

ORDINANCE NO. 2019-0306

AN ORDINANCE VACATING A PORTION OF STREET AND ALLEY (BRIER STREET) 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 street and 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:

THE SOUTHWESTERLY ONE HALF OF BRIER STREET ADJACENT TO LOT 7 IN BLOCK 4 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,222 SQUARE FEET OR 0.097 ACRES. (Exhibit "A")

and

THE NORTHEASTERLY ONE HALF OF BRIER STREET ADJACENT TO LOT 1 IN BLOCK 3 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,220 SQUARE FEET OR 0.097 ACRES. (Exhibit "B")

and

THE NORTHEASTERLY HALF OF BRIER STREET ADJACENT TO LOT 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,202 SQUARE FEET OR 0.096 ACRES. (Exhibit "C")

and

THE NORTHEASTERLY HALF OF BRIER STREET ADJACENT TO LOT 1 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,800 SQUARE FEET OR 0.110 ACRES. (Exhibit "D")

and

THE SOUTHWESTERLY HALF OF BRIER STREET ADJACENT TO LOT 8 IN BLOCK 6 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN

THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,200 SQUARE FEET OR 0.096 ACRES. (Exhibit "E")

and

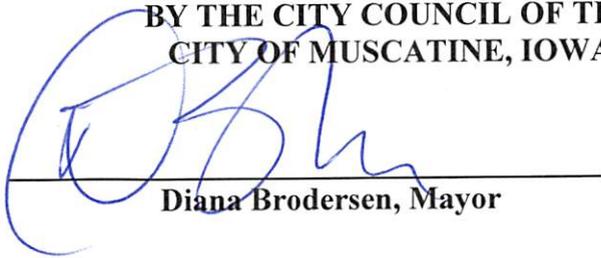
THE SOUTHWESTERLY HALF OF BRIER STREET ADJACENT TO LOT 7 AND THE ALLEY AND ALL OF THE ALLEY ADJACENT TO LOTS 5 THROUGH 10, ALL IN BLOCK 6 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 8,417 SQUARE FEET OR 0.193 ACRES. (Exhibit "F")

Vacation and Easement Plats are hereto attached as Exhibits A, B, C, D, E, & F

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 17th day of October 2019.

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



Diana Brodersen, Mayor



Attest:



Nancy Lueck, Acting City Clerk

1st Reading – September 19, 2019

2nd Reading – October 3, 2019

3rd Reading – October 17, 2019



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
From: Andrew Fangman, Assistant Community Development Director
Date: September 19, 2019
Re: Right of Way Vacation Ordinance – (PZVROW-5) Brier Street and Adjoining Alley

INTRODUCTION: The City of Muscatine has filed for the vacation of the right of way comprising Brier Street and portions of adjoining alley.

BACKGROUND: The City of Muscatine has filed for the vacation of the right of way comprising Brier Street and portions of adjoining alley. It is the intent, if this request is approved by City Council, to convey the vacated right of way to the adjoining property owner.

The forthcoming Grandview Avenue Corridor Project will impact, by creating one defined driveway off of Grandview, the parking that some businesses at the Grandview/Brier intersection. The vacation of Brier Street and conveyance of Brier Street to the adjoining property owners will allow the impact of this mitigation by the relocation of this parking. To avoid leaving right of way remnants all of Brier Street and small connecting alley is being proposed for vacation.

Brier Street no longer serves the interest of anyone beyond the adjoining property owners. There is no possibility of further extension of Brier Street to the southeast because it currently terminates at the railroad tracks without a crossing. The northwest end of Brier Street terminates in 75.5 acres owned by GRIDCO, LLC. The northwesterly 170' of the Brier Street right of way is currently undeveloped, heavily wooded and crossed by a small stream. In addition to 60' of frontage on an undeveloped portion of Brier Street, GRIDCO's acreage has 2,670' of frontage along Musser Street, 1,400' of frontage along Houser Street, and 390' along Grandview Avenue. As such the vacation of Brier Street does not impact the accessibility or developability of this acreage.

RECOMMENDATION/RATIONALE: The Planning and Zoning Commission voted at their August meeting to recommend approval of this request. Staff concurs with this recommendation, the right of way being proposed for vacation serves no useful public purpose.

