

---

## AGENDA ITEM SUMMARY

---

**Subject: Consider Resolution 57-21 setting a public hearing on conveyance of real estate by the City of Charles City**

---

Recommendation: Approve Resolution Number 57-21

---

### **Background Summary:**

DeLaine and Jane Freeseaman own property south of Riden's Addition and north of the Charley Western recreation trail. As a result of a recent property boundary survey, it was determined the north line of the Freeseamans' property does not directly abut the south line of the Riden Addition and Cedar Street. As a result of prior surveying errors, a "sliver" of land between the Freeseaman parcel and the Riden Addition properties now exists. This sliver is labeled as Parcel "O" on the attachments.

In order to obtain marketable title to Parcel "O" and help eliminate future boundary disputes for the two abutting lots in Riden's Addition, the Freeseamans are seeking to acquire quit claim deeds from the owners of 3 and 4 Riden Circle and the City of Charles City at the abutting Cedar Street right-of-way. This will match the use of the property as the property owners use the north line of Parcel "O" as the adjoining property line. The City will be reimbursed for legal fees and costs associated in preparing and recording a quit claim deed.

Parcel "O" south of Cedar Street is not City right-of-way or property. The quit claim deed will merely indicate the City has no interest in part of Parcel "O" and is transferring any interest to the Freeseamans. The City will follow the process used when conveying City owned property by holding a public hearing prior to approving the quit claim deed. The public hearing can be scheduled for 6:00pm on May 17, 2021.

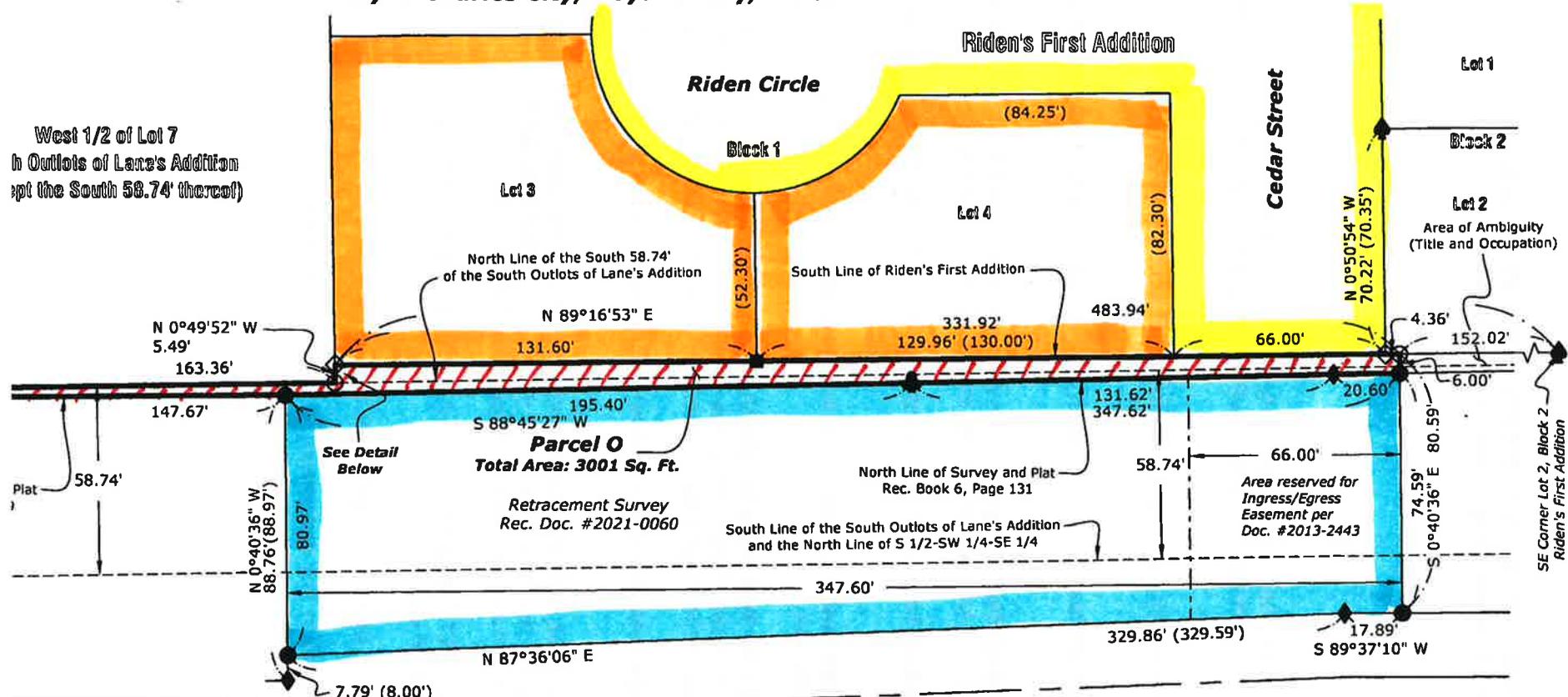
We recommend approval of Resolution 57-21 setting the public hearing for May 17<sup>th</sup>.

