

RESOLUTION NO. \_\_\_\_\_ - 2024

RESOLUTION APPROVING TRANSFER OF CITY ALLEYWAY  
RIGHT OF WAY

WHEREAS, the City Council has been presented with a request to transfer alleyway ROW to the adjacent property owner, said ROW being described as follows:

That portion of the vacated alley running north and south in Block 2 of Holroyd's 2<sup>nd</sup> Addition, laying adjacent to and between Lots 3 and 7, Block 2, Holroyd's 2<sup>nd</sup> Addition to Oelwein, Fayette County, Iowa.

and

WHEREAS, the Council finds that the City Council, by Ordinance #952, approved on November 24, 1997, vacated the right of way proposed to be transferred and on the same date approved the transfer to the adjacent property owner by Resolution #3973, and

WHEREAS, whether a deed transferring the property as approved by Resolution #3973 was ever issued to the then property owner is not known, however, the Council finds that no deed transferring the City's interest in the property has been recorded, and

WHEREAS, the terms approved by Resolution #3973 included a sale price of \$100.00 plus costs, with the reservation of easements over the property for purposes of the installation, repair, maintenance, alteration and operation of water, sanitary sewer, storm sewer, gas pipeline, electric transmission, communication, and other public utilities, whether upon, over, across or under said property, and

WHEREAS, the Council finds it appropriate to approve the transfer to the current property owner, FJI-I Holdings, LLC, at this time, consistent with and in accordance with the prior action of the City Council described above, and finds that the Mayor and City Admin. should deliver a deed to the current owner upon receipt of \$100.00 plus recording fees for said Quit Claim Deed and attachments, after which the City shall see to the recording of the Quit Claim Deed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Admin. are hereby directed to transfer the previously vacated City Alleyway ROW described in the body of this Resolution to the current property owner, FJI-I Holdings, LLC, subject to easement reservations noted above, and in return for the sum of \$100.00 plus actual recording costs associated with the recordation of the Quit Claim Deed with any attachments.

PASSED AND APPROVED this 8<sup>th</sup> day of April, 2024.

\_\_\_\_\_  
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:

Weber  
Lenz  
Payne  
Garrigus  
Seeders  
Ricchio