BACKUP INFORMATION:

1. Ordinance
2. Vacation Plats



Brier Street Looking South from Grandview Ave



Brier Street Looking North from Grandview Ave

Date Source: Muscatine Area Geographic Information Consortium, and City of Muscatine
 Prepared by: Andrew Fangman,
 Assistant Community Development Director
 Date: August 8, 2019



Right of Way Vaction (PZVROW-5)



Legend

- | | | |
|---|---|--|
|  New Utility Easements |  RoW to Muscatine Used Parts |  Current Millwork Properties LCC Parcel |
|  Current Chamberlin Parcel |  Current McCleary Parcel |  RoW to Millwork Properties LLC |
|  Right of Way to Chamberlin |  RoW to McCleary |  Current Horton Parcel |
|  Current Muscatine Used Parts Parcel |  Current GRIDCO Parcel |  RoW to Horton |
| |  RoW to GRIDCO |  Current Parcels |

0 40 80 160 Feet

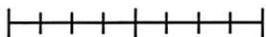
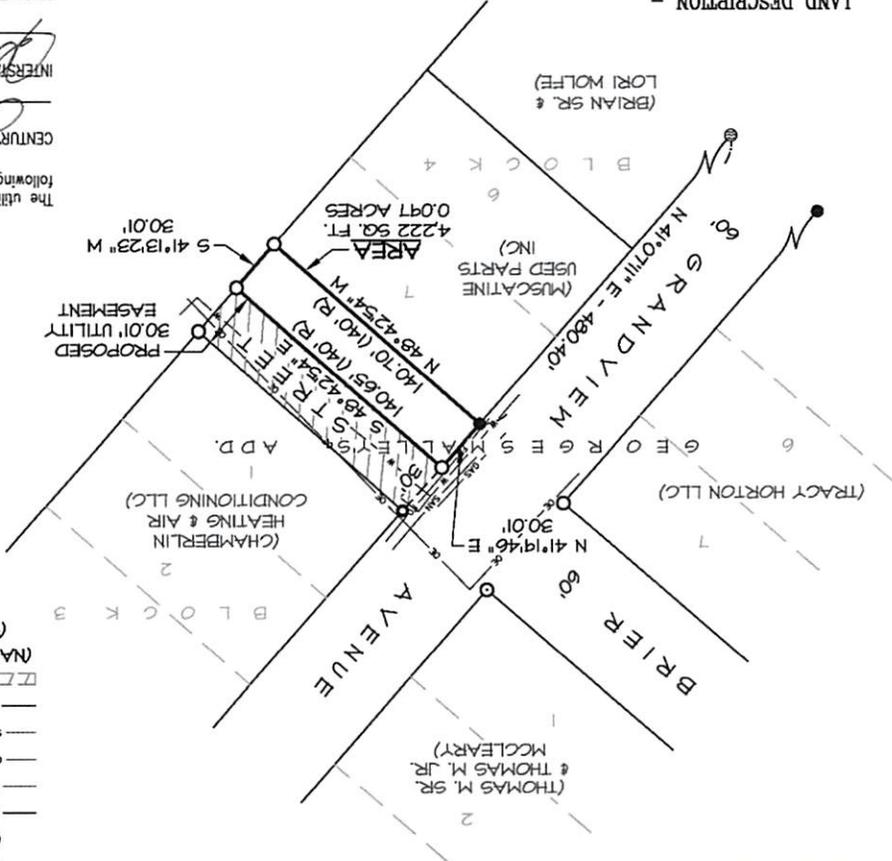


Exhibit A

THE SOUTHWESTELY ONE HALF OF BRIER STREET ADJACENT TO LOT 7 IN BLOCK 4 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, CONTAINING 4,222 SQUARE FEET OR 0.097 ACRES.

RIGHT-OF-WAY VACATION PLAT



LAND DESCRIPTION -

Title	Date	Communications
INTEGRATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	8/20/19	CenturyLink, LC
MUSCATINE POWER & WATER	8/20/19	OSP FAC. ENG.
Transmission & Distribution	8/20/19	CenturyLink, LC
Water Production & Distribution	8/20/19	CenturyLink, LC

The utility easements as shown are acceptable to the following utilities:

- LEGEND**
- SET 1/2" X 3/8" REBAR W/YELLOW CAP #10316
 - FOUND 1/2" REBAR
 - FOUND 1/2" REBAR WITH ORANGE CAP #15421
 - FOUND PIPE
 - FOUND FENCE POST
 - α OVERHEAD ELECTRIC
 - UNDERGROUND FIBER OPTIC
 - UNDERGROUND GAS
 - SAUNITARY SEWER MAIN
 - WATER MAIN
 - ▤ PROPOSED UTILITY EASEMENT
 - (NAME) PROPERTY OWNERS
 - (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

