

RESOLUTION TENTATIVELY PROVIDING FOR THE SALE AND CONVEY-
ANCE BY THE CITY OF MARSHALLTOWN, IOWA, OF THE VACATED
ALLEY EXTENDING FROM SOUTH TWELFTH STREET TO SOUTH THIR-
TEENTH STREET AND LOCATED BETWEEN WEST MAIN STREET AND
WEST CHURCH STREET.

WHEREAS, this Council has by ordinance duly vacated the platted alley extending from South Twelfth Street to South Thirteenth Street and located between West Main Street and West Church Street in the City of Marshalltown, Iowa, as is more particularly described herein- after and that the public right of user therein has been terminated; by such vacation; and

WHEREAS, the public interest and the interest of abutting and adjacent property owners does not require the maintenance of said vacated alley for any public purpose or use and does not require that the City of Marshalltown, Iowa, retain title thereto and that the own- ership and title to said vacated alley can be used to advantage by the private owners of the lots abutting thereon and that no other private owners in the vicinity thereof will be adversely effected by the sale and conveyance to such abutting lot owners.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. That the parcel of ground heretofore existing as a public alley sixteen and one-half (16½') feet wide and extending from South Twelfth Street to South Thirteenth Street and located between West Main Street and West Church Street and

Being that parcel of ground sixteen and one-half (16½') feet wide lying between Lot Thirty-eight (38) of Messenger's Sub- division of Lot One (1) and Lots One of Two (1 of 2), Two of Two (2 of 2), Three of Two (3 of 2) and Four of Two (4 of 2) of Binford's Subdivision of Lots Two and Three (2 and 3), all in the Subdivision of the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section Thirty-four (34), Township Eighty- four (84) North (N), Range Eighteen (18), West (W) of the 5th P. M., Marshall County, Iowa, on the north side thereof, and Lot Thirty-seven (37) of Messenger's Subdivision of Lot One (1) and Lots Seven of Two (7 of 2), Eight of Two (8 of 2), Nine of Two (9 of 2), Ten of Two (10 of 2) and Eleven of Two (11 of 2) of Binford's Subdivision of Lots Two and Three (2 and 3), all in the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section Thirty-four (34), Township Eighty-four (84) North (N), Range Eighteen (18) West (W) of the 5th P. M., Marshall County, Iowa, on the south side thereof,

has been duly and regularly vacated as a public alley and that the title thereto is now vested in the City of Marshalltown, Iowa, freed of the public right of user therein. That the owners of the lots and portions of lots abutting on such vacated alley have agreed to pay to

the City of Marshalltown, Iowa, all costs of publication for the vacation of said alley, publication costs of notice of hearing on the proposed sale and conveyance thereof to such abutting owners and any recording costs in recording these Council proceedings with reference thereto, and it is proposed to sell and convey by Quit Claim Deed to the abutting property owners one-half of the portion of said vacated alley abutting the respective lots or parts of lots of said owners in the following manner:

To Kenneth E. Brintnall the North 8 1/4 feet of the West 60 feet of said vacated alley,

To George S. La Frenz the North 8 1/4 feet of the East 45 feet of the West 105 feet of said vacated alley,

To Malcolm H. and Eleanor C. Gold the North 8 1/4 feet of the East 45 feet of the West 150 feet of said vacated alley,

To Ethyl K. Alden the North 8 1/4 feet of the East 90 feet of the West 240 feet of said vacated alley,

To Ruth J. Middleton the North 8 1/4 feet of the East 155 2/3 feet of said vacated alley,

To Delmar M. and Wilda J. Roth the South 8 1/4 feet of the West 180 feet of said vacated alley,

To Roy P. and Alice B. McBride the South 8 1/4 feet of the East 55 3/4 feet of the West 135 3/4 feet of said vacated alley,

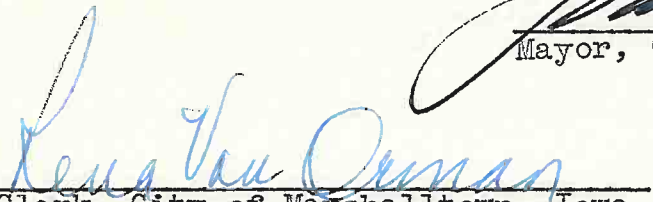
To Horace D. and Louise Miller the South 8 1/4 feet of the East 159 11/12 feet of said vacated alley.

