

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF THE PUBLIC RIGHT-OF-WAY LOCATED IN
OELWEIN'S 6TH ADDITION, 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 2nd Avenue SE from its intersection at 4th Street SE south to its intersection with Occo Street and that portion of Occo Street from its intersection with Rock Island Road east approximately 225 feet to its end, 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 right-of-way 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 right-of-way 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 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: That portion of 2nd Avenue SE from its intersection at 4th Street SE south to its intersection with Occo Street and that portion of Occo Street from its intersection with Rock Island Road east approximately 225 feet to its end.

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 Repealer: All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 – December 13, 2021

Second Reading –

Third Reading –

Passed and adopted by the City Council of the City of Oelwein, Iowa this _____ day of

_____.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded _____, 2021.

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

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne

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

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