

RESOLUTION NO. 20-23

**A RESOLUTION OF INTENT TO SELL PROPERTY AND  
AUTHORIZING PUBLICATION OF NOTICE OF HEARING**

At a meeting held on the 13<sup>th</sup> day of July 2020, the following Resolution was presented to the City Council of Auburn:

**RESOLUTION:**

**WHEREAS**, the City of Auburn, Sac County, Iowa, is the owner of the following described property hereinafter referred to as the "City's property":

Approximately seventy (700) square feet towards the west end of a parcel identified as parcel number 811624200010 with the Sac County Assessor's office.

**WHEREAS**, M&M Land and Livestock II, LLC, is the owner of approximately seven-hundred (700) square feet ("MMLL's property") of the following described property that is adjacent to the City's property and which would be advantageous for the City to own:

That part of the West Half of the Northwest Quarter (W 1/2, NW 1/4) of Section Twenty-four (24), Township Eighty-six (86) North, Range Thirty-five (35) West of the 5th P.M., bounded as follows: On the North by the south line of First Street, on the West and East by two lines drawn at right angles to said south line of First Street from point on said south line which are respectively distant Three Hundred Twenty-five (325) feet and Nine Hundred Twenty-five (925) feet Easterly, as measured along the said south line, from the East line of the West Thirty-three (33) feet of the Northwest Quarter (NW 1/4) of said Section Twenty-four (24), and on the South by a line drawn parallel with and distant Eight and five tenths (8.5) feet Northerly, as measured at right angles, from the center line of the main tangent segment and its Easterly extension of the Northerly Spur Track I.C.C. No. 58 of the Chicago and North Western Railway Company, as is now located and established. EXCEPT: A part of Lot 20, Warehouse Lots in the City of Auburn, Sac County, Iowa and also a part of the West Half of the Northwest Quarter (W1/2, NW1/4) of Section 24, Township 86 North, Range 35 West of the 5th P.M., Sac County, Iowa together being more particularly described as follows: Commencing at the Northeast (NE) corner of Lot 20, Warehouse Lots in the City of Auburn, Sac County, Iowa; thence on an assumed bearing of South 05° 14' 50" East, along the East line of said Lot 20 and its southeasterly extension, 101.95 feet to a point on a line 8.5 feet northerly of, as measured at a right angle from the easterly extension of the tangent of the

centerline of Spur Track No. 58 of the former Chicago and Northwestern Railroad; thence South 84° 43' 10" West, parallel with said tangent of Spur Track No. 58, 10.00 feet; thence North 05° 14' 50" West, 101.95 feet to the North line of said Lot 20; thence North 84° 44' 00" East, along said North line, 10.00 feet to the point of beginning. Excepted tract contains 0.02 acres and is subject to all easements of record

**WHEREAS**, the City's property should be conveyed to M&M Land and Livestock II, LLC, in exchange for approximately seventy (700) square feet of MMLL's property which is of the same value;

**WHEREAS**, in the opinion of this Council it would be advantageous for said City to accept the offer to sell the said premises for the consideration specified above, and

**WHEREAS**, it is necessary before such sale can be made by this Council to publish notice at least once not more than twenty (20) days nor less than four (4) days prior to said meeting of the proposed sale as required by law.

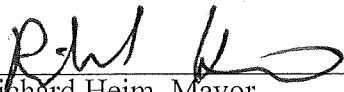
**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, IOWA, THAT:**

Approximately seventy (700) square feet towards the west end of a parcel identified as parcel number 811624200010 be sold to M&M Land and Livestock II, LLC, subject to the City retaining any utility easements of record, in consideration of receiving approximately seventy (700) square feet of MMLL's property in exchange. The exact dimensions shall be established by surveys to be done. The City shall not be providing an abstract of title to the buyer.

Further, the City is hereby authorized and directed to publish notice of said proposed sale. Said published notice to advise electors that final action upon said proposal will be taken by the

City Council at a meeting thereof to be held in the City Hall in Auburn, Iowa, on the 10th day of August, 2020, at 6:00 p.m.

Passed and approved by the City Council of Auburn, Iowa, on this 13<sup>th</sup> day of July 2020.

  
Richard Heim, Mayor

ATTEST:

  
Tamara Nuckolls, City Clerk

It was moved by Council member Finley and seconded by Council member Theulen that the foregoing Resolution be adopted. The motion was duly put to vote of the Council, the ayes and nays were called and the vote thereon was as follows:

AYES: Carlyle, Theulen, Barto, and Finley

NAYS: None

ABSENT: Schulte

Whereupon the Mayor declared the motion duly carried and the Resolution duly adopted.

CERTIFICATE

I, Tamara Nuckolls, City Clerk of the City of Auburn, Iowa, hereby certify that the foregoing is a true copy of a Resolution adopted by the City Council of the City of Auburn, Iowa, at a regular meeting of the City Council held on the 13<sup>th</sup> day of July, 2020, and the vote thereon as recorded in the records of the City now in my custody.

Dated this 13<sup>th</sup> day of July, 2020.

  
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Tamara Nuckolls, City Clerk

(CITY SEAL)