The City reserving therein rights of public utilities and for other municipal service for installation repair and maintenance.

Section 2. That this resolution of the proposed sale thereof as is described in Section 1 of this resolution be now tentatively adopted and placed on file and that the City Clerk give the public notices as required by Section 368.39 Code of Iowa for 1954 relative to the proposed sale and conveyance thereof as is herein described and that this matter come on for public hearing before the Council at its regular meeting at 7:30 o'clock P. M. on December 12, 1955, in the Council Chamber in the City Hall, at Marshalltown, Iowa.

Passed and approved this 14 day of November, 1955.


Mayor, City of Marshalltown, Iowa.

Attest: 
Clerk, City of Marshalltown, Iowa.

PUBLIC NOTICE.

PUBLIC NOTICE IS HEREBY GIVEN that there is now on file in the office of the Clerk of the City of Marshalltown, Iowa, a resolution whereby it is proposed to sell and convey to the owners of the abutting lots the vacated alley between South Twelfth Street and South Thirteenth Street and located between West Main Street and West Church Street and

Being that parcel of ground sixteen and one-half ($16\frac{1}{2}$) feet wide lying between Lot Thirty-eight (38) of Messenger's Subdivision of Lot One (1) and Lots One of Two (1 of 2), Two of Two (2 of 2), Three of Two (3 of 2) and Four of Two (4 of 2) of Binford's Subdivision of Lots Two and Three (2 and 3), all in the Subdivision of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section Thirty-four (34), Township Eighty-four (84)-North (N), Range Eighteen (18), West (W) of the 5th P. M., Marshall County, Iowa, on the north side thereof, and Lot Thirty-seven (37) of Messenger's Subdivision of Lot One (1) and Lots Seven of Two (7 of 2), Eight of Two (8 of 2), Nine of Two (9 of 2), Ten of Two (10 of 2) and Eleven of Two (11 of 2) of Binford's Subdivision of Lots Two and Three (2 and 3), all in the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section Thirty-four (34), Township Eighty-four (84)-North (N), Range Eighteen (18) West (W) of the 5th P. M., Marshall County, Iowa, on the south side thereof.

That it is proposed to sell and convey by Quit Claim Deed to the abutting owners the following portions of said vacated alley:

To Kenneth E. Brintnall the North $8\frac{1}{4}$ feet of the West 60 feet of said vacated alley,

To George S. La Frenz the North $8\frac{1}{4}$ feet of the East 45 feet of the West 105 feet of said vacated alley,

To Malcolm H. and Eleanor C. Gold the North $8\frac{1}{4}$ feet of the East 45 feet of the West 150 feet of said vacated alley,

To Ethyl K. Alden the North $8\frac{1}{4}$ feet of the East 90 feet of the West 240 feet of said vacated alley,

To Ruth J. Middleton the North $8\frac{1}{4}$ feet of the East $155\frac{2}{3}$ feet of said vacated alley,

To Delmar M. and Wilda J. Roth the South $8\frac{1}{4}$ feet of the West 180 feet of said vacated alley,

To Roy P. and Alice B. McBride the South $8\frac{1}{4}$ feet of the East $55\frac{3}{4}$ feet of the West $135\frac{3}{4}$ feet of said vacated alley,

To Horace D. and Louise Miller the South $8\frac{1}{4}$ feet of the East $159\frac{11}{12}$ feet of said vacated alley.

The consideration for such conveyance is that the prospective grantees pay to the City of Marshalltown, Iowa, the publication costs for the vacation of said alley, the publication costs of the notices of public hearing on the proposed sale and the recording

fees in connection with the transcript of the proceedings relative thereto. That the City of Marshalltown, Iowa, is to reserve easement rights therein for public utility and municipal services and for the installation, repair and maintenance thereof.

That final action on the proposed resolution as is now on file will be taken at the regular meeting of the Council to be held in the Council Chamber at the City Hall, Marshalltown, Iowa, on the 12th day of December, 1955, at 7:30 o'clock P. M., at which time and place a public hearing will be had on any objections thereto and the Council will take final action on the resolution as is now on file.

That this notice is given as required by Section 368.39 Code of Iowa for 1954.

Lena M. Owen
City Clerk.

November — *1955*