

**ORDINANCE NO. 93754-0317**

**AN ORDINANCE VACATING A PORTION OF ALLEY RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA.**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine has recommended approval of the vacation of a portion of right-of-way the City of Muscatine, Iowa; and

**WHEREAS**, the City Council of the City of Muscatine has conducted a public hearing on said vacation request;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, AS FOLLOWS:**

Section I. The following described real estate be vacated by the City of Muscatine, Iowa:

**ALL OF THE 20' ALLEYWAY LYING NORTHERLY AND ADJACENT TO LOTS 1, 2, 3, 4, AND 5 AND SOUTHERLY AND ADJACENT TO LOTS 6, 7, 8, 9 AND LOT 10 OF BLOCK 76 OF THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.**

**SAID PARCEL CONTAINS 6,029 SQUARE FEET OR 0.14 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.**

A Vacation and Easement Plat is hereto attached as Exhibit A

Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

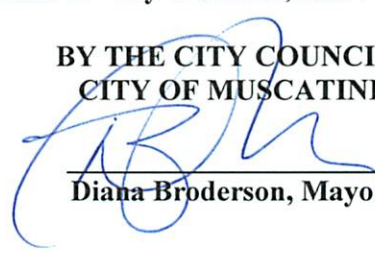
**PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of March, 2017.**



Attest:

  
Gregg Mandsager, City Clerk

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

  
Diana Broderson, Mayor

1<sup>st</sup> Reading: February 16, 2017

2<sup>nd</sup> Reading: March 2, 2017

3<sup>rd</sup> Reading: March 2, 2017

Publication: \_\_\_\_\_





**COMMUNITY DEVELOPMENT****MEMORANDUM**

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
Dave Gobin, Community Development Director  
**From:** Andrew Fangman, City Planner  
**Date:** February 16, 2017  
**Re:** Right-of-Way Vacation Plat for Alley #4 in in Block 76 (Old Sun Mart Block)

**INTRODUCTION:** A vacation plat for Alley #4 (6,029 square feet of right of way) within Block 76 of Original Town has been filed, this right of way include portions of Spring Street, E. 4<sup>th</sup> Street, and Poplar Street.

**BACKGROUND:** Kum & Go has acquired the old Sun Mart site located at the northeast corner of 4th and Cedar Street, there intent is to relocate their existing store at the northwest corner of 5th and Cedar Street to this location. As part of this proposed development, Kum & Go is requesting the vacation of the alley running through this block, between Sycamore Street and Cedar Street.

Staff will be recommending approval of this vacation request as this alley does not now or is likely to in the for foreseeable serve a public purpose, nor does it extend east of Cedar Street in a publicly accessible form. Typically, in vacation like this, the City will sell the vacated right of at fair market value, which in this case would be about \$42,000 based on the price of the recent 99-year lease of portion of the Mississippi Drive right of way to the new hotel. However, in this instance City Staff and Kum & Go have negotiated an alternate to a cash sale that would provide a greater benefit to the community.

Under this agreement, in exchange for title to the vacated alley, Kum & Go would construct 20 on street parking spaces along Sycamore Street between 4th Street and 5th Street, see site plan on following page. Further, Kum & Go will dedicate to the City of Muscatine the right of way containing the to be constructed parking spaces.

These 20 new on-street parking stalls would be a net increase of 9 parking spaces from the current 11 on street parking spaces that currently exist on this stretch of Sycamore Street. These 9 additional on-street parking spaces will be of greater value to the community than the fair market value of the vacated alley, construction of the proposed Kum & Go will displace a significant number of downtown workers that are currently parking at the vacant Sun Mart site. These 9 space will also mitigate the loss of a number of on-street parking spaces along 4th and 5th Street due to new curb cuts associated with the new Kum & Go.

**RECOMMENDATION/RATIONALE:** Prior to City Council action on this request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed right of way vacation.

**BACKUP INFORMATION:**

1. Ordiancne
2. Vacation Plat

E. 5TH STREET

Parking to be Constructed, Kum & Go  
and then dedicated to the City

SYCAMORE STREET

CEDAR STREET

E. 4TH STREET

Parking to be Constructed, Kum & Go  
and then dedicated to the City

Alley Proposed for Vacation



# MUSCATINE

## Block 76 Alley Vacation

Date Source: Muscatine Area Geographic  
Information Consortium, ISU, & City of Muscatine  
Prepared by: Andrew Fangman, City Planner  
Date: January 31, 2017



COPY OF NOTICE  
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

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PASSED, APPROVED AND ADOPTED  
this 2nd day of March, 2017

BY THE CITY COUNCIL  
OF THE CITY OF MUSCATINE, IOWA  
Diana Broderson, Mayor

Attest:  
Gregg Mandsager, City Clerk  
1st Reading: February 16, 2017  
2nd Reading: March 2, 2017  
3rd Reading: March 2, 2017  
Publication: 10th day of March, 2017

STATE OF IOWA }  
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of  
THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee  
Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed  
copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in  
said THE MUSCATINE JOURNAL, on the following dates:

3-10

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as  
he/she verily believes.

Subscribed and sworn to before me by said affiant this 10th  
day of March 20 17



STEPHEN H. THOR  
Commission Number 168839  
My Commission Expires  
3-24-18

Stephen H Thor  
Notary Public in and for Scott County, Iowa

RECEIVED BY THE

NOV 19 1964

U.S. DEPARTMENT OF AGRICULTURE

WASHINGTON, D.C.

TO: DIRECTOR, AGRICULTURAL RESEARCH SERVICE  
FROM: [illegible]  
SUBJECT: [illegible]

2

W. H. [illegible]