

**June 17, 2014**

**To: Mayor Bemrich and City Council**  
**From: David Fierke, City Manager**  
**Subject: Amendment to Resolution Nos.**  
**14-05-139 and 14-05-140**



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**ACTION: For vote Monday, June 23, 2014**

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**Brief History**

On May 27, 2014, the City Council approved Resolution Nos. 14-05-139, which authorized the sale of certain real estate to Sue Hulett and 14-05-140, which authorized the sale of certain real estate to Terry and Lisa LaCaille. Prior to disposition, it was determined that the property would require subdivision and that process was started. The two properties were legally described in the respective resolutions based on the pending subdivision.

Since that time, it has been determined by the City Attorney that the properties do not need to be subdivided and they should be disposed of by quit claim deed using the original legal descriptions.

**Analysis of Issue**

The properties described in Resolution Nos. 14-05-139 and 14-05-140 are the same properties that were intended to be disposed of to the adjacent property owners. Since there will be no new subdivision, clarification is needed in order to reflect the original legal descriptions of the properties.

**Budget Impact**

This action will have no budget impact.

**Strategic Plan Impact**

Policy D.4.2: Advanced planning for all infrastructure facilities shall be supported and routinely updated. Facilities benefited by advanced planning shall include, at minimum, schools, health care, residential areas, roads, water, sewer, storm water management, parks, recreation, and greenways.

**Existing Plan Impact**

Amending these two resolutions is consistent with the City's disposition policy.

**Subcommittee or Commission Review / Recommendation**

None

**Staff Conclusions / Recommendations**

Staff recommends amending Resolution Nos. 14-05-139 and 14-05-140 to reflect the correct legal descriptions.

**Alternatives**

There are no viable alternatives.

**Implementation and Accountability**

If this resolution is approved, staff will file the amended resolutions with the deeds.

Signed

Approved



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Vickie L. Reeck  
Community Development Manager

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David R. Fierke  
City Manager

Prepared by Vickie Reeck, Department of Business Affairs & Community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501  
(515) 573-8321

Mail recorded documents to: Department of Business Affairs & community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING THE LEGAL DESCRIPTION IN RESOLUTION NO. 14-05-139, "A RESOLUTION APPROVING THE OFFERING OF PROPERTY FOR SALE AND METHOD OF SELECTING A DEVELOPER FOLLOWING PUBLIC HEARING"**

WHEREAS, on May 27, 2014 the City Council of the City of Fort Dodge, Iowa, approved Resolution No. 14-05-139, A Resolution Approving the Offering of Property For Sale and Method of Selecting a Developer Following Public Hearing; and,

WHEREAS, said Resolution No. 14-05-139 approved the sale of the following described property to Sue Hulett for \$560:

Lot One (1), Jordan Well Addition to the City of Fort Dodge, Iowa;

and,

WHEREAS, the subject property was legally described based on a pending subdivision plat; and,

WHEREAS, the City has determined that a subdivision plat is not needed in order to dispose of this property; and,

WHEREAS, the property should have been described as follows:

That portion of lands described as the West 100 feet and North 140 feet of lands located in Block 107, Town Company's Addition to the City of Fort Dodge, Webster County, Iowa

AND

The West 100 feet of vacated alley located in Block 107, Town Company's Addition to the City of Fort Dodge, Webster County, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA that Resolution No. 14-05-139 be amended to reflect the correct legal description.

Be it further resolved that the subject property be sold "as is" to Sue Hulett for \$560 as originally set out in Resolution No. 14-05-139.

