
AGENDA ITEM SUMMARY

Subject: Hold public hearing for conveyance of City interest in real estate and consider Resolution 60-21 to convey conveyance of real estate by the City of Charles City

Recommendation: Approve Resolution Number 60-21

Background Summary:

Per discussions at previous meetings, 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 Freesemans' 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 Freesemans 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.

Parcel "O" south of Cedar Street is not City right-of-way or property. The quit claim deed indicates the City has no interest in Parcel "O" and is transferring any interest to the Freesemans. Prior to approving the quit claim deed, a public hearing will be held at Monday's City Council meeting. The City will be reimbursed for legal fees and costs associated in preparing and recording a quit claim deed.

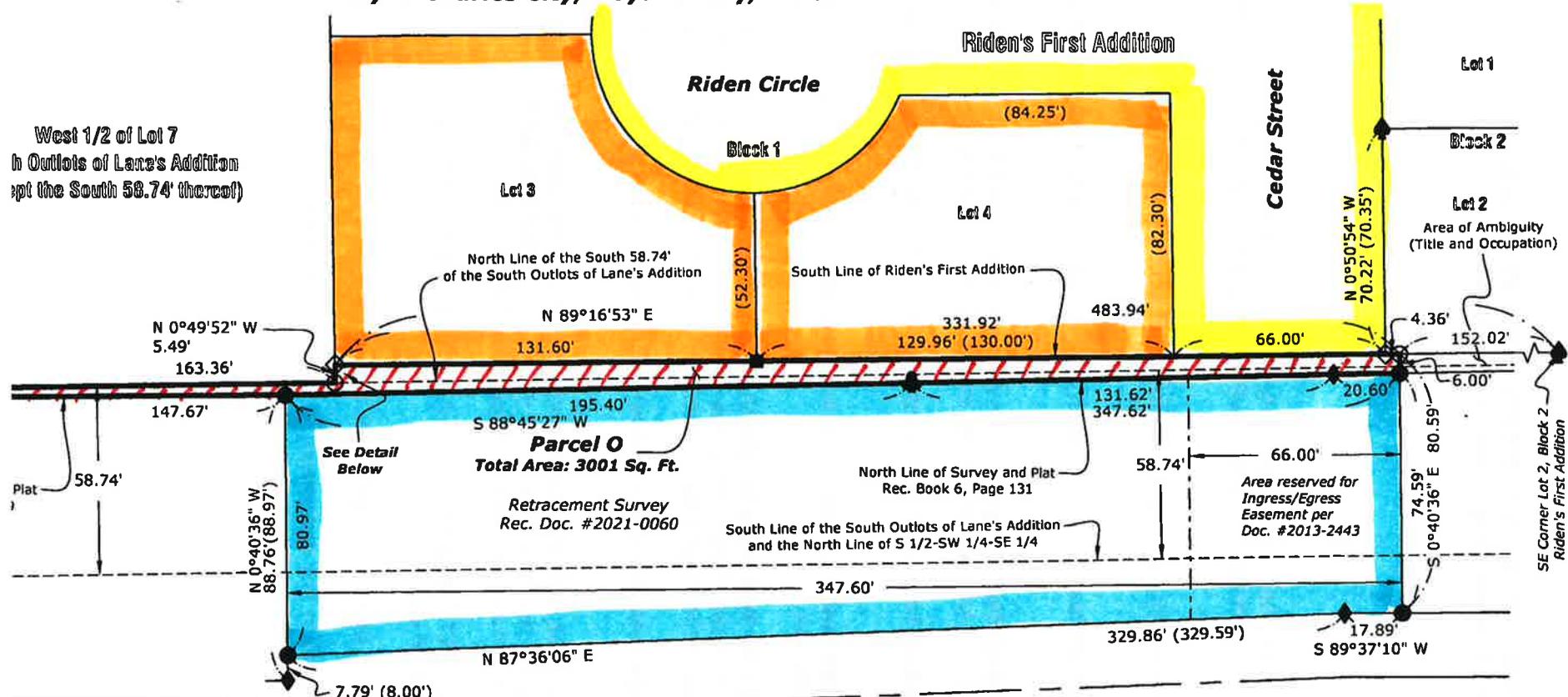
We recommend approval of Resolution 60-21 approving the deed for that portion of Parcel "O" south of the existing Cedar Street right-of-way.