REV.	FILE	BOOK	SCALE	DRN	CHK'D	DATE
0	0225	1"=60'	JRM	GMM	07/14/19	

0225 MUSC USED PARTS.DWG

SURVEY COMPANY / RETURN TO:
Martin & Whitacre
 Surveyors & Engineers, Inc.
 P.O. BOX 413 MUSCATINE, IOWA 52761
 INFO@MARTIN-WHITACRE.COM (563)261-5633

SURVEYOR: GARY W. WHITACRE
 PROPRIETOR(S): CITY OF MUSCATINE, IOWA
 REQUESTOR: CITY OF MUSCATINE
 LOCATION: PART OF BRIER STREET RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA
 SURVEY TYPE: VACATION PLAT

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 Professional Land Surveyor under the laws of the State of Iowa.

Gary W. Whitacre
 Date: 08/23/19 Reg. No. 10316
 My license renewal date is December 31, 2019

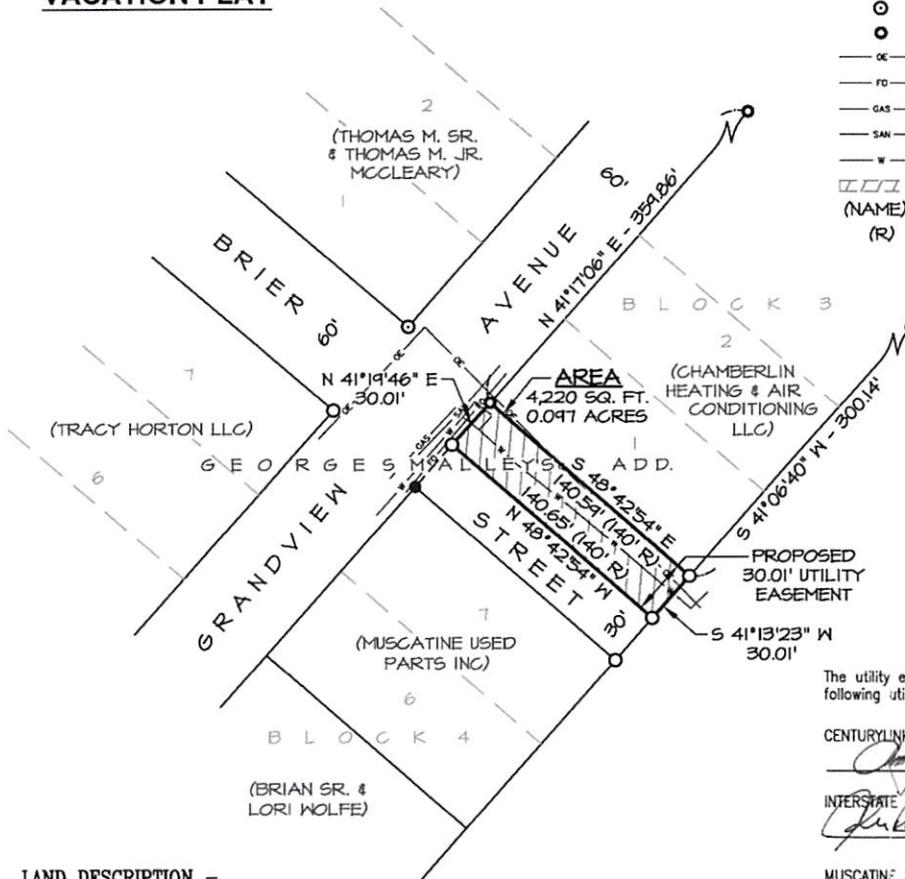
Gary W. Whitacre
 Pages or sheets covered by this seal: 1



BASIS OF BEARINGS
 IOWA STATE PLANE
 COORDINATE SYSTEM
 SOUTH ZONE



**RIGHT-OF-WAY
VACATION PLAT**



LEGEND

- SET 1/2" X 36" REBAR W/YELLOW CAP #10316
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR WITH ORANGE CAP #15981
- FOUND PIPE
- OK— OVERHEAD ELECTRIC
- FD— UNDERGROUND FIBER OPTIC
- GAS— UNDERGROUND GAS
- SAN— SANITARY SEWER MAIN
- W— WATER MAIN
- ▭▭▭▭ PROPOSED UTILITY EASEMENT
- (NAME) PROPERTY OWNERS
- (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT



