

Whereupon, Council member Weland motioned that the following Resolution be approved.

RESOLUTION 2023-75

**A RESOLUTION TO SET A DATE FOR PUBLIC HEARING FOR THE VACATION AND
CONVEYANCE OF PUBLIC RIGHT-OF-WAY**

WHEREAS, on August 24, 2023, the City Council received a request to vacate and convey public right-of-way; and,

WHEREAS, Mr. Leonardo Gonzalez Meza and Ms. Gerver Noel Marroquin Argueta, the owners of the real property which abuts said public right-of-way, submitted the request to vacate and convey the public rights-of-way; and,

WHEREAS, the Planning and Zoning Commission shall meet to determine current or future public need or benefit for the public rights-of-way proposed to be vacated and conveyed, its maintenance at public expense, and if the proposed vacation and conveyance will not deny owners of property abutting the public rights-of-way reasonable access to their property; and,

WHEREAS, it is in the best interest of the City to set a hearing for the vacation and conveyance of the aforementioned rights-of-way and to provide an opportunity for further consideration of the public and the Planning & Zoning Commission; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Eagle Grove, Iowa:

1. That the City Council shall require a recommendation from the Eagle Grove Planning & Zoning Commission prior to the consideration of an ordinance to permanently vacate the aforementioned public right-of-way.
2. That the City Council of the City of Eagle Grove shall consider adoption of an ordinance permanently vacating the affixed Exhibit A: Legal Descriptions
3. NOTICE IS FURTHER GIVEN, that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed conveyance after a public hearing to be held at six-thirty (6:30) p.m. in the Council Chambers located at the Public Safety Building, 210 East Broadway Street, Eagle Grove, Iowa on Monday, December 4, 2023.

The motion was seconded by Council member Lorenzen and after due consideration thereof, the roll was called and the following Council Members voted:

AYES: Vandewater, Weland, Lorenzen, Limerick

NAYS:

Whereupon, the Mayor declared said Resolution duly PASSED and APPROVED on this 2nd day of October, 2023.

Sandra McGrath

Sandra McGrath, Mayor

ATTEST

Bryce Davis

Bryce Davis, City Administrator/Clerk

Exhibit A

Legal Descriptions

The north-south 20' x 100' alley between the East 40 feet of Lots 7 and 8 and the West 1/3 of Lots 9 and 10, Block 3, Cox's Addition to Eagle Grove, Iowa

The Johnson Law Firm, PLC

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August 24, 2023

City of Eagle Grove
Attn: Planning & Zoning Commission
121 N. Commercial
Eagle Grove, IA 50533

RE: 20' of the Alleyway located between, and the North 10' of the Alleyway to the South, of Lots 7-8 and Lots 9-10, Block 3, Cox's Addition

Dear Sir or Madame:

I represent Mr. Leonardo Gonzalez Meza and Ms. Gerver Noel Marroquin Argueta who own property locally known as 414 NE 4th, Eagle Grove, Iowa. They are owners of real property legally described as The East 40 feet of Lots 7 and 8, and the West 1/3 of Lots 9 and 10, Block 3, Cox's Addition to Eagle Grove, Iowa. I am attaching an aerial view of their property which shows the approximate lot lines.

There is currently splitting their property, a 20-foot city right of way or alley which appears to have been abandoned if it was ever used. To passerby's it would appear to be a part of the yard owned by my clients. Further, there is another 20-foot city right of way or alley directly to the South of my client's property which appears to have been abandoned if it was ever used.

I would like to make the following three points:

1. The public would not benefit from continuous ownership of this right of way. The right of way splitting my client's property does not lead to anywhere and is not currently suitable for public use as it is completely covered in grass and is not currently being maintained by the City. The City would benefit by the vacation and sale of these parcels because they would then be added to the tax rolls with no loss of current use to the City or local residents.

2. There are no current/future uses of this right of way. The only potential use of this Right of Way is to access my client's property, which is already accessible by NE 4th to the North or to access the right of way immediately to the South of my client's property which is also completely covered in grass, not being used, and not being maintained by the City. The right of way to the South of my client's property currently terminates in a dead end due to the railroad tracks immediately West of the right of way. I would also point out that there appears to have been a 20 foot right of way identical to the one at hand, on the block immediately to the West of Block 7 which has already been deeded to a contiguous landowner.

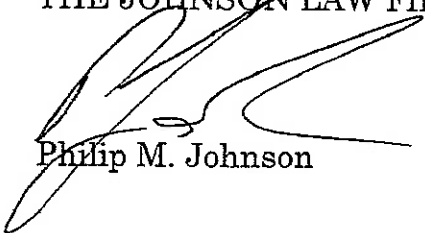
3. There are no utilities that would be impacted by disposing of this right of way. I have reviewed the abstract of title to my client's property and there are no utility easements of record on their parcels. A review of the overhead image of the property does not show any public utilities, lift stations, or other points of interest to the City or the local utilities on the right of ways at hand. If any such utilities are discovered, my clients will agree to reasonable easements to accommodate said utilities.

To further incentivize the City beyond the addition of this land to the tax rolls, my clients are offering to pay \$500.00 for the parcel splitting their lots and an additional \$500.00 for the North ½ of the right of way to the South of their property by extending their lot lines directly South. I have highlighted the attached overhead image to clarify the approximate land they are offering to purchase.

Please contact my office if you have any questions or if you wish my clients to provide the City with a signed Purchase Agreement.

Sincerely yours,

THE JOHNSON LAW FIRM, PLC

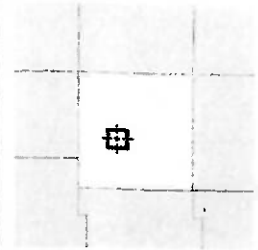


Philip M. Johnson

PMJ
Enclosures



Overview



Legend

- Parcels**
- Roads and Highways**
 - == Interstate
 - == US Hwy
 - State Hwy
 - Road

Parcel ID	0927282002	Alternate ID	n/a	Owner Address	Gonzalez Meza, Leonardo, 1/2 Int
Sec/Twp/Rng	0-0-0	Class	R		613 SE 1st St
Property Address	414 NE 4TH	Acreage	n/a		Eagle Grove, IA 50533-2318
	EAGLE GROVE				
District	EAGLE GROVE CORPORATION				
Brief Tax Description	E 40' OF LOT 7 & 8 & W 1/3 OF LOTS 9 & 10 BLOCK 3 COX (Note: Not to be used on legal documents)				

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