PASSED AND APPROVED by the Fort Dodge City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
OTHER: \_\_\_\_\_

CITY OF FORT DODGE, IOWA

By: \_\_\_\_\_  
Matt Bemrich, Mayor

ATTEST:

\_\_\_\_\_  
Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public

Prepared by Vickie Reeck, Department of Business Affairs & Community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501  
(515) 573-8321

Mail recorded documents to: Department of Business Affairs & community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING THE LEGAL DESCRIPTION IN RESOLUTION NO. 14-05-140, "A RESOLUTION APPROVING THE OFFERING OF PROPERTY FOR SALE AND METHOD OF SELECTING A DEVELOPER FOLLOWING PUBLIC HEARING"**

WHEREAS, on May 27, 2014 the City Council of the City of Fort Dodge, Iowa, approved Resolution No. 14-05-140, A Resolution Approving the Offering of Property For Sale and Method of Selecting a Developer Following Public Hearing; and,

WHEREAS, said Resolution No. 14-05-140 approved the sale of the following described property to Terry and Lisa LaCaille for \$1,000:

Lots Two (2) and Three (3), Jordan Well Addition to the City of Fort Dodge, Iowa;

and,

WHEREAS, the subject property was legally described based on a pending subdivision plat; and,

WHEREAS, the City has determined that a subdivision plat is not needed in order to dispose of this property; and,

WHEREAS, the property should have been described as follows:

That portion of land described as all of the Southerly half of Block 107, Town Company's Addition to Fort Dodge, Iowa, except that part lying on the East side of a line running through said premises parallel to and 400 feet Northeast of the

East line of the right-of-way of the Minneapolis and St. Louis Railroad Company  
(now the right-of-way of Chicago Northwestern Railway Company)

AND

That portion of 13<sup>th</sup> Avenue SW between 16th Street SW and 15<sup>th</sup> Street SW,  
between Blocks 106 and 107 in Town Company's Addition to the City of Fort  
Dodge, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF FORT DODGE, IOWA that Resolution No. 14-05-140 be amended to reflect  
the correct legal description.

Be it further resolved that the subject property be sold "as is" to Terry and Lisa  
LaCaille for \$1,000 as originally set out in Resolution No. 14-05-140.

PASSED AND APPROVED by the Fort Dodge City Council this \_\_\_\_\_ day of  
\_\_\_\_\_, 2014.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
OTHER: \_\_\_\_\_

CITY OF FORT DODGE, IOWA

By: \_\_\_\_\_  
Matt Bemrich, Mayor

ATTEST:

\_\_\_\_\_  
Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2014 before me, the undersigned, a Notary Public in  
and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who  
being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of said  
corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and  
sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City  
Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of  
said corporation, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public



Prepared by Vickie Reeck, Department of Business Affairs & Community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501  
(515) 573-8321

Mail recorded documents to: Department of Business Affairs & community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501

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**RESOLUTION NO. 14-05-139**

**A RESOLUTION APPROVING THE OFFERING OF PROPERTY FOR SALE  
AND METHOD OF SELECTING A DEVELOPER FOLLOWING PUBLIC  
HEARING**

WHEREAS, the City is proposing to dispose of the following described real estate parcel:

Lot One (1), Jordan Well Addition to the City of Fort Dodge, Iowa;

and,

WHEREAS, the City has no use for said real estate except as hereinafter set out;  
and,

WHEREAS, a public hearing was held on the 27<sup>th</sup> day of May, 2014 at 6:00 p.m.  
pursuant to notice on such disposal pursuant to Section 364.7 of the Code of  
Iowa; and,

WHEREAS, the following proposal was received for the purchase of the property:

Sue Hulett, \$560;

and,

WHEREAS, it is deemed in the public interest to dispose of said real estate to  
Sue Hulett.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF FORT DODGE, IOWA:




1. That objections, if any, presented at the public hearing be and the same are hereby overruled.
2. That said property be sold "as is" to Sue Hulett for \$560.

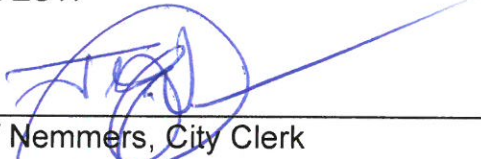
PASSED AND APPROVED by the Fort Dodge City Council this 27th day of May, 2014.

