

RESOLUTION NO. _____ - 2025

RESOLUTION APPROVING VACATION AND TRANSFER OF THAT PORTION OF 1ST AVE SE AND 2ND AVE SE LYING SOUTH OF 11TH STREET SE

WHEREAS, the City Council determined it appropriate to consider the vacation and transfer of previously reserved right of way (“ROW”), under and in consideration of Iowa Code §354.23, to County Line Fiber, LLC, who owns all adjacent property both to the east and west of the right of way proposed to be vacated.

WHEREAS, by Resolution 5705-2025 dated February 24, 2025, the City Council scheduled a Public Hearing on the proposed vacation and transfer of the above-referenced right of way, notice of the Public Hearing having been published on the 28th day of February, 2025 in the Oelwein Daily Register, as required by Iowa Code §§364.7 and 362.3, and

WHEREAS, on March 10, 2025, the Mayor opened the previously scheduled Public Hearing, public comment was accepted, and the public hearing closed; and

WHEREAS, the Council finds that said ROW is not currently improved and will not be improved, that vacating and transferring the ROW will promote the development of adjacent property, and that said vacation and transfer will not deny any person reasonable access to their property. Therefore the Council finds that the ROW proposed for vacation and transfer should be vacated and transferred to County Line Fiber, LLC.

NOW, THEREFORE, BE IT RESOLVED that the City Right of Way, generally described as “all that portion of 1st Ave. SE and 2nd Ave. SE lying south of 11th Street SE, in the City of Oelwein, Iowa” shall by the approval of this Resolution be vacated and authorized to be transferred to the adjacent property owner, County Line Fiber, LLC, consistent with the contents of this Resolution, by Quit Claim Deed; the Mayor or the City Administrator being given the authority to execute the deed and any other documents necessary to effectuate this Resolution, on behalf of the Council.

PASSED AND APPROVED this 10 day of March, 2025.

Matt Weber, Mayor Pro Tem

ATTEST:

Dylan Mulfinger, City Administrator

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call the following votes were cast:

Aye Nay Absent Abstain

Ricchio

Weber

Lenz

Cantrell

Seeders

Payne