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Date 3/28/2019 Time 4:01:22PM

Rec Amt \$27.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

RESOLUTION NO. 2019-4
RECORDER'S COVER SHEET

Preparer Information:

Lori Tucker, City of Delhi, Iowa, 311 Franklin, Delhi, IA 52223; 563.922.2588

Return Document To:

Lori Tucker, City of Delhi, Iowa, 311 Franklin, Delhi, IA 52223; 563.922.2588

Grantor:

City of Delhi, Iowa

Grantees:

316 Franklin Street, L.L.C.
Mark Sands and Diane Sands
Marvin Eisenbarth
Paula Timmer
Sheri Evers

Legal Description:

See Pages 2-3

RESOLUTION NO. 2019-4

RESOLUTION VACATING

(A)

That portion of a 16 foot alley lying East-West located between Charles Street and Lexington Street in Block 11 adjacent Lots 1-5 and Lots 8-12 of Hobb's Addition to the Town of Delhi, Iowa as recorded in Land Deed Book D, Page 516

(B)

That portion of a 16 foot alley lying East-West located between Charles Street and Lexington Street in Block 12 adjacent Lots 3-6 and Lots 7-10 of Hobb's Addition to the Town of Delhi, Iowa as recorded in Land Deed Book D, Page 516

(C)

That portion of a 16 foot alley lying East-West located between Lexington Street and Franklin Street in Block 14 adjacent Lots 1-5 and Lots 8-12 of Hobb's Addition to the Town of Delhi, Iowa as recorded in Land Deed Book D, Page 516

(D)

That portion of a 16 foot alley lying East-West located between Lexington Street and Franklin Street in Block 13 adjacent Lots 1-6 and Lots 7-12 of Hobb's Addition to the Town of Delhi, Iowa as recorded in Land Deed Book D, Page 516

(E)

That portion of Seventh Street lying South of Charles Street and North of Franklin Street of Hobb's Addition to the Town of Delhi, as recorded in Land Deed Book D, Page 516

AND

WHEREAS, the City Council had determined it would be in the best interest of the City to vacate said alley and to convey it to the adjacent property owners: 316 FRANKLIN STREET, L.L.C., Mark & Diane Sands, Marvin Eisenbarth, Paula Timmer, and Sheri Evers

WHEREAS, 316 Franklin Street, L.L.C. and where noted Mark & Diane Sands, Marvin Eisenbarth, Paula Timmer, and Sheri Evers, have requested the vacating of the Real Estate as described above; and

WHEREAS, 316 Franklin Street, L.L.C. and where noted Mark & Diane Sands, Marvin Eisenbarth, Paula Timmer, and Sheri Evers, have requested that the City of Delhi quit claim any interest in said Real Estate described above; and

WHEREAS, the City Council of the City of Delhi, Iowa deems it in the best interest of the City that said Real Estate be vacated and quit claimed to 316 Franklin Street, L.L.C. and where noted Mark & Diane Sands, Marvin Eisenbarth, Paula Timmer, and Sheri Evers,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELHI, IOWA:

Section 1. That the City of Delhi hereby vacates the Real Estate as described above.

Section 2. That the City of Delhi, Iowa, for the consideration of \$3 per linear alley foot, and \$6 per linear street foot, shall execute a quit claim deed in favor of 316 Franklin Street, L.L.C., Mark & Diane Sands, Marvin Eisenbarth, Paula Timmer, and Sheri Evers. If any department of Delaware County requires a legal description different from that set forth herein, then purchaser shall cause such Real Estate to be platted with its own legal description, which shall then be utilized for the quit claim deed.

Section 3. The City Clerk is hereby authorized and directed to cause this Resolution and a notice to be published as prescribed by Iowa Code Section 364.7 of a public hearing on the City's intent to quit claim the aforementioned Real Estate, to be held on the 9th day of March, 2019 at 8:00 a.m. in City Hall, 311 Franklin, Delhi, IA 52223 at the regularly-scheduled City Council Meeting. *See attached memorandum.

Section 4. The City Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication not to be less than four (4) days nor more than twenty (20) days before the date of said meeting.

Passed, approved, and adopted this 9th day of March, 2019.



Greg Preussner, Mayor

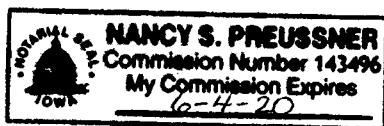
Attest:



Lori Tucker, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE

This record was acknowledged before me on March 27, 2019, by Greg Preussner,
as Mayor of the City of Delhi, Iowa.



Nancy S Preussner

Signature of Notary Public



MEMORANDUM

To: Delaware Co. Recorder

From: Lori Tucker, City Clerk *LT*

Date: March 22, 2019

Re: Eisenbarth – Sale of 7th St

There was a typo on the legal description of Resolution 2019-4, which has been corrected and included in the attached documents. The portion of 7th street between Lot 12, Block 14 and Lot 7, Block 13 is indeed part of the resolution and shall be quit claimed to Marvin Eisenbarth. *(Previously read Block 1, when it should have read 14).*

At the public hearing on March 9, 2019, it was conveyed this portion of street was to be included in the areas vacated and deeded to adjacent property owners. There were no objections at the hearing.

Per our legal counsel, this approach was recommended as being the best option for a simple and clear transaction.