

**PROCEEDINGS:  
CITY OF HOLSTEIN • ORD. 265**

**ORDINANCE NO. 265  
ORDINANCE AUTHORIZING  
THE VACATION OF  
A DESIGNATED PORTION  
ALLEY LOCATED ON FORMER  
SWIMMING POOL PROPERTY**  
**WHEREAS**, the City of Holstein owns the property located at 621 S. Kiel Street, Holstein, Iowa 51025 which has a legal description as follows:

**Lots Number Ten (10) through Twenty-two (22) inclusive, Block Number Two (2) in Elmhurst Addition to the Town (now City) of Holstein, Ida County, Iowa**

**WHEREAS**, the above described property contains an unused, unvacated alley which has a legal description as follows:

**That part of the North-South alleyway abutting Lots Ten (10) through Twenty-one (21), inclusive, in Block 2, Elmhurst Addition, City of Holstein, Ida County, Iowa**

**WHEREAS**, prior to vacating an alley, Holstein code requires that the Holstein Planning and Zoning Commission consider the proposal and make a written recommendation to the city council; and

**WHEREAS**, the Planning and Zoning Commission held a meeting to consider vacating the above portion of unused alley; and

**WHEREAS**, the Planning and Zoning Commission has recommended, in writing, that the above portion of alley be vacated; and

**WHEREAS**, prior to vacating the alley, the City Council is required to publish notice and hold a hearing; and

**WHEREAS**, the City Council published notice and held a hearing on

whether to vacate the alley on Sept. 4, 2024; and

**WHEREAS**, following the hearing, the City found as follows:

a. The above section of alley is not needed for public use.

b. Maintenance of the above section alley, at public expense, is no longer justified.

c. Vacation of the above section of alley will not deny the owners of the abutting property reasonable access to their property.

**THEREFORE, BE IT ENACTED**, by the City Council, City of Holstein, Iowa as follows:

**Section 1.** The alley right-of-way described above is hereby vacated and closed for public use.

**Section 2. REPEALER.** All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3. 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 10th day of September 2024 and approved this 10th day of September 2024.

Kathy Breyfogle, Mayor  
ATTEST: Tammy Nuckolls,  
City Administrator /City Clerk

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**PROBATE:  
DOUGLAS MASON**

**THE IOWA DISTRICT COURT  
FOR IDA COUNTY  
IN THE MATTER OF  
THE ESTATE OF  
DOUGLAS DARWYN MASON,  
Deceased  
CASE NO. ESPR009753  
NOTICE OF PROBATE OF  
WILL, OF APPOINTMENT OF  
EXECUTOR, AND NOTICE TO  
CREDITORS**

To All Persons Interested in the Estate of Douglas Darwyn Mason, Deceased, who died on or about July 31, 2024:

You are hereby notified that on Sept. 3, 2024, the Last Will and Testament of Douglas D. Mason, deceased, bearing date of Jan. 13, 2000, was admitted to probate in the above named court and that Donna Mason was appointed Executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.  
Dated Sept. 5, 2024  
Donna Mason  
Executor of Estate  
807 S. Kastner Drive  
PO Box 532  
Holstein, IA 51025  
Thaddeus Cosgrove  
ICIS#: AT0001750  
Attorney for Executor  
Cosgrove Law Firm  
102 N. Main Street; PO Box 50  
Holstein, IA 51025

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