

RESOLUTION NO. 2019-48

**PROPOSING TO DISPOSE OF INTEREST IN REAL PROPERTY AND PUBLISHING
A NOTICE OF PUBLIC HEARING**

The South Twenty Feet (20') of the West One Hundred and Two Feet (102') of the presently unimproved right of way of Twentieth Street, lying directly North of and adjacent to The West 102 Feet of the North 73 Feet of Block 4, Stickles First Addition, Hawarden, Iowa (North of Milroy residence at 1922 Avenue M)

WHEREAS, the City of Hawarden is the owner of the property legally described above which has been dedicated to the public as a street but has not yet been developed for street purposes; and,

WHEREAS, the owners of the residential property at 1922 Avenue M which abuts part of Twentieth Street on the South, wish to improve their property by adding an attached to their house but it is impractical to do so from Avenue M due to the topography of their lot: and

WHEREAS, the City has no present plans to improve and use this portion of 20th Street at the present time but needs to maintain the right to develop it for access to other lots in the area; and

WHEREAS, the City of Hawarden finds that the granting of an easement on the terms proposed would convey and interest of only nominal value but would be in the best interest of the City and citizens of Hawarden for the purposes of reducing maintenance expenses, reducing liability exposure, encouraging improvement and expansion of residential property and generating property tax; and,

WHEREAS, The City Council proposes to grant the easement to John A. Milroy and Brenda J. Milroy, the owners of The West 102 Feet of the North 73 Feet of Block 4, Stickles First Addition, Hawarden, Iowa; their heirs' successors and assigns on the following terms and conditions:

1. The easement will be granted upon the terms and conditions set out in the Right of Way Easement Agreement prepared by the City Attorney and reviewed and approved by the Council.
2. The consideration will be one dollar and the performance of the requirements set out in the Right of Way Easement Agreement.
3. Grantees shall be responsible for payment of all costs including but not limited to costs for publication and recording of all real estate disposal procedures and the Right of Way Easement Agreement.

NOW, THEREFORE, BE IN RESOLVED by the City Council of Hawarden, Iowa that:

1. The Council desires to dispose of the interest in real property described herein according to the terms above.
2. The Council shall make a final determination on the proposal following a public hearing, which shall be held on the 13th day of November 2019 at 5:30 p.m. or soon thereafter,

in the City Council Chambers, second floor of the Hawarden Community Center, at 1150 Central Avenue.

3. Pursuant to Iowa Code 364.7 the City Administrator/City Clerk is hereby directed to publish the proper notice of the public hearing with correct legal description and the proposed property disposal proposal.

All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 23rd day of October 2019.

RICARD R PORTER
Ricard R. Porter, Mayor

ATTEST:
Michael DeBruin
Michael DeBruin, City Administrator/Clerk