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RESOLUTION NO. _____-23

DISPOSING OF PROPERTY BY VACATING CITY INTEREST IN A PORTION OF EASEMENTS FOR SANITARY SEWER UTILITIES OVER AND ACROSS A PART OF LOT 1 OF DUBUQUE INDUSTRIAL CENTER 14TH ADDITION, IN THE CITY OF DUBUQUE, IOWA

Whereas, the City Council, by Resolution No. 61-23, dated the 6th day of March 2023, declared its intent to dispose of City interest in utility easements on real property, legally described as:

Part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa, according to the recorded plat thereof (the Property); and

Whereas, per an agreement between the City of Dubuque, Dubuque Initiatives, MAR Holdings, and Geisler Family Realty Company, the parties wish to set forth terms for the relocation of a proposed public sanitary sewer utility located in Part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa; and

Whereas, that sanitary sewer easements were included on the Plat of Survey recorded as Instrument No. 10616-99 and the Final Plat recorded as Instrument No. 2006-11108 in the Dubuque County Recorder's Office; and

Whereas, a part of the City of Dubuque sanitary sewer that had previously been constructed inside the easements provided on Plat of Survey recorded as Instrument No. 10616-99 and the Final Plat recorded as Instrument No. 2006-11108 in the Dubuque County Recorder's Office have been relocated to a new alignment by Geisler Family Realty; and

Whereas, per Resolution No. 272-22 the City of Dubuque has inspected and tested and accepted the newly constructed and relocated sanitary sewer for ownership and maintenance and as per Resolution No. 40-22 the City has accepted a Grant of Sanitary Sewer for the newly constructed and relocated sanitary sewer; and

Whereas, per said agreement the City is responsible for vacating a portion of the former sanitary sewer easement area through a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa.

Whereas, pursuant to published notice, a public hearing was held on the proposed disposition on the 6th day of March 20, 2023 at 6:30 p.m. in the Historic Federal Building, 350 W. 6th Street, Dubuque, Iowa; and

Whereas, it is the determination of the City Council that City interest in a portion of the sanitary sewer easements across a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Iowa, included on the Plat of Survey recorded as Instrument No. 10616-99 and the Final Plat recorded as Instrument No. 2006-11108 in the Dubuque County Recorder's Office, as shown on the attached Exhibit A should be vacated and doing so is in the public interest of the City of Dubuque.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA;

Section 1. The City hereby vacates all interest in a portion of the sanitary sewer easements across a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Iowa, included on the Plat of Survey recorded as Instrument No. 10616-99 and the Final Plat recorded as Instrument No. 2006-11108 in the Dubuque County Recorder's Office, as shown on the attached Exhibit A.

Section 2. The City Clerk is hereby authorized to and directed to record this resolution with the Dubuque County Recorder.

Passed, approved, and adopted this 20th day of March 2023.

Brad M. Cavanagh, Mayor

Attest:

Adrienne N. Breittfelder, City Clerk