

ORDINANCE NO. 254

ORDINANCE APPROVING VACATION AND TRANSFER OF AN UNNEEDED EASEMENT AND PROPERTY TO THE IOWA GREAT LAKES SANITARY DISTRICT

WHEREAS, the City of Okoboji, Dickinson County, Iowa ("City") is a municipal corporation organized and existing under the laws of the State of Iowa;

WHEREAS, the City has existing sanitary sewer infrastructure and an easement for sanitary sewer located as legally defined as:

PROPERTY DESCRIPTION:

A parcel of land for easement purposes in Lots 10, 11, and Parcel "D" of part of Lot 12 of Brooks Park Addition, Okoboji, Iowa, described as follows:

Commencing at the southwest corner of said Lot 11: Thence north 89°24'06" east along the north right-of-way line of Brooks Park Drive a distance of 69.99 feet to the point of beginning; thence north 00°13'37" east a distance of 769.87' feet; thence north 89°24'57" east a distance of 20.00 feet to the east line of said Lot 12; thence South 00°13'37" west along said east line of Parcel "D" of Lot 12 and through a portion of Lot 10 a distance of 769.87 feet to the north right-of-way line of Brooks Park Drive; thence south 89°24'06" west along said right-of-way line a distance of 20.00 feet to the point of beginning.

Said described parcel contains 15,397 square feet or 0.35 acres, more or less.

WHEREAS, the Iowa Great Lakes Sanitary District ("IGLSD") has requested the City vacate and transfer the existing easement to the IGLSD.

WHEREAS, the City intends to vacate the easement and convey all infrastructure within the easement to the IGLSD.

WHEREAS, The Iowa Great Lakes Sanitary District agrees to accept all responsibility for the easement and infrastructure including all current and future maintenance.

WHEREAS, Iowa Code §364.7 requires a public hearing prior to a City disposing of an interest in real estate;

WHEREAS, City Code §137.02 requires any proposal to vacate a street, alley, or portion thereof or any public grounds be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission has held said meeting and recommended approval;

WHEREAS, the City Council has heretofore caused notice to be published of a public hearing on said aforementioned proposal and has determined it is in the best interest of the City to approve the same;

WHEREAS, a motion was made by Councilmember Mendenhall and seconded by Councilmember Robinson to consider approval of this Ordinance (First Consideration) and upon roll call the following vote was recorded: 4-0. Said motion to consider approval of this Ordinance (First Consideration) was passed by the City Council;

WHEREAS, a motion was made by Councilmember Hentges and seconded by Councilmember Andres to waive the second and third considerations of this Ordinance and upon roll call the following vote was recorded: 4-0 Said motion to waive the second and third considerations of this Ordinance was passed by the City Council;

WHEREAS, a motion was made by Councilmember Robinson and seconded by Councilmember Hentges to adopt this Ordinance and upon roll call the following vote was recorded: 4-0. Said motion to consider approval of this Ordinance was adopted by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on Tuesday, February 25, 2020.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Okoboji, Iowa:

Section 1. PURPOSE. The purpose of this Ordinance is to vacate and convey an easement and all property to the Iowa Great Lakes Sanitary District, all as above set forth.

Section 2. VACATION. The easement and infrastructure in Section 1 above is hereby vacated and transferred to the Iowa Great Lakes Sanitary District. The Iowa Great Lakes Sanitary District agrees to accept all responsibility for the easement and infrastructure including all current and future maintenance.

Section 3. REPEALER. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. 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.

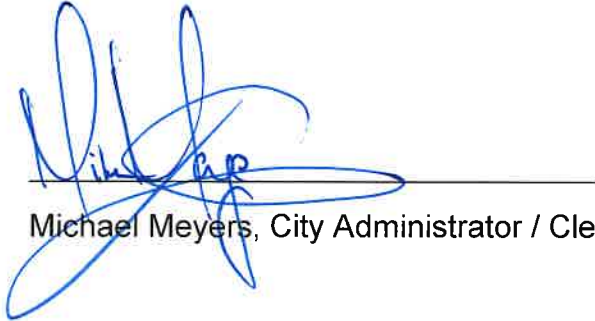
Section 5. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Section 6. PUBLICATION. The City Clerk / Administrator is hereby authorized and directed to publish this Ordinance in a newspaper of general circulation in Dickinson County, Iowa in conformance with the Iowa law.

PASSED AND APPROVED ON THIS 25TH DAY OF FEBRUARY, 2020



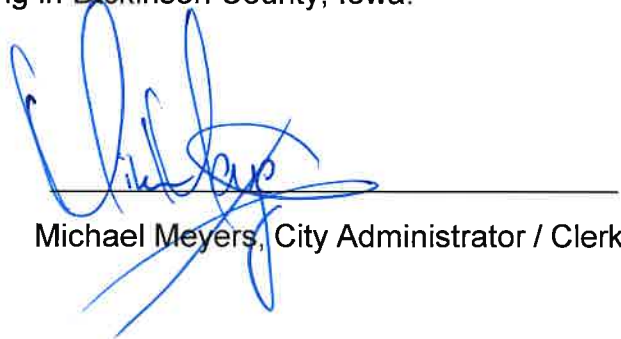
Mayor Mary VanderWoude



Michael Meyers, City Administrator / Clerk

I, the undersigned, hereby certify that I am the duly appointed, qualified and acting City Administrator/Clerk of the City of Okoboji, Iowa and the foregoing Ordinance was duly adopted by the City Council of the City of Okoboji, on the 25th day of February, 2020 and thereafter on the 4th day of March, 2020, the same was published in the Dickinson County News, a weekly newspaper publishing in Dickinson County, Iowa.

Dated this 4th day of March, 2020.



Michael Meyers, City Administrator / Clerk