

**CITY OF ATLANTIC, IOWA  
ORDINANCE NO. 1045**

**AN ORDINANCE VACATING THE 66' WIDE STREET RIGHT-OF-WAY OF WEST FOURTH STREET IN THE CITY OF ATLANTIC, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST RIGHT-OF-WAY LINE OF LAUREL STREET EXTENDED, THENCE WEST TO THE EAST PROPERTY LINE OF THE IOWA INTERSTATE RAILROAD. SAID PARCEL CONTAINING APPROXIMATELY 0.7 ACRES. SAID DESCRIBED REAL ESTATE IS SUBJECT TO A STORMWATER SEWER EASEMENT RESERVED UNTO AND HELD BY THE CITY OF ATLANTIC, IOWA.**

WHEREAS, pursuant to notice published in the manner required by law, on the 17<sup>th</sup> day of August, 2024, this Council held a public hearing on a proposal to vacate a certain portion of the right of way as hereinafter described; and

WHEREAS, this Council determines that it is in the best interests of the City that said right of way be vacated.

BE IT ENACTED by the City Council of the City of Atlantic, Iowa:

SECTION 1. The City of Atlantic, Iowa does hereby vacate and release the following-described right of way:

The 66' wide street right-of-way of West Fourth Street described as follows: Beginning at the west right-of-way line of Laurel Street extended, thence west to the east property line of the Iowa Interstate Railroad. Said parcel containing approximately 0.7 acres. Said described real estate is subject to a stormwater sewer easement reserved unto and held by the City of Atlantic, Iowa.

SECTION 2. The vacated right of way is hereby conveyed, as follows:

- A. The North Half of that portion of the vacated right of way running East and West legally described as the 66' wide street right-of-way of West Fourth Street described as follows: Beginning at the west right-of-way line of Laurel Street extended, thence west to the east property line of the Iowa Interstate Railroad. Said parcel containing approximately 0.7 acres.

Title thereto is quieted to **Romar Investments, LLC.**

- B. The South Half of that portion of the vacated right of way running East and West legally described as the 66' wide street right-of-way of West Fourth Street described as follows: Beginning at the west right-of-way line of Laurel Street extended, thence west

to the east property line of the Iowa Interstate Railroad. Said parcel containing approximately 0.7 acres; EXCEPT that portion of the South Half that is adjacent to and North of Block 93 of the Original Town.

Title thereto is quieted to **Kevin K. Archibald and Bonnie L. Archibald, as joint tenants with full rights of survivorship and not as tenants in common.**

- C. The South Half of that portion of the vacated right of way running East and West legally described as the 66' wide street right-of-way of West Fourth Street described as follows: Beginning at the west right-of-way line of Laurel Street extended, thence west to the east property line of the Iowa Interstate Railroad. Said parcel containing approximately 0.7 acres, which is adjacent to and North of Block 93 of the Original Town.

Title thereto is quieted to **Kevin L. Denison.**

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Moved by McDermott to adopt.

Seconded by Otte to adopt.

Roll Call:

Kennedy : Aye

Behrens: —

McDermott: Aye

Sarsfield: Aye

Halder: Aye

Otte: Aye

Brink: Aye

Waiver of Second and Third Readings, if applicable:

Moved by \_\_\_\_\_ to adopt.

Seconded by \_\_\_\_\_ to adopt.

Roll Call:

Kennedy : \_\_\_\_\_  
Behrens: \_\_\_\_\_  
McDermott: \_\_\_\_\_  
Sarsfield: \_\_\_\_\_  
Halder: \_\_\_\_\_  
Otte: \_\_\_\_\_  
Brink: \_\_\_\_\_

Passed by the Council the 16<sup>th</sup> day of Sept, 2024 and approved this 16<sup>th</sup> day of Sept, 2024.

Grace Garrett  
Grace Garrett, Mayor

Attest:

Rich Tupper  
Rich Tupper, City Clerk

I certify that the foregoing was published as Ordinance No. 1045 on the 21 day of September 2024.

Rich Tupper  
Rich Tupper, City Clerk

STATE OF IOWA, COUNTY OF CASS: ss.

I, the undersigned, a notary public in and for the county and state aforesaid, does hereby certify that Grace Garrett, personally known to me to be the Mayor of the City of Atlantic, and Rich Tupper, personally known to me to be the City Clerk of the City of Atlantic, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before on the \_\_\_\_ day of April, 2024, in persona and severally acknowledged that as such Mayor and Clerk, they signed and delivered the said instrument as Mayor and Clerk, and caused the corporate seal of said City to be affixed thereto, pursuant to authority, as their free and voluntary act, and as the free and voluntary act and deed of said City for the uses and purposes therein set forth.

Amanda Jean Martin  
Notary Public, State of Iowa

