

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Transfer tax exemption: Iowa Code § 428A.2(6) Grantor is a governmental body

Iowa Code § 428A.2(17) Conveyance of easement

Grantor Name: City of Nevada, Iowa

Grantee Name: Oak Park Estates, L.C.; Brian J. Borton

Legal description: See page 2

Send tax statement to: Oak Park Estates LC, 25663 Country Club Rd, Nevada, IA 50201

Return document to: Franklin J Feilmeyer, PO Box 847, Ames, IA 50010 | P: 515.232.1761 | E: FJF@newpointlawfirm.com

Document prepared by: Franklin J Feilmeyer, PO Box 847, Ames, IA 50010 | P: 515.232.1761 | E: FJF@newpointlawfirm.com

CITY OF NEVADA, IOWA
Resolution No. 063

*A resolution vacating and conveying certain
easement areas of Academy Estates*

Clerk's Certificate

I, the undersigned, the duly appointed, qualified, and acting City Clerk of the City of Nevada, Iowa, do hereby certify as follows:

I have custody of the records of the City of Nevada; that Resolution No. 063 affixed hereto is a true and exact copy of the resolution as filed and recorded in my office, and said resolution was duly approved by the City Council and Mayor as shown by the attached *Record of Action*.

In Witness Whereof, I affix my signature and the seal of the City of Nevada, Iowa, on this 26th day of March, 2024:

[Seal of the City of Nevada, Iowa]

KERIN WRIGHT, City Clerk

CITY OF NEVADA, IOWA
RESOLUTION NO. 063

A resolution vacating and conveying certain easement areas of Academy Estates

BE IT RESOLVED by the City Council of the City of Nevada, Iowa:

SECTION 1. FINDINGS. The City Council finds:

- 1.01. Oak Park Estates, L.C., is in the process of replatting a part of the subdivision called Academy Estates located in the City of Nevada as a new subdivision called Oak Park Estates Subdivision, First Addition, and has requested that the City vacate and convey easements within Oak Park Estates Subdivision, First Addition.
- 1.02. The location of the easements in the existing Academy Estates subdivision differs from the location of the proposed easements in the replatted Oak Park Estates Subdivision, First Addition.
- 1.03. Oak Park Estates, L.C., has submitted to the City a proposed subdivision plat for Oak Park Estates together with necessary consents and dedication for rights-of-way and easements ensuring that the City's interest in existing and proposed infrastructure will be protected.
- 1.04. The City Council has authority as described in section 354.23 of the Iowa Code to abandon and convey unused easement rights.
- 1.05. The Council has previously given notice of and conducted a public hearing as required by section 354.23 of the Iowa Code.
- 1.06. The City Council deems this resolution appropriate, and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of the City of Nevada and its citizens, all as provided for in and permitted by section 364.1 of the Iowa Code (2024).

SECTION 2. CONVEYANCE OF EASEMENTS. Pursuant to Iowa Code section 354.23, the City of Nevada, Iowa, an Iowa municipal corporation, hereby grants and conveys to:

Oak Park Estates, L.C., an Iowa limited liability company,

all of its right, title, and interest in each and every easement area described and shown in the Easement Grant by Oak Park Estates, L.C., and Wildwood Point, L.L.C., to the City of Nevada, Iowa, dated January 3, 2006, filed January 12, 2006, and recorded as **Inst. No. 06-00425**, EXCEPT as described in Sections 3 and 4 of this Resolution.

SECTION 3. CONVEYANCE OF EASEMENTS. Pursuant to Iowa Code section 354.23, the City of Nevada, Iowa, an Iowa municipal corporation, hereby grants and conveys to:

Brian J. Borton,

all of its right, title, and interest in the easement area located on the real property described as:

Parcel A, a part of Lots 11 and 12 and part of vacated Academy Circle, all in Academy Estates, City of Nevada, Story County, Iowa, as shown on the Plat of Survey filed in the office of the Recorder on December 16, 2022, and recorded

as Instrument No. 2022-11678.

as described and shown in the Easement Grant by Oak Park Estates, L.C., and Wildwood Point, L.L.C., to the City of Nevada, Iowa, dated January 3, 2006, filed January 12, 2006, and recorded as Inst. No. 06-00425.

