

This Resolution prepared by Jeena Lynch, City Clerk/Treasurer of the City of Independence, 331 1<sup>st</sup> Street East, Independence, Iowa 50644, 319-334-2780.

**RESOLUTION NO. 2019-32**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING FOR ACCESS EASEMENT AGREEMENT; WITHIN THE CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA.**

WHEREAS, the City of Independence, Iowa, (the "City"), pursuant to and in compliance with all laws applicable to the City, and in particular the provisions of Chapter 364 of the Code of Iowa, has received a request for an access easement agreement;

WHEREAS, Chapter 364 of the Code of Iowa provides a process by which a city may proceed with the disposition of an interest in real property, including giving notice and opportunity for public hearing;

WHEREAS, the City has received a request from Darrell D. Jones and Danelle M. Jones for an access easement over city property to their property, as it concerns real property legally described

A portion of land lying in the North Fractional One-half (1/2) of Section Three (3), Township Eight-eight (88) North, Range Nine (9) West of the 5<sup>th</sup> P.M., described as follows:

Beginning at the Northwest corner of Lot One (1) of Sunnyside Addition to the City of Independence, Iowa; thence South 2° 07' East 210 Feet; thence South 11° 37' East 240 feet; thence South 5° 07' East 160 feet; thence South 18° 23' West 70 feet; thence North 77° 38' West 466.83 feet; thence North 4° 08' 20" East 293.10 feet; thence North 0° 30' 20" West 138.64 feet; thence North 44° 21' 20" West 184.40 feet to the South right-of-way line of U.S. Highway No. 20; thence South 79° 02' East 100.30 feet to a point 90 feet South of the North line of the North fractional one half (1/2) of said Section 3; thence North 85° 50' East 420.10 feet to the point of beginning. (Assumed the North line of the North fractional one-half (1/2) of said Section 3 bears due East and West.)

Also a strip of land 20 feet in width lying between Lots 8 and 9 of Sunnyside Addition, Independence Iowa, described as follows:

Beginning at the Southwesterly corner of said Lot 8; thence Southwesterly 20 feet to the Northwesterly corner of said Lot 9; thence Southeasterly 219.28 feet to the Northeasterly corner of said Lot 9; thence Northeasterly 20 feet to the Southeasterly corner of said Lot 8, thence Northwesterly 220.87 feet to the point of beginning.

and incorporated herein by this reference, and otherwise near or on the locally known Jaycee Park;

WHEREAS, the matter has been referred to and considered by the Independence Planning and Zoning Commission, such that the Commission has recommended approval of such Easement; and

WHEREAS, in accordance with Chapter 364 of the Code of Iowa, it is now necessary that a date be set for public hearing on the Access Easement Agreement for consideration by the City Council.

NOW, THEREFORE, Be it Resolved by the City Council of the City of Independence, Iowa, as follows:

Section 1. This City Council will meet at the Council Chambers, Independence Iowa, Iowa, on the 28<sup>th</sup> day of May, 2019, at 6:30 p.m., at which time and place it will hold a public hearing on the proposed Access Easement Agreement.

Section 2. The City Clerk shall publish notice of the hearing, the same being in the form,

**NOTICE OF PUBLIC HEARING ON ACCESS EASEMENT AGREEMENT**

Pursuant to Iowa Code Chapter 364, the City of Independence, Iowa is considering an Access Easement Agreement as it concerns property owned by the City. Such Agreement would provide easement rights to Darrell D. Jones and Danelle M. Jones and any subsequent owner.

The proposed access easement is contemplated to exist along a currently existing driveway at Jaycee Park in Independence, Iowa.

The hearing on Access Easement Agreement shall be held at the following date, time, and location:

Date and Time for Public Hearing: May 28, 2019 at 6:30 p.m.

Location of Public Hearing: Independence City Hall, 331 1<sup>st</sup> Street East, Independence, Iowa 50644

A copy of the proposed agreement is available at Independence City Hall.

Legal Description: (Include Exhibit A from Resolution)

At the hearing, any interested person may file written comments or present oral comments with respect to the proposed application for rezoning.

which publication shall be made in a legal newspaper of general circulation in Independence, Iowa which publication shall be not less than four (4) days nor more than twenty (20) days before the date set for hearing.

**RESOLUTION NO. 2019-32** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 13<sup>th</sup> day of May, 2019.


Record of Voting:

Ayes: Vaughn, Kurtz, Hayward, Hill, Scharff, O'Loughlin, and Hanna.

Nays:

Absent: Brown

**RESOLUTION NO. 2019-32** declared passed and adopted by the Mayor on this 13<sup>th</sup> day of May, 2019.

  
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Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:

  
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Jeena Lynch, IaCMC, City Clerk/Treasurer, City of Independence, Iowa