

RESOLUTION NO. 2020-0180

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE
VACATING A PORTION OF THE CYPRESS STREET RIGHT OF WAY
ADJOINING TO 1001 2ND STREET**

WHEREAS, a request has been to vacate and then sell a portion of street right-of-way situated within in the City of Muscatine, Iowa; and

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended approval; the vacation of the following portions of street -of-way that is described as follows:

A PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATNIE, MUSCATINECOUNTY, IOWA. MORE PARTICULARLYDESCRIBED AS FOLLOWS: COMMENCING AS A POINTOF BEGINNING AT THE WESTERNMOST CORNER OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE, SAID POINTBEING ON THE SOUTHERLY RIGHT-OF-WAYOF A 20' ALLEY AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET; THENCE SOUTH 38°26'02"EAST 105.00FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 ANDTHE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET; THENCE SOUTH 51°33'58"WEST 20.00 FEET ALONG A LINE PERPENDICULAR TO THE SAID SOUTHWESTERLYLINEOF LOT 1 AND THE EASTERLY RIGHTOF WAY LINEOF CYPRESS STREET; THENCE NORTH 38°26'02"WEST 105.00' PARALLEL TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREETTO THE SOUTHERLYLINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY; THENCE NORTH 51°33'58" EAST 20.00 FEET ALONGTHE SAID SOUTHERLYLINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY TO THE SOUTHWESTELRY LINE OF LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET AND THE POINT OF BEGINNING. (FOR PURPOSES OF THIS DESCRIPTION THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 24, ORIGINALTOWN OF MUSCATINE IS ASSUMED TO BEAR SOUTH 38°26'02" EAST) THIS PARCEL CONTAINS 2,100 SQUARE FEET MORE OR LESS.

WHEREAS, the City Council should now set a time and place for a public hearing upon said vacation and subsequent sale of the above-mentioned alley right-of way.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that a Public Hearing is hereby established. Said hearing to be conducted at 7:00 p.m. on Thursday, June 4, 2020, in the City Hall Council Chambers and the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa

PASSED, APPROVED AND ADOPTED this 21st day of May, 2020.

BY THE CITY COUNCIL OF THE



Diana L. Broderson

CITY OF MUSCATINE, IOWA

Diana L. Broderson, Mayor

Greg Jenkins

Greg Jenkins, Interim City Clerk

COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Mayor and City Council Members
Cc: Greg Jenkins, Interim City Administrator
From: Andrew Fangman, Assistant Community Development Director
Date: May 21, 2020
Re: Resolution Setting a Public Hearing on Vacating a Portion of the Cypress Street Right of Way Adjoining to 1001 2nd Street

INTRODUCTION: The City of Muscatine has filed for the vacation for of a portion of the Cypress Street right of way that is adjacent to 1001 2nd St. If this vacation request is approved, said ownership said vacated right of way would be transferred to the adjoining property owner.

BACKGROUND: The vacation of portion of the Cypress Street right-of-way adjacent to Warren Poole's property, 1001 2nd Street, is needed for the completion of property acquisition rights for the Park Avenue Project. An easement is needed for the construction and maintenance of the traffic signals for the intersection as well as an easement to construct a pedestrian ramp in front of the Poole building. The area of the easement is currently being used as parking. To ease the impact of losing this parking, it is request that the City vacate a 20' wide portion of the Cypress Street right of way and deed it to the Poole's to use as parking (see attached Vacation Plat).

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. The Planning and Zoning Commission has voted at their May meeting to recommend approval of this request.

BACKUP INFORMATION:

1. Resolution
2. Public Hearing Notice



INDEX LEGEND	
LOCATION :	PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATINE, MUSCATINE COUNTY, IOWA
REQUESTOR :	CITY OF MUSCATINE
PROPRIETOR :	CITY OF MUSCATINE
SURVEYOR :	GARY D. GROSS
SURVEY :	SHIVE-HATTERY
COMPANY :	1701 River Drive, Suite 200, Moline, Illinois 61265
RETURN TO :	SHIVE-HATTERY

VACATION PLAT

LAND DESCRIPTION

A PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATINE, MUSCATINE COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF BEGINNING AT THE WESTERNMOST CORNER OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF A 20' ALLEY AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET;

THENCE SOUTH 38°26'02" EAST 105.00 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET;