SECTION 4. EXISTING INFRASTRUCTURE. Notwithstanding the conveyance of easement rights described in Sections 2 and 3 of this Resolution, the City of Nevada expressly retains ownership of all city utilities and appurtenances that may now exist on, over, or under lands described therein, if any.

SECTION 5. REPEALER. All other resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

SECTION 6. SEVERABILITY. If any section, provision, or part of this Resolution shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Resolution as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. RECORDING. The city clerk is authorized to record or to release to the grantee or the grantee's agent for recording a certified copy of this Resolution in the office of the Recorder of Story County, Iowa, provided however, that Oak Park Estate subdivision plat and associated easements shall have been approved by the City Council and contemporaneously recorded.

SECTION 8. EFFECTIVE DATE. This Resolution shall be in full force and effect from and after the date of its publication as provided by law.

APPROVAL: In accordance with Iowa Code section 380.5, the undersigned approves the foregoing as approved on March 25, 2024, by a majority of the City Council of the City of Nevada, Iowa.

IN WITNESS WHEREOF,
I affix my signature on this
the 25th day of March, 2024:

BRETT BARKER, Mayor

ATTESTED AND SEALED
with the seal of the City of Nevada, Iowa
on the date aforesaid by:
[Seal of the City of Nevada, Iowa]

KERIN WRIGHT, City Clerk

Reviewed and approved:

Dated the ____ day of _____, 2024

ERIN CLANTON, City Attorney

Record of Action for Resolution No. _____

The City Council of Nevada, Iowa, met in the council chambers, City Hall, Nevada, Iowa, at 6:00 PM., on March 25, 2024, with the Mayor presiding and the following Council Members present and absent:

Present: _____

Absent: _____

The adoption of the resolution was moved and seconded, and upon the question of approval voted upon as follows:

Moved: _____

Seconded _____

Yes: _____

No: _____ Absent/Abstain: _____

The presiding officer declared the resolution adopted.

ATTESTED AND SEALED

with the seal of the City of Nevada, Iowa
on the date aforesaid by:

[Seal of the City of Nevada, Iowa]

KERIN WRIGHT, City Clerk

LOCALiQ

Ames Tribune

PO Box 631851 Cincinnati, OH 45263-1851

PROOF OF PUBLICATION

CITY CLERK'S OFFICE
City Of Nevada
1209 6Th ST

Nevada IA 50201-1536

STATE OF WISCONSIN, COUNTY OF BROWN

The Nevada Journal, a weekly newspaper printed and published at Ames, Story County, Iowa, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspaper in the issues dated:

03/14/2024

and that the fees charged are legal.

Sworn to and subscribed before on 03/14/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$26.40	
Order No:	9945960	# of Copies:
Customer No:	842186	0
PO #:	LIOW0071941	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

**NOTICE OF PUBLIC HEARING ON PROPOSED
DISPOSITION OF EASEMENTS IN ACADEMY ESTATES SUBDIVISION**

The City Council of the City of Nevada, Iowa will conduct a public hearing on the proposed disposition of easements in Academy Estates Subdivision on March 25, 2024 at 6:15 p.m. in the Council Chambers located at 1209 6th Street, Nevada, Iowa 50201, at which time the Council will hear public comment and receive objections to the disposition of easements from any interested party. The real property subject to this proposed disposal is described as follows:

Shown in the Easement Grant by Oak Park Estates, L.C., and Wildwood Point, L.L.C., to the City of Nevada, Iowa, dated January 3, 2006, filed January 12, 2006, and recorded as Inst. No 06-00425.

You may attend said hearing to express your views concerning the proposed disposition of easements in Academy Estates Subdivision or you may submit your comments in writing to the City Clerk no later than 4:00 o'clock p.m. on the 25th day of March, 2024. At the conclusion of the public hearing, the Council may approve or disapprove the proposed disposition and authorize the recording of the City Council's resolution as a conveyance of the easements. Additional information is available at City Hall.

CITY OF NEVADA, IOWA

Kerin Wright, City Clerk

March 14 2024

L10W0071941