

**RESOLUTION PROVIDING FOR THE VACATION OF THE EAST-WEST ALLEY
BEHIND 1108 AND 1110 WEST CHURCH STREET AND APPROVING THE QUIT
CLAIM DEED TO THE CITY**

WHEREAS, the City of Marshalltown, Iowa, is the owner of a public right-of-way legally described in Section 1; and

WHEREAS, the below-referenced alley is not required for any public purpose and no rights of private persons will be adversely affected by the proposed vacation; and

WHEREAS, upon vacation and conveyance of this alley, the adjoining property owners will complete the purchase of the right-of-way and complete an Affidavit of Non-Severability to combine it with their parcels; and

WHEREAS, the City of Marshalltown hereby proposes that the transfer of said portion of vacated alley shall be subject to easements for any installed utilities and all easements of record. Easement access rights shall be granted to all existing utilities on said described alley/street/road vacation to allow access to their current facilities, now and in the future, for maintenance, repair, patrol, operation, and reconstruction to said facilities; and

WHEREAS, the City Council of the City of Marshalltown, Iowa, find this vacation is in the best interest of the City of Marshalltown and approves the quit claim deed; and

WHEREAS, a notice of public hearing has been published according to law notifying the public of the proposed vacation of the alley and said public hearing was held.

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

Section 1. The City of Marshalltown, Iowa, by this resolution, approve the vacation of the following alley legally described as:

That portion of the sixteen and one-half (16 ½) foot wide alley running east-west and situated south of Lots 5 and 6 of Dickson’s Subdivision of the East Half of the North Two-Thirds of Lot 5 of the Northwest Quarter of the Northeast Quarter of Section 34, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa; and

Section 2. The City of Marshalltown hereby approves the vacation of said property, subject to easements being retained and rights of way of utilities, and access to and maintenance of said utilities. Said easements, rights of way and access will be retained until such time as the utility no longer utilizes or needs facilities in this location.

Section 3. The Mayor and City Clerk of the City of Marshalltown are hereby authorized to issue a Quit Claim Deed to the alley so vacated from the City of Marshalltown to the City of Marshalltown for the purpose of establishing record title as required by Marshall County.

Passed this 9th day of October 2023, and signed this _____ day of October 2023.

CITY OF MARSHALLTOWN, IOWA

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk