

ORDINANCE NO. 555

AN ORDINANCE VACATING UNION PACIFIC RAILROAD CROSSING AT  
NORTH PINET STREET IN JEFFERSON, IOWA

WHEREAS, by Resolution No. 4-14 adopted by the City Council of Jefferson on March 11, 2014, it was proposed that the portion of North Pinet Street that serves as the at-grade public road crossing over the tracks of the Union Pacific Railroad Company, as more particularly described below, be vacated; and

WHEREAS, notice of a public hearing on this proposal has been published as required by law; and

WHEREAS, that public hearing has been held at the time and place as specified in the notice and any and all objections or other comments relating to that proposal have been heard; and

WHEREAS, the City Council finds that the portion of street proposed to be vacated is not needed for the use of the public and that the vacation of the same will not deny owners of property abutting on such street reasonable access to their property, and it is deemed to be in the best interests of the City of Jefferson, Iowa, that the portion of North Pinet Street described below be vacated as proposed.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF JEFFERSON, IOWA, as follows:

SECTION 1. Vacation. The following described portion of North Pinet Street is hereby vacated:

That portion of North Pinet Street in the City of Jefferson, Greene County, Iowa, more particularly described as follows: Commencing at the northwest corner of Block 10, Blair's Addition to the City of Jefferson; thence N 00°14'38" E 132.39 feet along the east right-of-way line of North Pinet Street to the point of beginning at the south right-of-way line of the Union Pacific Railroad; thence S 83°25'32" W 80.57 feet along the south right-of-way line of the Union Pacific Railroad to the west right-of-way line of North Pinet Street; thence N 00°14'38" E 100.71 feet along the west right-of-way line of North Pinet Street to the north right-of-way line of the Union Pacific Railroad; thence N 83°25'32" E 80.57 along the north right-of-way line of the Union Pacific Railroad to the east right-of-way line of North Pinet Street; thence S 00°14'38" W 100.71 feet along the east right-of-way line of North Pinet Street to the point of beginning on the south right-of-way line of the Union Pacific Railroad,

subject to existing easements and franchises as described below.

SECTION 2. Easements. This vacation is subject to all existing utility franchises, easements, licenses and permits, whether or not of record, and there is reserved unto the City of

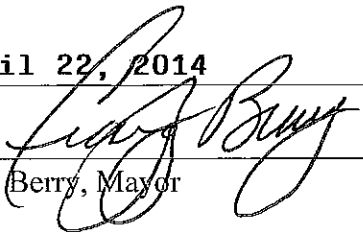
Jefferson and its franchisees an easement for purposes of the presence, operation, maintenance, repair and replacement of all existing utilities over, under and through such portion of street, with right of entry for servicing the same.

SECTION 3. Repealer. Any and all resolutions and ordinances, or parts thereof, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

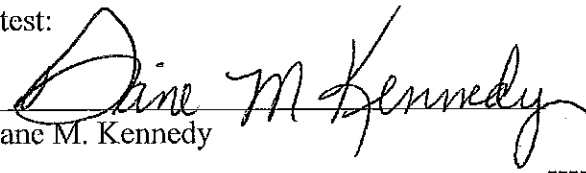
SECTION 4. Severability clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

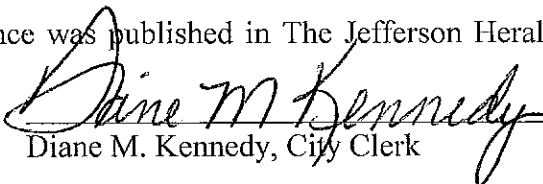
Finally passed by the Council and approved on April 22, 2014.

  
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Craig J. Berry, Mayor

Attest:

  
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Diane M. Kennedy

I hereby certify that the foregoing ordinance was published in The Jefferson Herald on May 1, 2014.

  
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Diane M. Kennedy, City Clerk