AYES: Flattery, Wilson, Fritz, Alstott, Moehnke and Hill  
 NAYS: None  
 OTHER: Absent: Halter

CITY OF FORT DODGE, IOWA


By:   
 Matt Bemrich, Mayor

ATTEST:

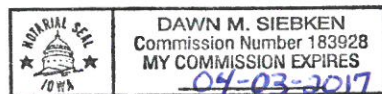
  
 Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

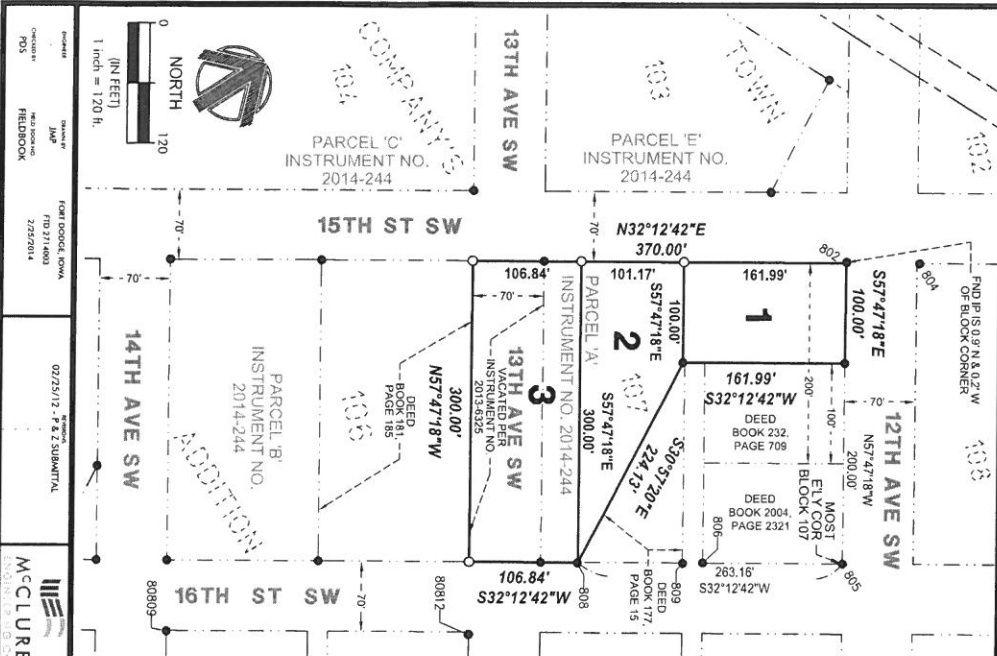
On this 3rd day of June, 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

  
 Notary Public

APPROVED BY COUNCIL  
 on 5-27 20 14  
 Minute Book 42 Page  
 City Clerk JN



PREPARED BY & RETURNED TO: JONATHAN M. PITTMANN, P.L.S., MCCURE ENGINEERING, 1360 NW 121ST STREET, CLIVE, IOWA 50325, 515-964-1229



**LEGAL DESCRIPTION**

PARCEL 'A' AS SHOWN ON THE PLAT OF SURVEY RECORDED AS INSTRUMENT NO. 2014-244 IN THE WEBSTER COUNTY, IOWA RECORDS, AND THE PORTION OF 13TH AVENUE SOUTHWEST WHICH WAS VACATED PER CITY ORDINANCE NO. 2182 AND RECORDED AS INSTRUMENT NO. 2013-6325 IN THE WEBSTER COUNTY, IOWA RECORDS.

**OWNER**

CITY OF FORT DODGE  
819 1ST AVENUE S  
FORT DODGE, IA 50501

**AREA SUMMARY**

LOT 1: 16,199 SQ. FT.  
LOT 2: 20,234 SQ. FT.  
LOT 3: 32,052 SQ. FT.

**UTILITIES**

WATER - CITY OF FORT DODGE  
SANITARY SEWER - CITY OF FORT DODGE

**NOTES**

1. THE SURVEY FOR THIS SUBDIVISION WAS DONE IN JANUARY, 2014.
2. THIS SUBDIVISION WAS PREPARED FOR THE OWNER, FOR THE PURPOSE OF THIS SURVEY THE NORTHEASTERLY LINE BLOCK 107 IS ASSUMED TO HAVE A BEARING OF N57°47'18"W.
3. ALL BEARINGS AND DISTANCES SHOWN ON THIS MAP REFLECT FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.

**ZONING (EXISTING)**

LOT 1: LI - LIGHT INDUSTRIAL  
LOT 2 & 3: LI - LIGHT INDUSTRIAL

**ZONING**

4RS - RESIDENTIAL SINGLE FAMILY SETBACKS (RRS):  
FRONT - 20 FT  
SIDE - 4 FT  
REAR - 20 FT  
ZONING (SOUTH 22 FEET):  
LI - LIGHT INDUSTRIAL SETBACKS:  
FRONT - NONE  
SIDE - 5 FT  
REAR - NONE

**VICINITY MAP**



**FOUND MONUMENTS**

Point #	Monument Description
802	3/4" IRON PIPE
804	3/4" IRON PIPE
805	1" IRON PIPE
806	1" IRON PIPE
808	1-1/2" SQ. TOP IRON
809	1" IRON PIPE
80809	3/4" IRON PIPE
80812	3/4" IRON PIPE

**GENERAL LEGEND**

- BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- SECTION CORNER (TYPE AS NOTED)
- CORNER FOUND:
- 123 - BOUNDARY CORNER
- W/MONUMENT LEGEND NUMBER
- CORNER SET:
- - BOUNDARY CORNER
- △ - SECTION CORNER #20901
- 1/2" REBAR PFC #20901
- ABRICATIONS:
- ROW - RIGHT-OF-WAY
- BK, Pc - BOOK AND PAGE
- (M) - MEASURED DISTANCE/ANGLE
- PGB - POINT OF BEGINNING
- YPC - YELLOW PLASTIC CAP
- PPC - PINK PLASTIC CAP

# JORDAN WELL ADDITION

## FORT DODGE, IOWA

### A SUBDIVISION OF BLOCK 107, TOWN COMPANY'S ADDITION & VACATED 13TH AVE SW

**OFFICIAL'S & OWNER CERTIFICATIONS**

FINAL PLAT APPROVED BY CITY PLAN AND ZONING COMMISSION OF FORT DODGE, IOWA.

MAVOR HEREBY CERTIFIES THAT PLAT WAS APPROVED BY COUNCIL RESOLUTION ON DATE SHOWN.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_ MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

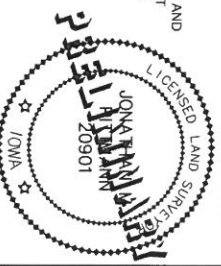
CITY CLERK \_\_\_\_\_ ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

OWNERS CONSENT TO PLAT AS PRESENTED HERE.

AUDITOR \_\_\_\_\_ DATE \_\_\_\_\_ OWNER \_\_\_\_\_ DATE \_\_\_\_\_

**LAND SURVEYOR CERTIFICATION & SEAL**

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND FILED WITH THE WEBSTER COUNTY, IOWA, AUDITOR, RECORDER AND ASSESSOR. UNDER THE LAWS OF THE STATE OF IOWA.



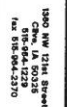
**FLOOD PLAIN**

JONATHAN M. PITTMANN, P.L.S. NO. 20901  
IOWA LICENSE RENEWAL DATE IS DECEMBER 31, 2015  
THIS SEAL AND CERTIFICATION COVER THIS SHEET ONLY.

