

ORDINANCE NO. 2020-516

AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE  
OF A PORTION OF UNUSED 11<sup>th</sup> STREET NE RIGHT-OF-WAY

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

**Section 1. Purpose.** The purpose of this ordinance is to vacate and convey that portion of the City's 11<sup>th</sup> Street NE right-of-way described and delineated as "Parcel Q" on the Plat of Survey attached hereto as "Attachment 1" and incorporated herein by this reference.

**Section 2. Facts Found.** The City Council of the City of Independence, Iowa, finds, as required pursuant to the provisions of City Code §137.04, that Parcel Q is not needed for the use of the public, the maintenance of the same at public expense is no longer justified, and vacation and conveyance of Parcel Q will not deny owners of property abutting Parcel Q reasonable access to their properties.

**Section 3. Vacation.** In accordance with the factual findings set forth in this Ordinance, Parcel Q is hereby vacated.

**Section 4. Conveyance & Easement.** Parcel Q, as hereby vacated, shall be conveyed to Bachman Real Estate, L.L.C., an Iowa limited liability company, which own real property adjacent to both the north and east boundaries of Parcel Q, in consideration of Two Thousand Three Hundred-Ninety-Five-and 92/100 Dollars (\$2,395.92), reimbursement of the City's administrative cost to effectuate the vacation and conveyance of Parcel Q, and other good and valuable consideration. The Mayor and City Clerk are hereby authorized and directed to execute a Quit Claim Deed conveying title to Parcel Q to Bachman Real Estate, L.L.C., and to execute such other or further documentation as may be required to facilitate said conveyance.

**Section 5. 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 6. Repealer.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.


**Section 7. Effective Date.** This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

CITY OF INDEPENDENCE, IOWA,



By: Bob Hill, Mayor Pro Tem

ATTEST:



Jeena Lynch, IaCMC, City Clerk/Treasurer

ADOPTED: March 23, 2020