BASIS OF BEARINGS
 IOWA STATE PLANE
 COORDINATE SYSTEM
 SOUTH ZONE

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Gary W. Whitacre
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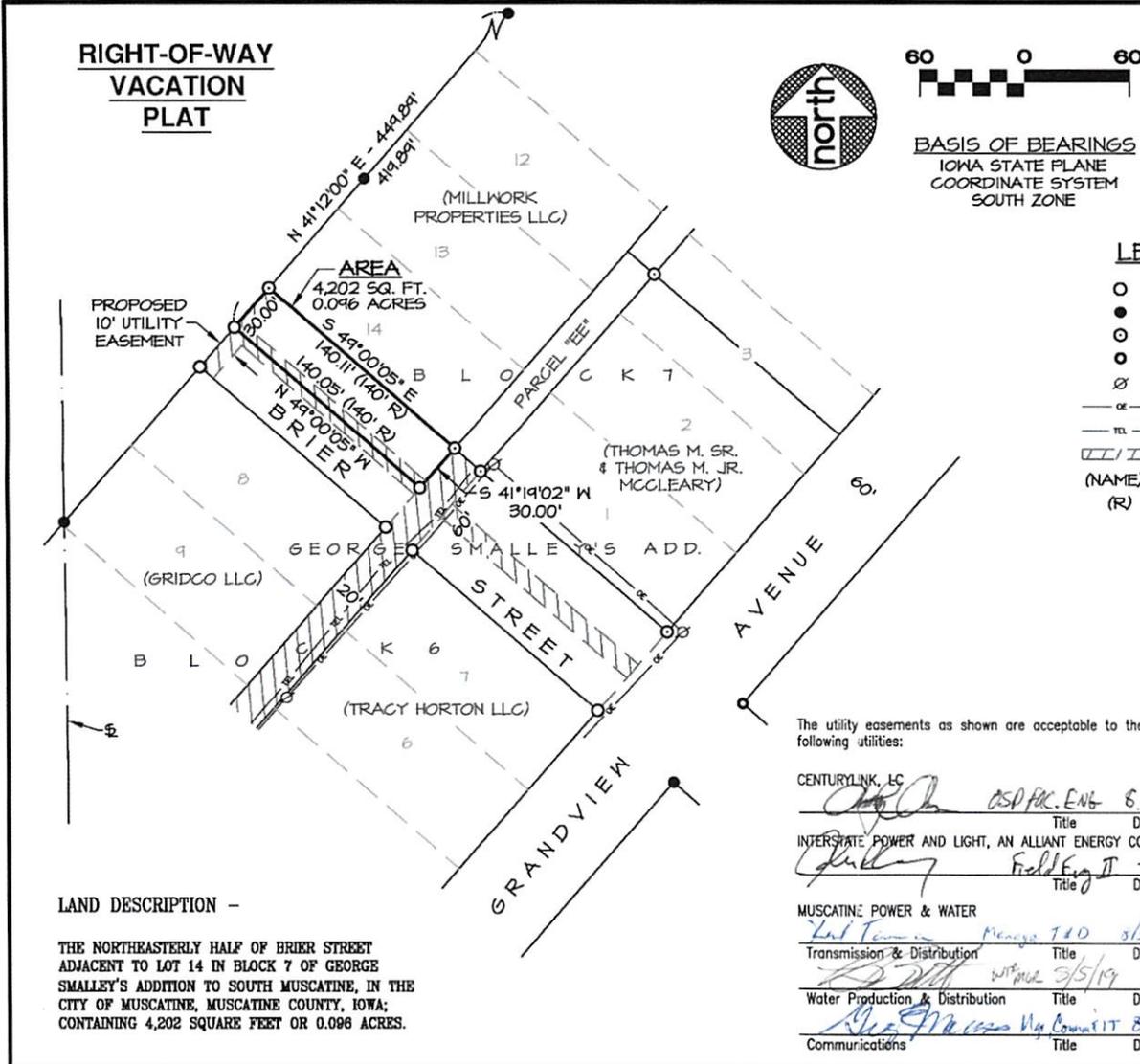
CENTURYLINK, LC	<i>[Signature]</i>	CSP PRC. ENG	8/1/2019
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	<i>[Signature]</i>	Field Eng II	7/30/19
MUSCATINE POWER & WATER	<i>[Signature]</i>	Manager T&D	8/2/19
Transmission & Distribution	<i>[Signature]</i>	with MUR	3/5/19
Water Production & Distribution	<i>[Signature]</i>	Mgr Comm IT	8/2/19
Communications			

