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City Clerk's Office
Hiawatha City Hall
101 Emmons Street
Hiawatha, Iowa 52233

Memo

To: Mayor and City Council

From: Kelly Kornegor, City Clerk

Date: August 17, 2016

Re: Amending Chapter 137 Vacation and Disposal of Streets

City Council previously approved the vacation and disposal of four pieces of right-of-way listed below and on the attached ordinance. These pieces of right-of-way were recorded in the Code of Ordinances as vacated streets but we also need to record them under Section 137.05 Disposal of Vacated Streets or Alleys to show the disposal of right-of-way.

The procedure for adding these disposed portions of right-of-way to our Code of Ordinances includes setting a public hearing date, holding a public hearing, and adopting an ordinance.

If you are curious as to the businesses associated with these portions of right-of-way, I have provided this information below:

C. Southeast corner of Stamy Road and Tower Terrace Road identified in Parcel A, Plat of Survey No. 1913 with an address known as 905 Tower Terrace Road.

This portion of right-of-way was vacated, disposed and sold to TCC Investments, LLC in connection with the El Kahir Shrine facility at 905 Tower Terrace Road.

D. Northerly portion of Kainz Drive right-of-way identified in Parcel A, Plat of Survey No. 1929, Auditor's Plat No. 372.

This portion of right-of-way was vacated, disposed and sold to Next Level 22 Properties in connection with the Dave Wright Nissan dealership at 999 Boyson Road.

E. Part of Lot 18, Boyson Road right-of-way identified in Parcel A, Plat of Survey No. 1952, Auditor's Plat No. 372.

This portion of right-of-way was vacated, disposed and sold to Next Level 22 Properties in connection with the Dave Wright Nissan dealership at 999 Boyson Road.

F. Boyson Road right-of-way identified in Parcel A, plat of Survey No. 1995 with an address known as 1195 Boyson Road.

This portion of right-of-way was vacated, disposed and sold to Brainiac, Inc. in connection with the Mercy Hospital facility at 1195 Boyson Road.

Thank you for your consideration of this item. I would be happy to answer any additional questions you may have.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 137 VACATION AND DISPOSAL OF STREETS §137.05 DISPOSAL OF VACATED STREETS OR ALLEYS

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

SECTION 1. Chapter 137, Section 137.05 Disposal of Vacated Streets or Alleys, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

1. Disposal of Vacated Public Ground. The City of Hiawatha has determined the necessity for the disposal of the following vacated properties:

A. Southeast corner of Boyson Road and North Center Point Road including Parcels A and C which give access to Parcel B with an address known as 999 Boyson Road.

B. Langston Drive right-of-way east of 12th Avenue identified in Parcel A, Plat of Survey No. 2075.

(ADD)

C. Southeast corner of Stamy Road and Tower Terrace Road identified in Parcel A, Plat of Survey No. 1913 with an address known as 905 Tower Terrace Road.

D. Northerly portion of Kainz Drive right-of-way identified in Parcel A, Plat of Survey No. 1929, Auditor's Plat No. 372.

E. Part of Lot 18, Boyson Road right-of-way identified in Parcel A, Plat of Survey No. 1952, Auditor's Plat No. 372.

F. Boyson Road right-of-way identified in Parcel A, plat of Survey No. 1995 with an address known as 1195 Boyson Road.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision 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.

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SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7th day of September, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 7th day of September, 2016, and was posted as Ordinance No. _____ on the _____ day of September, 2016.

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Kelly Kornegor, City Clerk