

ORDINANCE NO 16-02

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE ROAD
KNOWN AS MASTELLER ROAD WITHIN THE CITY OF NORWALK, IOWA

Sections:

- Section 1. Purpose.
- Section 2. Facts Found.
- Section 3. Description.
- Section 4. Vacations.
- Section 5. Repealer.
- Section 6. Severability Clause.
- Section 7. When Effective.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF NORWALK, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to vacate a portion of Masteller Road, within the City of Norwalk, Iowa and thereby relieve the City of the responsibility for its maintenance and supervision, pursuant to Sections 354.23 and 364.12(2)(a), Iowa Code, and Chapter 138, Norwalk Code and Chapter 138, Norwalk Code.

SECTION 2. FACTS FOUND. The City Council of the City of Norwalk, Iowa, herein makes the following findings:

1. The portion of Masteller Road described herein is not needed for the use of the public, and, therefore, the maintenance at public expenses is no longer justified.
2. The vacation will not deny owners of property abutting on the road reasonable access to their property.
3. The described road is of no benefit to the public.

4. Notice of Hearing of the intended vacation and said road was provided to the public as required by law.

SECTION 3. DESCRIPTION. Commencing at the Southwest corner of Section Six (6), Township Seventy-seven (77) North, Range Twenty-four (24) West of the 5th P.M., Warren County, Iowa; thence North 86°37 ½' East, 49.7 feet along the South line of the Fractional Southwest Quarter of the Fractional Southwest Quarter (FR. SW ¼ Fr. SW ¼) of said Section Six (6) to the presently established easterly right of way line of Primary Road No. 28; thence North 00°00 ¾ ' East, 27.2 feet along said right of way line to the South line of a certain tract of land described in Book 140, Page 575, in the office of the Warren County Recorder; thence North 86°40 ¾ ' East, 132.0 feet along said South line to the East line of said tract of land to point of beginning; thence North 00°00 ¾ ' East, 727.0 feet along said East line and the extension thereof to the Northeast Corner of a certain tract of land described in Book 186, Page 255, in the office of the Warren County Recorder; thence North 90°00' East , 18.3 feet; thence North 00°00' West 428.5 feet thence North 00°00' East 80.0 feet to the North Boundary of the Masteller Road right of way; thence Southeasterly 141.4 feet along a 90.0 foot radius curve, concave Southwesterly having a long chord of 127.3 feet bearing South 45°00' East; thence South 00°00' East, 926.8 feet; thence South 04°03 ½ ' East, 238.9 feet to the South line of the Fractional Southwest Quarter of the Fractional Southwest Quarter (Fr SW ¼ Fr SW ¼) of said Section Six (6); thence South 86°37 ½ ' West, 125.6 feet along said South line; thence North 00°00' East to the point of beginning.

SECTION 4. VACATIONS. That the portion of the road described in Section 3 and depicted in Exhibit A, attached hereto, above and road easement is hereby declared vacated. That the Mayor and City Clerk of the City of Norwalk, Iowa, be and are hereby authorized to convey said real property via Quit Claim Deed, and execute all documents relating thereto, to United Properties Investment Company, L.C.

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, provisions 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 7. WHEN EFFECTIVE. This ordinance shall be in effect after final passage, approval, and publication as provided by law.

APPROVED AND ADOPTED by the City Council of the City of Norwalk, Iowa, this ____ day of _____, 20__.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk

First Reading: December 17, 2015
Second Reading: January 7, 2016
Third Reading: January 21, 2016

I certify that I have reviewed Ordinance No. 16-02 and find it in conformance with State of Iowa Code and City of Norwalk Code of Ordinances. Signed this ____ day of _____, 2016.

James Dougherty, City Attorney

I certify that the foregoing was published as Ordinance No. 16-02 on the ____ day of _____, 20 ____.

Jodi Eddleman, City Clerk

Exhibit A