LAND DESCRIPTION -

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SURVEY COMPANY / RETURN TO:						
Martin & Whitacre						
Surveyors & Engineers, Inc.						
P.O. BOX 413 MUSCATINE, IOWA 52761						
INFO@MARTIN-WHITACRE.COM (563)263-769						
SURVEYOR: GARY W. WHITACRE						
PROPRIETOR(S): CITY OF MUSCATINE, IOWA						
REQUESTOR: CITY OF MUSCATINE						
LOCATION: PART OF BRIER STREET RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA						
SURVEY TYPE: VACATION PLAT						
FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO
SUBD.	8225	1"=60'	JRM	GWW	07/19/19	8352.18
REV.	0	8352 CHAMBERLINDWG			SHEET	1 OF

**RIGHT-OF-WAY
VACATION
PLAT**



BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

LEGEND

- SET 1/2" X 36" REBAR W/YELLOW CAP #10316
- FOUND 1/2" REBAR
- ⊙ FOUND 1/2" REBAR WITH CAP
- FOUND 2" PIPE
- ⊗ POWER POLE
- α— OVERHEAD ELECTRIC
- m— UNDERGROUND TELEPHONE
- ▨▨▨ PROPOSED UTILITY EASEMENT
- (NAME) PROPERTY OWNERS
- (R) DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

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 Professional Land Surveyor under the laws of the State of Iowa.

Gary W. Whitacre
 Gary W. Whitacre
 Date 08/23/19 Reg. No. 10316
 My license renewal date is December 31, 2019



Pages or sheets covered by this seal: 1

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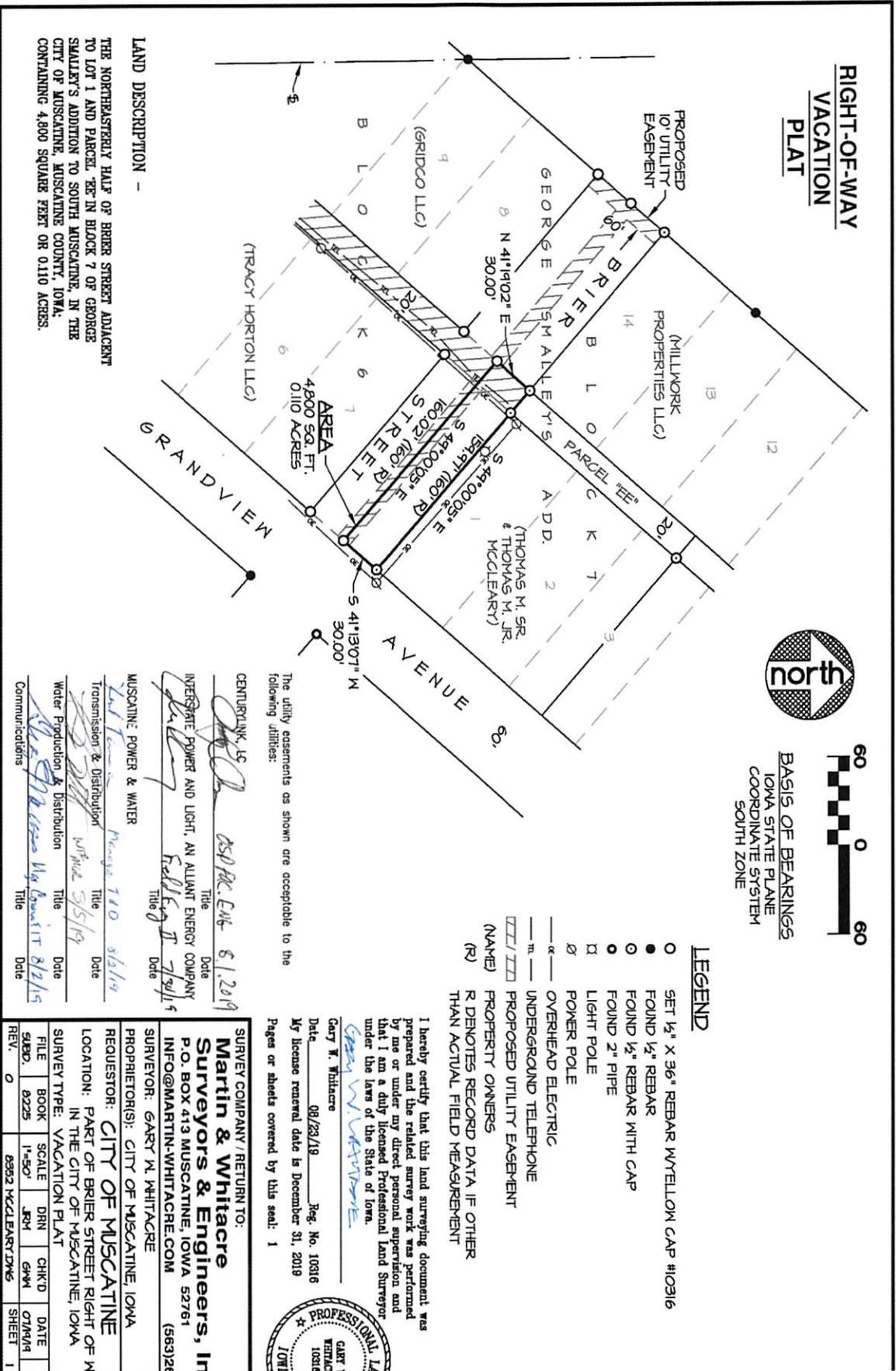
- CENTURYLINK, LC
[Signature] *ASP REC. ENG* 8/1/2019
Title Date
- INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY
[Signature] *Field Eng II* 7/30/19
Title Date
- MUSCATINE POWER & WATER
[Signature] *Manager T&D* 5/2/19
Transmission & Distribution Title Date
- [Signature]* *with power* 3/5/19
Title Date
- Water Production & Distribution Title Date
- [Signature]* *City Council IT* 8/2/19
Communications Title Date

