

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE TO ADJOINING PROPRIETORS OF THE ALLEY RUNNING NORTH AND SOUTH BETWEEN LOTS 13, 14, 15, 16, 17 AND 18 AND LOTS 19, 20, 21, 22, 23 AND 24, BENTLEY’S SUBDIVISION OF BLOCK 9, MARTINS THIRD ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA.

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. Purpose: The purpose of this Ordinance is to Vacate that portion of the

ALLEY RUNNING NORTH AND SOUTH BETWEEN LOTS 13, 14, 15, 16, 17 AND 18 AND LOTS 19, 20, 21, 22, 23 AND 24, BENTLEY’S SUBDIVISION OF BLOCK 9, MARTINS THIRD ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA.

And thereby relieve the City of Oelwein of the responsibility for its maintenance and supervision.

Section 2. Facts Found: The Council of the City of Oelwein, hereby makes the following findings:

- A. The above described alley has been unused for more than 10 years and is not needed for public use and provides no benefit to the general public. Therefore, continued maintenance of said alley at public expense is not justified.
- B. The proprietors of the real estate adjoining said alley are:
  - (1) David D. Moore and Garland E. Moore, husband and wife, hold title to Lots 13 - 16 and Lots 19 - 24, Bentley’s Subdivision of Block 9, Martin’s Third Addition to Oelwein, Fayette County, Iowa, adjoining said real estate and alley.
  - (2) James Peterson and Cecelia Peterson, husband and wife, hold title to the West fifty (50) feet of Lots 17 and 18, Bentley’s Subdivision of Block 9, Martin’s Third Addition to Oelwein, Fayette County, Iowa, adjoining said real estate and alley
- C. The vacation of said alley will not deny owners of property abutting on said alley reasonable access to their adjoining property.
- D. Iowa Code section 354.23 authorizes a City to vacate and convey a vacated alley to the adjoining proprietors through the Vacation Ordinance.
- E. Notice of the intended vacation and conveyance including the date on which the Council will consider the vacating and conveying Ordinance, has been published and posted at least once along the described alley not less than four (4), nor more than twenty (20), days before the date set for the hearing, as provided in Section 363.3(1) of the Code of Iowa.

Section 3. Vacation: That portion of the ALLEY RUNNING NORTH AND SOUTH BETWEEN LOTS 13, 14, 15, 16, 17 AND 18 AND LOTS 19, 20, 21, 22, 23 AND 24, BENTLEY’S SUBDIVISION OF BLOCK 9, MARTINS THIRD ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA. is hereby vacated.

Section 4. Conveyance: The above described vacated alley shall be conveyed to the adjoining proprietors as follows:

- A. The City of Oelwein, an Iowa Municipal Corporation, does hereby Quit Claim to David D. Moore and Garland F. Moore, Husband and Wife, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, all right, title, interest, estate, claim and demand in the following describer real estate in Fayette County, Iowa:

West one-half (½) of alley adjacent to Lots 19-24, Bentley’s Subdivision of Block 9, Martin’s Third Addition to Oelwein, Fayette County, Iowa

And

East one-half (½) of alley adjacent to Lots 13-16, Bentley’s Subdivision of Block 9, Martin’s Third Addition to Oelwein, Fayette County, Iowa

- B. The City of Oelwein, an Iowa Municipal Corporation, does hereby Quit Claim to James Peterson and Cecelia Peterson, Husband and Wife, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, all right, title, interest, estate, claim and demand in the following described real estate in Fayette County, Iowa:

East one-half (½) of alley adjacent to the West Fifty (50) Feet of Lots 17 and 18, Bentley’s Subdivision of Block 9, Martin’s Third Addition to Oelwein, Fayette County, Iowa

Section 5. Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Severability Clause: If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

First Reading: October 12, 2020  
Second Reading:  
Third Reading:

Passed and adopted by the City Council of the City of Oelwein, Iowa this \_\_\_\_ day of October, 2020.

\_\_\_\_\_  
Brett DeVore, Mayor

Attest:

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

Recorded \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

First Reading on \_\_\_\_\_:  
It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
that the Ordinance as read be adopted, and upon roll call there were:  
AYES    NAYS    ABSENT    ABSTAIN

M Weber  
Cantrell  
Fisk  
Stewart  
Seeders  
Payne

Second Reading on \_\_\_\_\_ It was moved by  
and seconded by \_\_\_\_\_that the Ordinance as read  
be adopted (or to suspend the rules), and upon roll  
call there were:

	AYES	NAYS	ABSENT	ABSTAIN
M Weber				
Cantrell				
Fisk				
Stewart				
Seeders				
Payne				

Third Reading on \_\_\_\_\_ It was  
moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that  
the Ordinance as read be adopted (or to suspend the  
rules) and upon roll call there were:

	AYES	NAYS	ABSENT	ABSTAIN
M Weber				
Cantrell				
Fisk				
Stewart				
Seeders				
Payne				