Riden's Addition / Cedar Street Title Issue



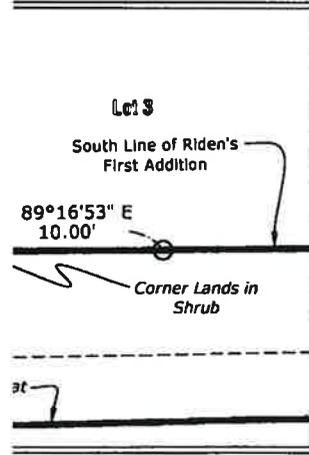
Plat of Survey  
**Parcel O in the SW 1/4 - SE 1/4 of Section 12 - T95N - R16W,  
 City of Charles City, Floyd County, Iowa.**

West 1/2 of Lot 7  
 in Outlots of Lane's Addition  
 (except the South 58.74' thereof)



**RIDEN ADDITION /  
 CEDAR STREET  
 TITLE ISSUE**

-  Freeseman Property
-  3 and 4 Riden Circle
-  City Right-of-Way
-  Parcel O



S 1/2-SW 1/4-SE 1/4



Scale - 1 inch = 50 ft.

**RESOLUTION NO. 57-21**

**RESOLUTION SETTING PUBLIC HEARING ON PROPOSED CONVEYANCE OF REAL ESTATE BY THE CITY OF CHARLES CITY, IOWA**

WHEREAS, DeLaine H. Freeseaman and Jane F. Freeseaman, husband and wife (collectively, "Freeseamans"), identified a boundary and description issue for certain property owned by the Freeseamans which lies to the south of Riden's First Addition in Charles City, Iowa, which property at issue has been surveyed and is legally described as:

PARCEL O located in the Southwest Quarter of the Southeast Quarter of Section 12, Township 95 North, Range 16 West of the 5th P.M., City of Charles City, Floyd County, Iowa, as described and depicted on Plat of Survey filed February 24, 2021 as Instrument No. 2021-0512 in the office of the Floyd County Recorder

WHEREAS, the plat and dedication of Riden's First Addition was approved by the City of Charles City on March 7, 1977, as set forth in the Certificate of the City Clerk filed on March 10, 1977, in Book 77 TLD, Page 47 in the Office of the Floyd County Recorder, and Cedar Street (as platted therein) was dedicated to and accepted by the City as public right of way; and

WHEREAS, the south line of Cedar Street (as platted) abuts the property owned by the Freeseamans as described above; and

WHEREAS, the City of Charles City, Iowa, has received a request from the Freeseamans for a 'quit claim' deed from the City of Charles City for said real estate to resolve the existing title and boundary issue for the property abutting Cedar Street to the south; and

WHEREAS, the Freeseamans have offered to provide the City with good and valuable consideration in exchange for a 'quit claim' deed from the City of Charles City; and

WHEREAS, it is the intention of the City Council of the City of Charles City to 'quit claim' its interest in said property to the Freeseamans as above described, subject to approval following public hearing as required by §364.7 of the Iowa Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charles City that a public hearing on the City's proposal to convey any interest of the City in and to the above-described real property to DeLaine H. Freeseaman and Jane F. Freeseaman on the terms set forth above shall be held in the Council Room at City Hall in Charles City, Iowa, 105 Milwaukee Mall, at 6:00 p.m. on the 17<sup>th</sup> day of May, 2021.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to publish notice of the time and place of hearing in accordance with §362.3 of the Iowa Code.

Council Member \_\_\_\_\_ moved adoption of the foregoing Resolution, Council Member \_\_\_\_\_ seconded the motion to adopt, and on roll call, the voting was as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Passed and approved this 3rd day of May, 2021.

\_\_\_\_\_  
Dean Andrews, Mayor

Attest:

\_\_\_\_\_  
Trudy O'Donnell, City Clerk