LAND DESCRIPTION -

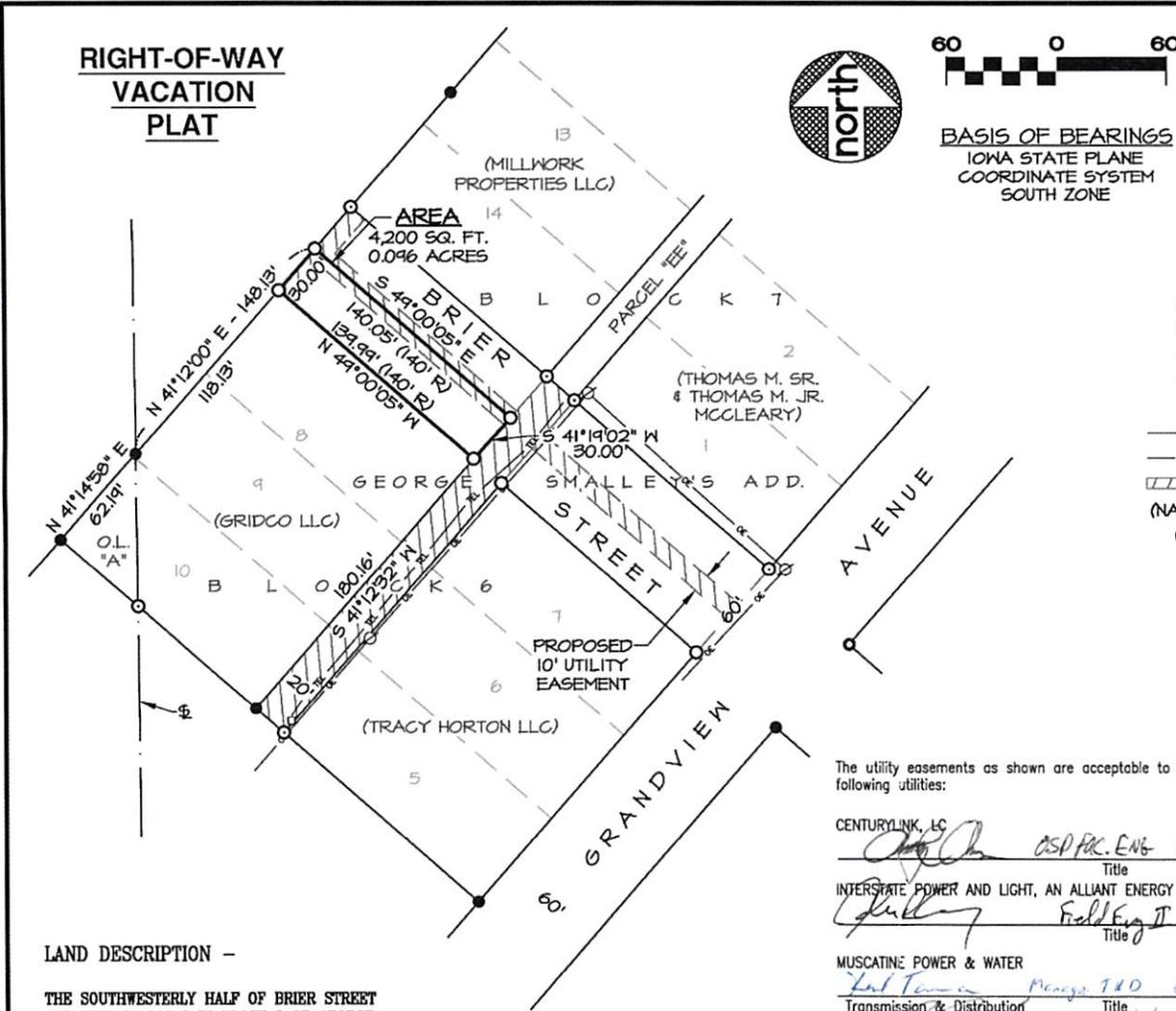
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Surveyors & Engineers, Inc.						
P.O. BOX 413 MUSCATINE, IOWA 52761						
INFO@MARTIN-WHITACRE.COM (563)263-7						
SURVEYOR: GARY W. WHITACRE						
PROPRIETOR(S): CITY OF MUSCATINE, IOWA						
REQUESTOR: CITY OF MUSCATINE						
LOCATION: PART OF BRIER STREET RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA						
SURVEY TYPE: VACATION PLAT						
FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB
SUBD.	8225	1"=50'	JRM	GWN	07/14/19	0335
REV.	0	8352 MILLWORK.DWG				SHEET 1 OF

