

ORDINANCE NO. 1173

AN ORDINANCE PROVIDING FOR THE VACATION OF THE WEST PORTION OF THE ALLEY RUNNING EAST AND WEST ADJACENT TO LOTS 18-28 AND LOTS 30-41, BLOCK 2, IRVINE'S 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 purposes of this Ordinance is to vacate THE WEST PORTION OF THE ALLEY RUNNING EAST AND WEST ADJACENT TO LOTS 18-28 AND LOTS 30-41, BLOCK 2, IRVINE'S 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 Oelwein, hereby makes the following findings:

A. The above described alley has been unused for the past several years and is not needed for use of the public, and therefore, its maintenance at public expense is no longer justified, except to retain an easement for public utilities.

B. That the vacation of said alley will not deny owners of property abutting on said alley reasonable access to their property.

C. Notice of the intended vacation, including the date on which the Council will first consider the vacating Ordinance, has been published and posted at least once along the described alley not less than four, nor more than twenty days before the date set for the hearing as provided in Section 363.3(1) of the Code of Iowa.

Section 3. Vacation: The, WEST PORTION OF THE ALLEY RUNNING EAST AND WEST ADJACENT TO LOTS 18-28 AND LOTS 30-41, BLOCK 2, IRVINE'S ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA subject to a retained easement for public utilities.

Section 4. Repealer: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. 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.

Section 6. When Effective: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

First reading – June 22, 2020

Second Reading –

Third Reading –

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

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Brett DeVore, Mayor

Attest:

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

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

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

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

Gerdts  
M Weber  
Cantrell  
Fisk  
Stewart  
Seeders

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

Gerdts  
M Weber  
Cantrell  
Fisk  
Stewart  
Seeders

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

Gerdts  
M Weber  
Cantrell  
Fisk  
Stewart  
Seeders