DATE \_\_\_\_\_

ZONE: \_\_\_\_\_

\* AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.  
MAP NO.: 191870310C  
EFFECTIVE DATE: DECEMBER 04, 2012



MICHON SUBDIVISION PLAT  
JORDAN WELL ADDITION

Prepared by Vickie Reeck, Department of Business Affairs & Community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501  
(515) 573-8321  
Mail recorded documents to: Department of Business Affairs & community Growth, 819 1<sup>st</sup> Ave S, Fort Dodge, IA 50501

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**RESOLUTION NO. 14-05-140**

**A RESOLUTION APPROVING THE OFFERING OF PROPERTY FOR SALE  
AND METHOD OF SELECTING A DEVELOPER FOLLOWING PUBLIC  
HEARING**

WHEREAS, the City is proposing to dispose of the following described real estate parcel:

Lots Two (2) and Three (3), Jordan Well Addition to the City of Fort Dodge, Iowa;

and,

WHEREAS, the City has no use for said real estate except as hereinafter set out; and,

WHEREAS, a public hearing was held on the 27<sup>th</sup> day of May, 2014 at 6:00 p.m. pursuant to notice on such disposal pursuant to Section 364.7 of the Code of Iowa; and,

WHEREAS, the following proposal was received for the purchase of the property:

Terry and Lisa LaCaille, \$1,000;  
and,

WHEREAS, it is deemed in the public interest to dispose of said real estate to Terry and Lisa LaCaille.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

1. That objections, if any, presented at the public hearing be and the same are hereby overruled.
2. That said property be sold "as is" to Terry and Lisa LaCaille for \$1,000.

PASSED AND APPROVED by the Fort Dodge City Council this 27th day of May, 2014.

AYES: Flattery, Wilson, Fritz, Alstott, Moehnke and Hill  
 NAYS: None  
 OTHER: Absent: Halter

CITY OF FORT DODGE, IOWA

By: *Matt Bemrich*  
 Matt Bemrich, Mayor

ATTEST:

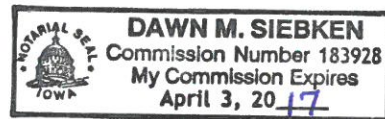
*Jeff Nemmers*  
 Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

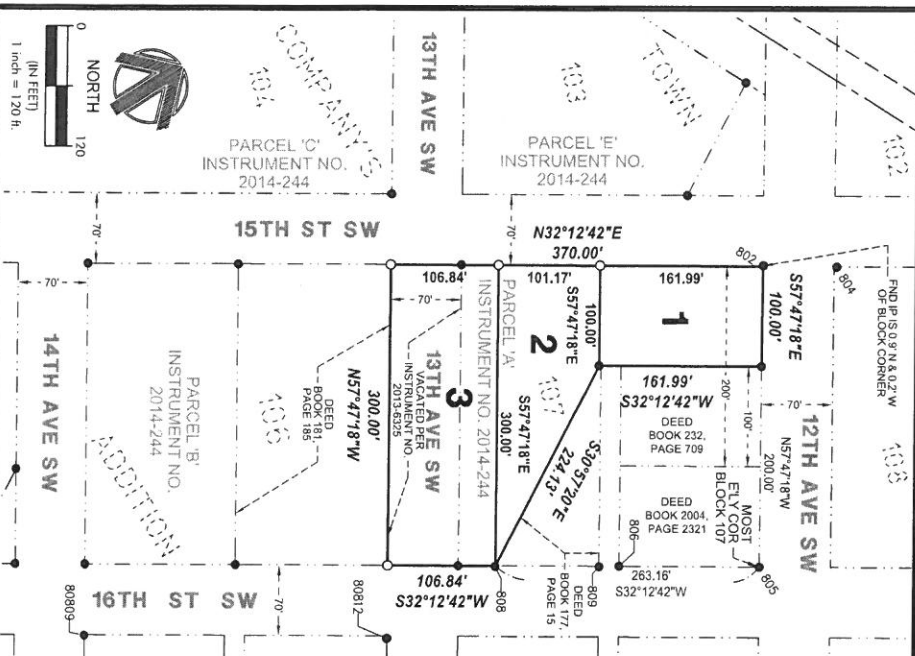
On this 3<sup>rd</sup> day of June, 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

*Dawn M. Siebken*  
 Notary Public

APPROVED BY COUNCIL  
 on 5-27 20 14  
Minute Book 42 Page  
 City Clerk JN



PREPARED BY & RETURNED TO: JONATHAN M. PITTMANN, PLS, McCLURE ENGINEERING, 1360 NW 121ST STREET, CLIVE, IOWA 50325, 515-964-1229



LEGAL DESCRIPTION
PARCEL 'A' AS SHOWN ON THE PLAT OF SURVEY
RECORDED AS INSTRUMENT NO. 2014-244 IN THE
WEBSTER COUNTY, IOWA RECORDS.

