

RESOLUTION NO. _____ - 2023

RESOLUTION APPROVING VACATION AND TRANSFER OF CITY ALLEYWAY
RIGHT OF WAY

WHEREAS, the City Council determined it appropriate to consider the vacation and transfer of previously reserved alleyway right of way ("ROW"), under and in consideration of Iowa Code §354.23, to two adjacent property owners, Jimmie L. Holley and Nancy G. Holley, and Russell J. McNamara and Connie McNamara, whose properties lie to the south of the ROW generally described as follows:

Regarding the Holley Property:

The west ½ of the alleyway right of way lying adjacent to and north of Lot 14 and the west 22.65' of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa.

Regarding the McNamara Property:

The east ½ of the alleyway right of way lying adjacent to and north of Lot 16 and the east 27.35' of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa.

WHEREAS, by Resolution No. 5498-2023 dated December 11, 2023 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 published on the 12th day of December, 2023 in the Oelwein Daily Register, as required by Iowa Code §§364.7 and 362.3, and

WHEREAS, on December 18, 2023, 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, that said vacation and transfer will not deny owners or property abutting said ROW reasonable access to their property, and that the adjacent property owner to the north of the ROW, Kevin Michael Latham, has declined interest in having any portion of the ROW transferred to him, and therefore, the entire width of the ROW, should be transferred to the two adjacent property owners located to the south of the ROW.

NOW, THEREFORE, BE IT RESOLVED that the City Right of Way, generally described as "The west ½ of the alleyway right of way lying adjacent to and north of Lot 14 and the west 22.65' of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa" and "The east ½ of the alleyway right of way lying adjacent to and north of Lot 16 and the east 27.35' of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa" shall by approval of this Resolution be vacated and authorized to be transferred to the adjacent property owners to the south of said vacated ROW, Jimmie L. Holley and Nancy G. Holley, and Russell J. McNamara and Connie McNamara, consistent with the contents of this Resolution, by Quit Claim Deed; the Mayor or the City Administrator being given the authority to execute the deeds, and any other documents necessary to effectuate this Resolution, on behalf of the Council.

PASSED AND APPROVED this 18th day of December, 2023.

Brett DeVore, Mayor

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:

	AYES	NAYS	ABSENT	ABSTAIN
Stewart				
Weber				
Lenz				
Garrigus				
Seeders				
Payne				