

RESOLUTION NO. _____ - 2026

RESOLUTION APPROVING VACATION AND TRANSFER OF CITY RIGHT OF WAY

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 two adjacent property owners, James Walters and John Bamford, whose properties lie to the east and west of the right of way described as follows:

Regarding the Walters property:

All that part of 2nd ave NW bounded on the south by the north line of 6th st NW, on the east by the center line of 2nd ave NW, on the north by an easterly extension of the centerline of the former alley north of Block 3, and on the west by the east line of Block 3 and a northerly extension thereof to the centerline of the former alley north of Block 3, all in Smith's Addition, City of Oelwein, Fayette County, Iowa

Regarding the Bamford property:

All that part of 2nd ave NW bounded on the south by the north line of 6th st NW, on the east by the West line of Block 2 and a northerly extension thereof to the centerline of the former alley North of Block 2, on the north by a westerly extension of the centerline of the former alley North of Block 2 and on the west by the center line of 2nd Ave NW, all in Smith's Addition, City of Oelwein, Fayette County, Iowa

WHEREAS, by Resolution 5929-2026 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 James Walters and John Bamford.

NOW, THEREFORE, BE IT RESOLVED that the City Right of Way, generally described as "All that part of 2nd ave NW bounded on the south by the north line of 6th st NW, on the east by the center line of 2nd ave NW, on the north by an easterly extension of the centerline of the former alley north of Block 3, and on the west by the east line of Block 3 and a northerly extension thereof to the centerline of the former alley north of Block 3, all in Smith's Addition,

City of Oelwein, Fayette County, Iowa” and “All that part of 2nd ave NW bounded on the south by the north line of 6th st NW, on the east by the West line of Block 2 and a northerly extension thereof to the centerline of the former alley North of Block 2, on the north by a westerly extension of the centerline of the former alley North of Block 2 and on the west by the center line of 2nd Ave NW, all in Smith’s Addition, City of Oelwein, Fayette County, Iowa” shall by the approval of this Resolution be vacated and authorized to be transferred to the two adjacent property owners, John Bamford and James Walters, 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