Exhibit D



**RIGHT-OF-WAY
VACATION
PLAT**



BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

LEGEND

- SET 1/2" X 36" REBAR W/YELLOW CAP #10316
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR WITH CAP
- FOUND 2" PIPE
- ⊗ POWER POLE
- TELEPHONE RISER
- α— OVERHEAD ELECTRIC
- TEL— UNDERGROUND TELEPHONE
- ▨▨▨ PROPOSED UTILITY EASEMENT
- (NAME) PROPERTY OWNERS
- (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

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Gary W. Whitacre
 Gary W. Whitacre
 Date 08/23/19 Reg. No. 10316
 My license renewal date is December 31, 2019
 Pages or sheets covered by this seal: 1



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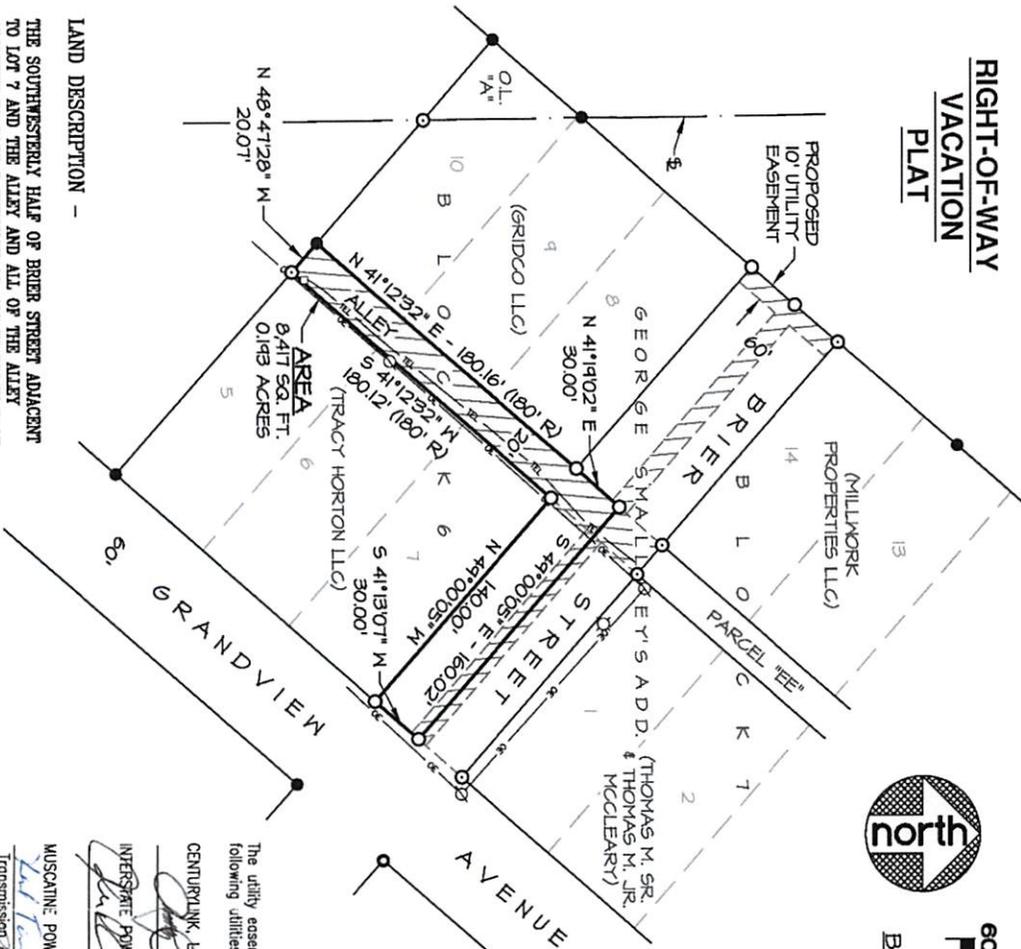
The utility easements as shown are acceptable to the following utilities:

