

RESOLUTION NO. _____-2023

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED VACATION AND TRANSFER OF CITY ALLEYWAY RIGHT OF WAY

WHEREAS, the City Council has 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, 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, the entire width of the ROW, therefore, proposed to be transferred to the two adjacent property owners located to the south of the ROW, consistent with submitted applications, and

WHEREAS, in accordance with Chapter/Section 364.7 and 362.3 of the Iowa Code, the Council finds that a public hearing shall be set at least four (4) but not more than twenty (20) days prior to the Public Hearing, same being required prior to the approval of the vacation and transfer of said ROW.

NOW, THEREFORE, BE IT RESOLVED that a public hearing on the proposed Vacation and Transfer of the ROW described herein shall be scheduled for 6:00 p.m. on December 18, 2023 during the regular City Council meeting of the City of Oelwein, Iowa, held in the City Council chambers located at 20 2nd Ave. SW, Oelwein, IA, at which time the City Council will receive written and/or oral comments concerning the proposed vacation and transfer, before considering a Resolution to approve the vacation and transfer of said right of way, and directs the City Clerk to cause notice of said public hearing, in the form attached hereto marked Exhibit “A”, to be published at least once, not less than four (4) nor more than twenty (20) days prior to the date set for said hearing, in a newspaper of general circulation in the City of Oelwein, Iowa.

PASSED AND APPROVED this 11th 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:

Stewart
Weber
Lenz
Garrigus
Seeders
Payne

CITY OF OELWEIN

NOTICE OF PUBLIC HEARING ON PROPOSED VACATION AND TRANSFER OF CITY ALLEYWAY RIGHT OF WAY

Notice is hereby given that the City of Oelwein, Fayette County, Iowa, proposes to vacate and transfer certain City right of way deemed to have no public purpose, where said vacation and transfer will not deny owners abutting said ROW reasonable access to their property, the unimproved ROW proposed to be vacated and transferred being 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.

The City Council proposes to transfer the above-described right of way to two adjacent property owners consistent with applications submitted by Jimmie Lonzo Holley and Nancy Holley, and Russell J. McNamara and Connie McNamara.

Public Hearing on the proposed Vacation and Transfer of said ROW is scheduled for 6:00 p.m. on December 18, 2023 during the regular City Council meeting of the City of Oelwein, held in the City Council Chambers located at 20 2nd Ave. SW, Oelwein, IA. After acceptance of public comment, if any, and closing of the public hearing, the City Council will consider a Resolution approving the transfer of the property as proposed.

Any person may appear at the Public Hearing to comment on the proposed vacation and transfer of said ROW and/or may submit written comments in advance of the Public Hearing by delivery of same to the City Clerk's Office, at Oelwein City Hall, 20 2nd Ave. SW, Oelwein, IA during regular business hours, by mailing to the City of Oelwein at the same address, or by email to the City Clerk's Office at dmulfinger@cityfoelwein.org, on or before the date and time of the Public Hearing.

Dylan Mulfinger, City Administrator
City of Oelwein, Iowa