Riden's Addition / Cedar Street Title Issue



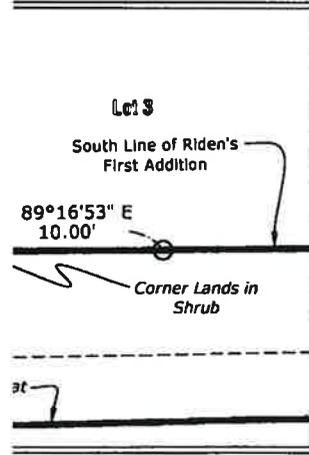
Plat of Survey
**Parcel O in the SW 1/4 - SE 1/4 of Section 12 - T95N - R16W,
 City of Charles City, Floyd County, Iowa.**

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

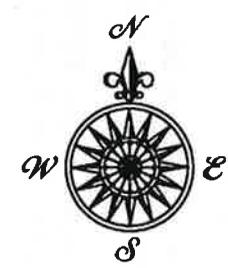


RIDEN ADDITION /
 CEDAR STREET
 TITLE ISSUE

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



**Charley Western Bike Trail
 (Formerly Iowa Terminal Railroad)**



Scale - 1 inch = 50 ft.

Prepared by: Brad Sloter, 200 N. Johnson St., Charles City, Iowa (641) 228-4533

Return to: Trudy O'Donnell, 105 Milwaukee Mall, Charles City, IA 50616

Address Tax Statement: DeLaine H. Freeseaman and Jane F. Freeseaman, 508 8th St., Charles City, IA 50616

MUNICIPAL DEED

The **City of Charles City, Iowa**, a municipal corporation, of the County of Floyd and State of Iowa, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration in hand paid by **DeLaine H. Freeseaman and Jane F. Freeseaman**, have bargained and sold and by these presents does QUIT CLAIM unto the said **DeLaine H. Freeseaman and Jane F. Freeseaman, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common** the following-described real estate situated in the County of Floyd and State of Iowa, to-wit:

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

(No Transfer Tax as deed is a deed in which a political sub-division of the State of Iowa is Grantor. §§428A.2(6)).

This conveyance is made under authority of Resolution No. _____ passed and adopted by the City Council of Charles City, Iowa, on the 17th day of May, 2021.

Signed and dated this ____ day of _____, 2021.

CITY OF CHARLES CITY, IOWA

By _____
Dean Andrews, Mayor

ATTEST:

Trudy O'Donnell, City Clerk

STATE OF IOWA)
) ss
COUNTY OF FLOYD)

On this _____ day of _____, 2021, before me, a notary public in and for the state of Iowa, personally appeared Dean Andrews and Trudy O'Donnell, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Charles City, Iowa; that the seal affixed to the foregoing instrument is the seal of said municipality of Charles City, Iowa, and that the instrument was signed and sealed on behalf of said City by authority of its City Council, and that Dean Andrews and Trudy O'Donnell acknowledged the execution of the instrument to be the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

RESOLUTION NO. 60-21

RESOLUTION APPROVING CONVEYANCE OF REAL PROPERTY

WHEREAS, the City of Charles City has received a request from DeLaine H. Freeseeman and Jane F. Freeseeman, husband and wife (collectively, “Freeseemans”), for a ‘quit claim’ deed from the City of Charles City, Iowa, for certain real estate described below to resolve a title and boundary issue as described in the Resolution Setting Public Hearing on Proposed Conveyance of Real Estate passed on May 3, 2021, subject to approval of said conveyance by the Council after public hearing pursuant to §364.7 of the Iowa Code; and

WHEREAS, the City of Charles City, Iowa, has held a public hearing on the 17th day of May, 2021, upon prior notice to the public as required by §362.3 of the Iowa Code, for the proposed conveyance of the following-described property to the Freeseemans:

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

(“the Property”)

WHEREAS, no objections have been received, and it is in the best interests of the City to proceed with the conveyance of the Property to the Freeseemans on the terms set forth herein.

NOW, THEREFORE, BE IT RESOLVED:

1. That the conveyance of the Property to DeLaine H. Freeseeman and Jane F. Freeseeman be and is hereby approved.
2. That the Mayor and City Clerk are authorized to execute a Quit Claim Deed for the conveyance above identified, and are authorized to take all actions necessary to complete the above-described transaction, including execution of ancillary documents.
3. Upon execution of the Deed, the City Clerk is authorized and directed to forward the original Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of hearing to the Floyd County Recorder for the purpose of causing said documents to be recorded.

Council Member _____ moved adoption of the foregoing Resolution; Council Member _____ seconded the motion to adopt. On roll call, the voting was as follows:

Ayes: _____

Nays: _____

Passed and approved this _____ day of _____, 2021.

Dean Andrews, Mayor

Attest:

Trudy O’Donnell, City Clerk