

RESOLUTION No. 2020-31

VACATING ALLEY AND AUTHORIZING THE FINAL DISPOSITION OF REAL ESTATE

Re: The North South alley lying West of Lot 5 and East of Lots 6, 7, 8, 9 and 10, Block 27, Original Plat, Calliope, now a part of the Incorporated City of Hawarden, Iowa

WHEREAS, the City of Hawarden is the owner of the property legally described above; and,

WHEREAS, the City of Hawarden finds that the City ownership of this property is not necessary to the public for use as an alley and the disposition of such property would be in the best interest of the City and citizens of Hawarden for the purpose of reducing maintenance expenses, reducing liability exposure and generating property tax; and,

WHEREAS, The City Council on June 24, 2020 adopted Resolution 2020-30 proposing to vacate the portion of the alley described above and dispose of the property by sale of the vacated alley to Lifestyle Landscape Solutions, LLC, an Iowa Limited Liability Company on the following 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 \$1,008.00 to be paid by Lifestyle Landscape Solutions, LLC;
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 deeds shall reserve to the City all existing easements on, under and over the property as needed for utilities.

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 July 8, 2020 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 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 deeds 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 with the vacated North South alley lying West of Lot 5 and East of Lots 6, 7, 8, 9 and 10, Block 27, Original Plat, Calliope, now a part of the Incorporated City of Hawarden, Iowa to be conveyed to Lifestyle Landscape Solutions, LLC, an Iowa Limited Liability Company.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hawarden, Iowa that the alley area described above is hereby vacated 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 8th day of July, 2020.

Attest:

Michael DeBruin

Michael De Bruin, City Administrator/ Clerk

Ricard R. Porter

Ricard R. Porter, Mayor