OWNER
CITY OF FORT DODGE
819 1ST AVENUE S
FORT DODGE, IA 50501

AREA SUMMARY
LOT 1: 16,199 SQ. FT.
LOT 2: 20,234 SQ. FT.
LOT 3: 32,052 SQ. FT.

UTILITIES
WATER - CITY OF FORT DODGE
SANITARY SEWER - CITY OF FORT DODGE

NOTES
1. THE SURVEY FOR THIS SUBDIVISION WAS DONE IN
JANUARY, 2014.

NOTES (continued)
2. THIS SUBDIVISION WAS PREPARED FOR THE OWNER.
3. FOR THE PURPOSE OF THIS SURVEY THE
NORTHEASTERLY LINE BLOCK 107 IS ASSUMED TO
HAVE A BEARING OF N57°47'18\"/>

ZONING (EXISTING)

LOT 1
ZONING:
4-RS - RESIDENTIAL SINGLE FAMILY
SETBACKS (FRS):
FRONT - 20 FT
SIDE - 4 FT
REAR - 20 FT
ZONING (SOUTH 22 FEET):
U - LIGHT INDUSTRIAL
SETBACKS:
FRONT - NONE
SIDE - 5 FT
REAR - NONE

LOTS 2 & 3
ZONING:
U - LIGHT INDUSTRIAL
SETBACKS
FRONT - NONE
SIDE - 5 FT
REAR - NONE

JORDAN WELL ADDITION
FORT DODGE, IOWA
A SUBDIVISION OF BLOCK 107, TOWN COMPANY'S
ADDITION & VACATED 13TH AVE SW

OFFICIAL'S & OWNER CERTIFICATIONS

FINAL PLAT APPROVED BY CITY PLAN AND ZONING
COMMISSION OF FORT DODGE, IOWA.

MAJOR HEREBY CERTIFIES THAT PLAT WAS APPROVED
BY COUNCIL RESOLUTION ON DATE SHOWN.

CHAIRMAN DATE MAJOR DATE
CITY CLERK DATE
OWNERS CONSENT TO PLAT AS PRESENTED HERE.

AUDITOR DATE OWNER DATE

LAND SURVEYOR CERTIFICATION & SEAL

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND
THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT
PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF IOWA.

JONATHAN M. PITTMANN, PLS NO. 209901 DATE
M LICENSE RENEWAL DATE IS DECEMBER 31, 2015
THIS SEAL AND CERTIFICATION COVER THIS SHEET ONLY.

FLOOD PLAN

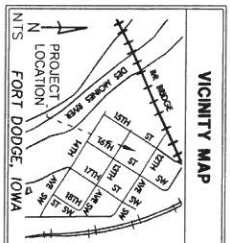
\* AREAS DETERMINED TO BE OUTSIDE
THE 0.2% ANNUAL CHANCE FLOOD PLAN.
MAP NO.:
1919ZC010C
EFFECTIVE DATE:
DECEMBER 04, 2012

FOUND MONUMENTS

Table with 2 columns: Point # and Monument Description. Includes entries for 802, 804, 805, 806, 808, 809, 80809, and 80812.

GENERAL LEGEND

- BOUNDARY LINE
PROPERTY LINE
SECTION LINE
EASEMENT LINE
CORNERS FOUND:
SECTION CORNER (TYPE AS NOTED)
1/2" REBAR #PC #806



McClure Engineering logo and contact information.

McClure Engineering logo.

McClure Engineering logo.

McClure Engineering logo.

McClure Engineering logo.