS" as vacant property;
3. The price of the property is \$564.48;
4. The purchaser of the property shall be responsible for all costs of advertising and all recording fees and expenses associated with vacating the alley and conveying title;
5. The purchaser shall be responsible for any survey costs;
6. The city shall retain an easement over the property, as needed for utilities; and,

WHEREAS, notice was published in the Hawarden Independent, a weekly newspaper published in Hawarden, Iowa not less than four nor more than twenty days prior to the hearing date; and,

WHEREAS, at the public hearing on April 26, 2017 at 5:30 p.m. or shortly thereafter, in the Hawarden City Council Chambers, the matter being considered and there being no objections, written or oral to the vacation and sale and the Council having considered the proposal and the value and usefulness of the property to the public, and having reviewed the quit claim deed prepared by the City Attorney finds that the property should be vacated and that the vacation and sale is in the best interests of the City and the alley area is hereby vacated and the sale is approved upon the terms proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hawarden, Iowa that the vacation of the property and its sale upon the terms presented is hereby approved and the Mayor and City Administrator/Clerk are authorized and directed to execute and deliver any documentation and take any other steps necessary to establish the public record vacating the alley and to complete the sale.

Passed and approved this 26<sup>th</sup> day of April, 2017.

  
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Ricard R. Porter, Mayor

ATTEST:

  
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Gary Tucker, City Administrator/City Clerk