

ORDINANCE NO. 380

AN ORDINANCE AMENDING CHAPTER 137 OF THE CODE OF ORDINANCES OF THE CITY OF STATE CENTER, IOWA IN ORDER TO VACATE CERTAIN ALLEYS AND CONVEY SAID PROPERTY TO ADJOINING PROPERTY OWNERS AS DESCRIBED HEREIN

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STATE CENTER, IOWA:

Section 1. VACATION OF ALLEYS SUBJECT TO RESERVATION OF PUBLIC UTILITY EASEMENT. That the City of State Center, Iowa having determined following public hearing that the public has no further benefit from dedicated rights-of-way, and that there is no public use over the real estate described as follows:

ALL OF THE ALLEY RUNNING NORTHEASTERLY FROM THE EAST RIGHT OF WAY LINE OF SECOND AVENUE NORTHWEST TO THE WEST RIGHT OF WAY LINE OF FIRST AVENUE NORTH LYING BETWEEN LOTS 1 THROUGH 5 IN BLOCK 5 OF BABCOCK'S ADDITION TO STATE CENTER AND LOT 7 IN BLOCK 3 OF THE TOWN OF STATE CENTER ON THE NORTH AND LOTS 1 THROUGH SIX, IN BLOCK 3 OF THE TOWN OF STATE CENTER ON THE SOUTH, ALL IN MARSHALL COUNTY, IOWA.

said alleys be and the same are hereby vacated, reserving to the City of State Center a permanent easement for ingress and egress over, under and across the alley for installing, improving, or removing public utilities and services.

Section 2. CONVEYANCE. That the following described parcels are hereby **quit claimed and conveyed** to the adjacent property owners shown below, subject to the City's reservation of a permanent easement for ingress and egress over, under and across the alley for installing, maintaining, improving, or removing public utilities and services, to wit:

The North ½ of the vacated alley adjacent on the south of Lot 5, Block 5 of Babcock's Addition to State Center and Lot 7, Block 3 of the Town of State Center, Marshall County, Iowa to the **City of State Center, Iowa.**

The South ½ of the vacated alley adjacent on the north of Lots 1 and 2, Block 3 of the Town of State Center, Marshall County, Iowa to the **City of State Center, Iowa.**

The North ½ of the vacated alley adjacent on the south of Lots 1 through 3, Block 5, Babcock's Addition to the Town of State Center, Marshall County, Iowa to **Paul Edler.**

The North ½ of the vacated alley adjacent on the south of Lot 4, Block 5, Babcock's Addition to the Town of State Center, Marshall County, Iowa to **Candace Eileen Cahalan.**

The South ½ of the vacated alley adjacent on the north of Lots 3 and 4, Block 3, of the Town of State Center, Iowa to **Paul Edler.**

The South ½ of the vacated alley adjacent on the north of Lots 5 and 6, Block 3, of the Town of State Center, Iowa to Douglas J. Riley and Julie M. Riley, as joint tenants with full rights of survivorship.

Section 3. REPEALER. All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. SEVERABILITY. If any section, provision, or part of this Ordinance shall be adjusted invalid, unconstitutional or unenforceable for any reason, such adjudication shall not affect the validity or enforcement of the remaining provisions.

Section 5. EFFECTIVE DATE. This Ordinance shall become effective from and after its final passage, approval and publication as provided by law.

1st Reading, October 17, 2023:

Motion by Quick, second by Darrow, that Ordinance 380, An Ordinance Amending Chapter 137 of the Code of Ordinances of the City of State Center, Iowa in Order to Vacate Certain Alleys and Convey Said Property to Adjoining Property Owners as Described Herein, be given its first reading for passage.

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Aye Grant: Aye

Motion by Darrow, 2nd by Nichols, that the 2nd & 3rd readings of Ordinance 380 be waived. Motion passes roll call vote:

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Aye Grant: Aye

Motion by Quick, 2nd by Darrow that Ordinance 380 be finally adopted at this time. Motion passes roll call vote:

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Aye Grant: Aye

Passed by the Council on this 17 day of October, 2023 and approved this 17 day of October, 2023.

The City of State Center, Iowa.

Attest: Lori Bearden
Lori Bearden, Clerk

Craig Pfantz
Craig Pfantz, Mayor