

CITY OF ELDORA, HARDIN COUNTY, IOWA

ORDINANCE NO. 893

ORDINANCE VACATING THE ALLEY BETWEEN 15<sup>th</sup> STREET AND 16<sup>th</sup> STREET IN BLOCK 5  
OF THE EDGINGTON ADDITION, CITY OF ELDORA, HARDIN COUNTY, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELDORA, HARDIN COUNTY,  
IOWA.

SECTION 1. Purpose. The purpose of this ordinance is to vacate the alley between 15<sup>th</sup> Street and 16<sup>th</sup> Street in Block 5 of the Edgington Addition of the City of Eldora, Hardin County, Iowa, pursuant to Iowa Code Section 354.23, as follows:

The North one-half (4 feet) of said alley is hereby transferred to the following adjacent property owners:

Michael Rogers : Commencing at the Southwest Corner of Lot 4 in Block 5 of the Edgington Addition of the City of Eldora as the point of beginning, thence East 256 feet, thence South 4 Feet, thence West 256 feet, thence North 4 feet the point of beginning.

AND, the South one-half (4 feet) of said alley is hereby transferred to the following adjacent property owners:

Richard Mitchell and Judith M. Mitchell: Commencing at the Northwest Corner of Lot 5 in Block 5 of the Edgington Addition of the City of Eldora as the point of beginning, thence East 128 feet, thence North 4 Feet, thence West 128 feet, thence South 4 feet the point of beginning.

Terry Olmstead and Robin Olmstead: Commencing at the Northwest Corner of Lot 7 in Block 5 of the Edgington Addition of the City of Eldora as the point of beginning, thence East 128 feet, thence North 4 Feet, thence West 128 feet, thence South 4 feet the point of beginning.

SECTION 2. Vacation. That all of the east/west running alley between 15<sup>th</sup> Street and 16<sup>th</sup> Street in Block 5 of the Edgington Addition of the City of Eldora, Hardin County, Iowa is vacated.

SECTION 3. Ownership retained. The City hereby retains ownership of any and all easements for utility purposes and rights of ingress and egress if currently existing.

SECTION 4. Repealer Clause. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 to be invalid or unconstitutional by a court of competent jurisdiction, 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. Effective Date. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council on the 14<sup>th</sup> day of February, 2023.

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Jerry Kramer, Mayor Pro-Tem

ATTEST:

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Chandra Kyte, City Clerk

Introduced: February 14, 2023  
Passed 1<sup>st</sup> Consideration: February 14, 2023  
Passed 2<sup>nd</sup> Consideration: February 14, 2023  
Passed 3<sup>rd</sup> Consideration: February 14, 2023  
Passed & Adopted: February 14, 2023

CERTIFICATE

STATE OF IOWA )

(ss:

HARDIN COUNTY )

I, Chandra Kyte, City Clerk of the City of Eldora, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said municipality showing proceedings of the Council and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action there at was duly and publicly held in accordance with the notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and seal of the municipality hereto affixed this 14<sup>th</sup> day of February, 2023.

SEAL:

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Chandra Kyte, City Clerk

STATE OF IOWA )

(ss:

HARDIN COUNTY )

On this 14<sup>th</sup> day of February, 2023, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Chandra Kyte, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Eldora, Iowa, that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council and that Chandra Kyte acknowledged the execution of the instrument to be her voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

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Notary Public and for the State of Iowa