CENTURYLINK, LC	<i>[Signature]</i>	OSP REC. ENG	6.1.2019
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	<i>[Signature]</i>	Field Eng II	7/30/19
MUSCATINE POWER & WATER	<i>[Signature]</i>	Manager T&D	8/2/19
Transmission & Distribution	<i>[Signature]</i>		5/5/19
Water Production & Distribution	<i>[Signature]</i>		
Communications	<i>[Signature]</i>	City Council	8/2/19

SURVEY COMPANY / RETURN TO:					
Martin & Whitacre					
Surveyors & Engineers,					
P.O. BOX 413 MUSCATINE, IOWA 52761					
INFO@MARTIN-WHITACRE.COM (5)					
SURVEYOR: GARY W. WHITACRE					
PROPRIETOR(S): CITY OF MUSCATINE, IOWA					
REQUESTOR: CITY OF MUSCATINE					
LOCATION: PART OF BRIER STREET RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA					
SURVEY TYPE: VACATION PLAT					
FILE	BOOK	SCALE	DRN	CHK'D	DATE
SUBD.	8225	1"=50'	GN	GN	07/19
REV.	0	8352 GRIDCO LLC.DWG		SHEET	

Exhibit F

RIGHT-OF-WAY VACATION PLAT



BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE



LEGEND

- SET 1/2" X 3/8" REBAR W/YELLOW CAP #10316
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR WITH CAP
- FOUND 2" PIPE
- ⊗ LIGHT POLE
- ⊘ POWER POLE
- ⊚ TELEPHONE RISER
- α— OVERHEAD ELECTRIC
- R— UNDERGROUND TELEPHONE
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CENTURION, LC	OSD REC ENG	6/1/2019
INTEGRATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	Felding II	7/24/19
MUSCATINE POWER & WATER		
Transmission & Distribution	Pharage TAD	8/14/19
Water Production & Distribution	WPH	9/5/19
Communications	Myer	8/12/15

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 Professional Land Surveyor under the laws of the State of Iowa.

GARY W. WHITACRE
Date: 08/23/19 Reg. No. 10318
My license renewal date is December 31, 2019
Pages or sheets covered by this seal: 1



SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, II
P.O. BOX 413 MUSCATINE, IOWA 52761
INFO@MARTIN-WHITACRE.COM (563)2

PROPRIETOR(S): CITY OF MUSCATINE, IOWA

REQUEROR: CITY OF MUSCATINE

LOCATION: PART OF BRIER STREET RIGHT OF WAY ALLEY IN THE CITY OF MUSCATINE, IOWA

SURVEY TYPE: VACATION PLAT

FILE	BOOK	SCALE	DRN	CHK'D	DATE
SUBD	8225	1"=60'	JRM	GWH	07/14/19
REV.	0				8992 HORTONDIMS SHEET

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*** Proof of Publication ***

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 made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 54942

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

Jessica Kelly

Section: Notices & Legals
Category: 2635 Legal Ordinance
PUBLISHED ON: 10/29/2019

TOTAL AD COST: 35.36
FILED ON: 10/29/2019

Subscribed and sworn to before me by said affiant this 29 day of October 2019.

Cheryl Lou Schemmel

Notary Public in and for Scott County, Iowa

ORDINANCE NO. 2019-0306
AN ORDINANCE VACATING A PORTION OF STREET AND ALLEY (BRIER STREET) RIGHT-OF-WAY IN THE CITY OF MUSCATINE, IOWA
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WHEREAS, the City Council of the City of Muscatine has conducted a public hearing on said vacation request;
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Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.
PASSES, APPROVED AND ADOPTED THIS 17TH DAY OF OCTOBER 2019.
BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA
/s/ Diana Brodersen, Mayor
Attest:
/s/ Nancy Lueck, Acting City Clerk
1st Reading - September 19, 2019
2nd Reading - October 3, 2019
3rd Reading - October 17, 2019

