

RESOLUTION NO. _____ - 2026

RESOLUTION APPROVING VACATION AND TRANSFER OF THAT PART OF THE FORMER 5TH STREET NW WHICH IS BOUNDED ON THE WEST BY THE EAST LINE OF 5TH AVENUE NW, ON THE SOUTH BY THE NORTH LINE OF LOT 12 OF BLOCK 8, ON THE EAST BY A LINE WHICH A NORTHERLY EXTENSION OF LOT 12 BLOCK 8, ON THE NORTH BY THE SOUTH LINE OF LOT 8 BLOCK 7, IN IOWA DEVELOPMENT COMPANY'S ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA

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 Calvin Anderman, who owns adjacent property to the south of the right of way proposed to be vacated.

WHEREAS, by Resolution 5928-2026 dated August 24, 2026, 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 in the Oelwein Daily Register, as required by Iowa Code §§364.7 and 362.3, and

WHEREAS, on September 14, 2026, 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 Calvin Anderman.

NOW, THEREFORE, BE IT RESOLVED that the City Right of Way, generally described as "PART OF THE FORMER 5TH STREET NW WHICH IS BOUNDED ON THE WEST BY THE EAST LINE OF 5TH AVENUE NW, ON THE SOUTH BY THE NORTH LINE OF LOT 12 OF BLOCK 8, ON THE EAST BY A LINE WHICH A NORTHERLY EXTENSION OF LOT 12 BLOCK 8, ON THE NORTH BY THE SOUTH LINE OF LOT 8 BLOCK 7, IN IOWA DEVELOPMENT COMPANY'S ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA" shall by the approval of this Resolution be vacated and authorized to be transferred to the adjacent property owner, Calvin Anderman, 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 14 day of September, 2026.

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 there were:

AYES NAYS ABSENT ABSTAIN

Weber

Payne

Cantrell

Cannon

Gearhart

Ricchio