

RESOLUTION No. 2019-51

AUTHORIZING THE FINAL DISPOSITION OF REAL ESTATE EASEMENT

**Re: 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 20<sup>th</sup> 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 an 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 on October 23, 2019 adopted Resolution 2019-48 proposing to grant an 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.

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,

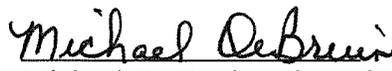
WHEREAS, at the public hearing on November 13, 2019 at 5:30 p.m. or shortly thereafter, in the Hawarden City Council Chambers the matter being considered and there being no further comments or objections, written or oral to the granting of the Easement and the Council having considered the proposal and the value and usefulness of the property to the public, and having reviewed the Easement Agreement prepared by the City Attorney finds that the easement should be granted and that the granting of the easement upon the terms as set out in the Easement Agreement is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hawarden, Iowa that the granting of the easement is hereby approved and the Mayor and City Administrator/Clerk are authorized and directed to execute and deliver and record the Easement Agreement and take any other steps necessary to establish the public record concerning the granting of the easement.

Passed and approved this 13<sup>th</sup> day of November 2019.

  
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Ricard R. Porter, Mayor

Attest:

  
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Michael De Bruin, City Administrator/ Clerk