

**ORDINANCE NO. 02-O-2023-2024**

**AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY IN A PORTION OF MARSHALL AVENUE IN THE CITY OF STORM LAKE**

WHEREAS, the City of Storm Lake, Iowa (the “City”) proposes to vacate a portion of the Marshall Avenue, as further described herein; and

WHEREAS, Iowa Code Sections 306.11, 306.12, and 364.12(2)(a) require that public ways be vacated by ordinance, after published and mailed notice and a public hearing before the City Council; and

WHEREAS, the City Council set a public hearing on the proposed vacation for its meeting held on September 5, 2023 and, following notice given as directed by law, held said public hearing; and

WHEREAS, the City Council now wishes to proceed with the vacation of the public right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, STATE OF IOWA:

Section 1: That no claim for damages was filed at or before the hearing and no person is entitled to damages from the vacation of this public right-of-way.

Section 2: That the public right-of-way in the portion of Marshall Avenue legally described as follows is hereby vacated:

That part of Marshall Avenue, Meier's Second Subdivision, City of Storm Lake, Buena Vista County, Iowa, more particularly described as follows:

Beginning at the Northeast corner of Block 2, Meier's Second Subdivision; thence S89°55'58"W on the North line of said Block 2, a distance of 486.46 feet to the Northwest corner of said Block 2; thence N00°37'22"E on the West Right-of-Way line of said Marshall Avenue, a distance of 213.49 feet to the North Right-of-Way line of said Marshall Avenue; thence N89°12'40"E on said North Right-of-Way line, a distance of 60.02 feet to the Northwest corner of Block 1, said Meier's Second Subdivision; thence S00°37'22"W on the West line of said Block 1, a distance of 154.50 feet to the Southwest corner of said Block 1; thence N89°55'58"E on the South line of said Block 1, a distance of 425.14 feet to the Southeast corner of said Block 1; thence S00°38'07"E on the East Right-of-way line of said Marshall Avenue, a distance of 60.00 feet to the point of beginning, containing 0.88 Acres and is further subject to any and all Easements.

For this Survey, the East line of Meier's Second Subdivision is assumed to bear S 00°38'07" E.

Section 3: That no public or private utility easements are located within the portion of Marshall Avenue containing this now-vacated public right-of-way.

Section 4: All ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Michael Porsch, Mayor

ATTEST:

\_\_\_\_\_  
Mayra A. Martinez, City Clerk

Read First Time: \_\_\_\_\_September 5, 2023\_\_\_\_\_

Read Second Time: \_\_\_\_\_September 18, 2023\_\_\_\_\_

Read Third Time: \_\_\_\_\_October 2, 2023\_\_\_\_\_

PASSED AND APPROVED October 2nd, 2023.

\_\_\_\_\_  
Michael Porsch, Mayor

ATTEST:

\_\_\_\_\_  
Mayra A. Martinez, City Clerk

I, \_\_\_\_\_, City Clerk of the City of Storm Lake, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. \_\_\_\_\_ passed and approved by the City Council of the City at a meeting held \_\_\_\_\_, 2023, signed by the Mayor on \_\_\_\_\_, 2023, and published in the Storm Lake Times Pilot on \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk, City of Storm Lake, State of Iowa