

Ordinance No. 1073

AN ORDINANCE PROVIDING FOR THE VACATION AN EASEMENT (BIKE TRAIL) IN THE CITY OF FAIRFIELD, JEFFERSON COUNTY, IOWA DESCRIBED AS:.

that Easement Conveyed to the City of Fairfield by Meritor Heavy Vehicle Systems, LLC recorded September 17, 2004, Book Number 2004, Page Number 2522 concerning real estate legally described as:

Be It Enacted by the Council of the City of Fairfield, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to vacate the described Easement for Bike Trail Purposes and thereby relieve the City of Fairfield, Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The council of the City of Fairfield, Iowa, hereby makes the following findings:

1. The described Trail Easement is not needed for the use of the public, and, therefore, its maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the Trail Easement reasonable access to their property.

3. Notice of the intended vacation, including the date on which the council will first consider the vacating ordinance, has been published and posted at least once on each block along the described Trail Easement not more than twenty days nor less than four days prior to the date set for the hearing.

SECTION 3. Vacation. The above described Bike Trail Easement of September 17, 2004, Book Number 2004, Page Number 2522. (Insert here a description of the property that will be vacated by this ordinance) is declared VACATED.

SECTION 4. Repealer. The following (chapters, sections, subsections) of the municipal code (are, is) specifically repealed: (List this only if there is reference to Bike Trail Area Specifically in Municipal Code.

SECTION 5. 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 6. When Effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council the 22nd day of August, 2011, and approved this day of August, 2011.

Attest: 
Joy Messer, City Clerk


Edward Malloy, Mayor