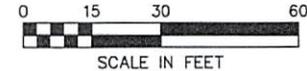
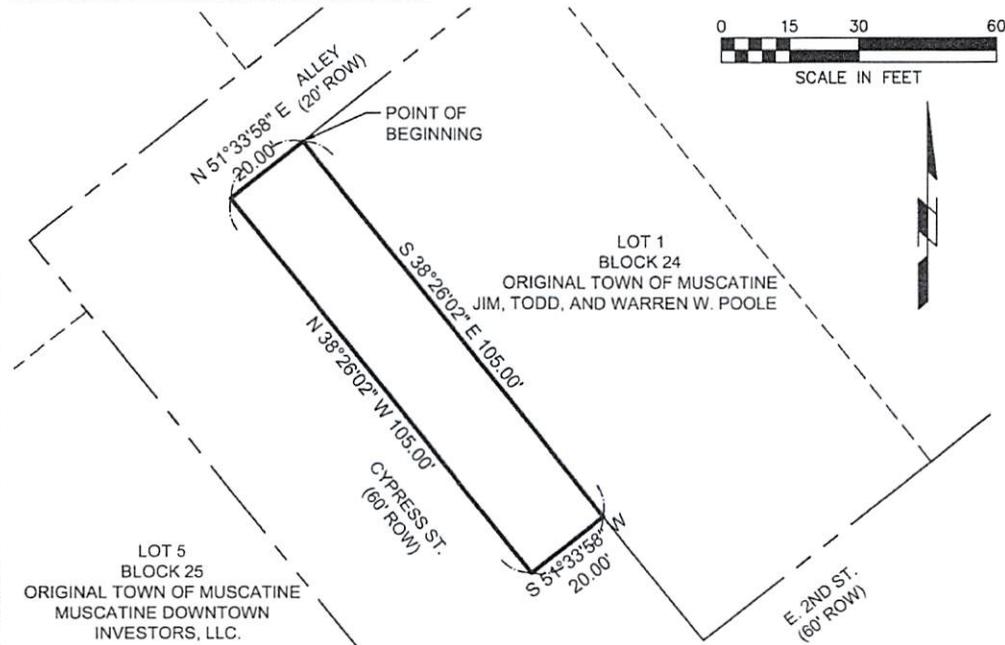
THENCE SOUTH 51°33'58" WEST 20.00 FEET ALONG A LINE PERPENDICULAR TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT OF WAY LINE OF CYPRESS STREET;

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(FOR PURPOSES OF THIS DESCRIPTION THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE IS ASSUMED TO BEAR SOUTH 38°26'02" EAST)

THIS PARCEL CONTAINS 2,100 SQUARE FEET MORE OR LESS.



OWNER INFORMATION

CITY OF MUSCATINE
1459 WASHINGTON STREET
MUSCATINE, IA 52761

PREPARED BY

SHIVE-HATTERY
1701 RIVER DRIVE SUITE 200
MOLINE, ILLINOIS 61265
1-(309)-764-7650

LEGEND

SURVEY	
PLAN MARK	DESCRIPTION
00	BEARING/DISTANCE



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.

SIGNATURE: *Gary D. Gross*
NAME: GARY D. GROSS
DATE: 3/6/2020
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2030
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1.12

File Path: P:\Projects\MO0172470\Deliverables\Drawings\1a_Survey\Easements\EP-11-12 Cypress Street Vacation.dwg

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
1701 River Drive, Suite 200 | Moline, Illinois 61265
309.764.7650 | www.shive-hattery.com
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

VACATION PLAT
CYPRESS STREET
CITY OF MUSCATINE
MUSCATINE, IOWA

PROJECT NO.
317247-0

DATE	SCALE	AS SHOWN
3/6/2020		
DRAWN	JJB	FIELD BOOK 644
APPROVED	GDG	REVISION --

SHEET NO.
B1.12

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA:

You are notified that the City of Muscatine, Iowa, proposes vacate and then sell to adjoining property owners the following right of way in the City of Muscatine, Muscatine County, Iowa:

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You are further notified that oral or written statements in support of or opposition to the proposed sale of real property may be made at a public hearing before the City Council to be held at 7:00 p.m. on Thursday, June 4, 2020, in the City Council Chambers in City Hall, Muscatine, Iowa.

Greg Jenkins
Interim City Clerk

*** 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 70763

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

Ashley Casper

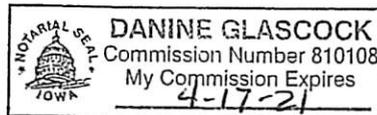
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Greg Jenkins
Interim City Clerk

Section: Notices & Legals
Category: 2627 Miscellaneous Notices
PUBLISHED ON: 05/29/2020

TOTAL AD COST: 31.20
FILED ON: 5/29/2020

Subscribed and sworn to before me by said affiant this 29 day of May 2020.

Danine Glascock



Notary Public in and for Scott County, Iowa