

**ORDINANCE NO. 2020-0202**

**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 the City of Muscatine, Iowa; and

A PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATNIE, MUSCATINECOUNTY, 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; 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 STREET TO THE SOUTHERLY LINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY; THENCE NORTH 51°33'58" EAST 20.00 FEET ALONG THE SAID SOUTHERLY LINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY TO THE SOUTHWESTERLY 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, ORIGINAL TOWN 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 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:

Vacation Plat is hereto attached as Exhibits 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 Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.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 4<sup>th</sup> day of June 2020.

BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA



Diana Brodersen, Mayor



Attest:

  
Greg Jenkins, Interim City Clerk

1<sup>st</sup> Reading  6-4-2020

2<sup>nd</sup> Reading  6-18-2020

3<sup>rd</sup> Reading  7-2-2020

## **Exhibit A**



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

## 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:** June 4, 2020  
**Re:** Ordinance Vacating a Portion of the Cypress Street Right of Way Adjoining to 1001 2<sup>nd</sup> Street

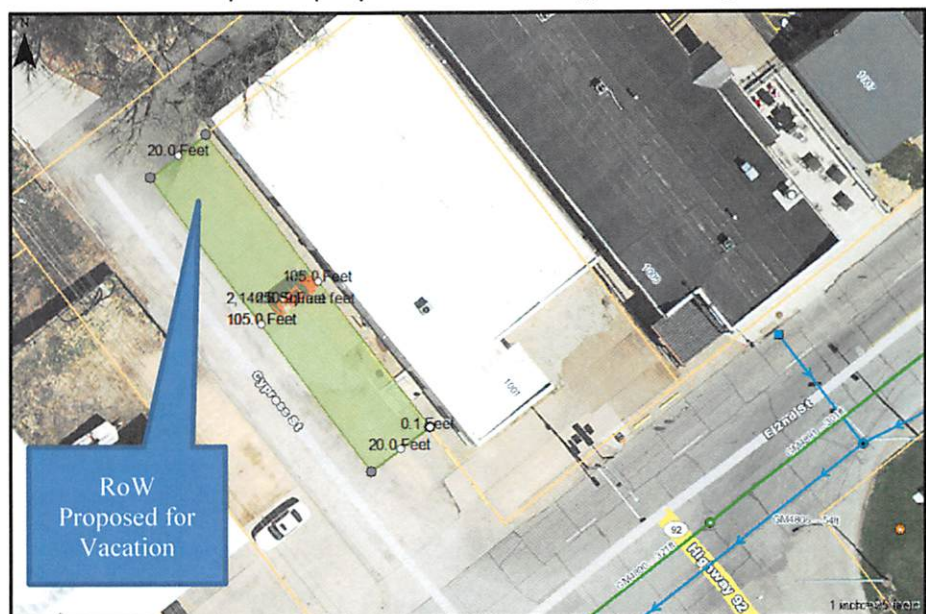
**INTRODUCTION:** The City of Muscatine has filed for the vacation for of a portion of the Cypress Street right of way that is adjacent to 1001 2<sup>nd</sup> St. If this vacation request is approved, said ownership said vacated right of way would be transferred to the adjoining property owner.

**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** Staff recommends approval of this request. The right of way being proposed for vacation serves no useful public purpose. The Planning and Zoning Commission has voted at their May meeting to recommend approval of this request.

#### BACKUP INFORMATION:

##### 1. Ordinance



"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain



# 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;

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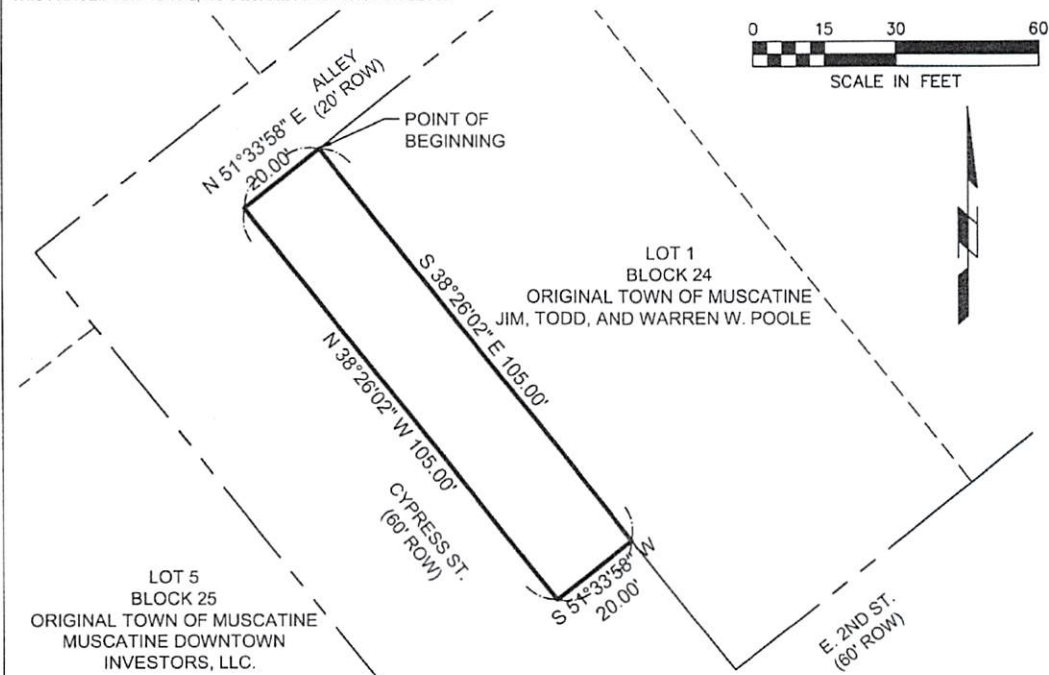
THENCE SOUTH 51°33'58" WEST 20.00 FEET ALONG A LINE PERPENDICULAR TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT OF WAY LINE OF CYPRESS STREET;

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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 LICENSE NUMBER: 16850  
 MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2020  
 PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1.12

## 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

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

PROJECT NO.  
 317247-0

SHEET NO.  
 B1.12