

**ORDINANCE NO. 2020-0361**

**AN ORDINANCE VACATING THE PORTION OF LOMBARD STREET RIGHT OF WAY THAT ADJOINS 1009 EAST 6TH STREET**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine, on October 13, 2020 recommended approval of the vacation of a portion of the Lombard street right-of-way by the City of Muscatine, Iowa; and

**WHEREAS**, the City Council of the City of Muscatine, on November 5, 2020 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:

**That portion of Lombard Street in the City of Muscatine, Iowa, between the north line of Sixth Street and the north alley line of Blocks One Hundred Eleven and One Hundred Twelve (111 & 112) of the Original Town, lying north of the Chicago, Rock Island and Pacific Railroad right-of-way.**

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 Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

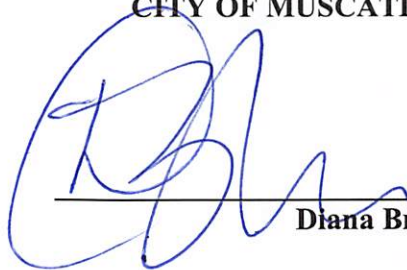
**PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2020.**

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



**Attest:**

  
\_\_\_\_\_  
**Carol Webb, City Clerk**

  
\_\_\_\_\_  
**Diana Brodersen, Mayor**

1<sup>st</sup> Reading: November 5, 2020

2<sup>nd</sup> Reading: November 12, 2020

3<sup>rd</sup> Reading: November 19, 2020



## City of Muscatine



### AGENDA ITEM SUMMARY

DATE:11-19-20

City Council

#### STAFF

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Andrew Fangman, Assistant Community Development Director

#### SUBJECT

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Ordinance Vacating a Portion of the Undeveloped Lombard Street Right-of-Way Adjoining 1009 East 6th Street &

Resolution Executing Deed to Convey the Vacated Right-of-way to the Adjoining Property Owner, Midwest Property Holdings LLC

#### EXECUTIVE SUMMARY

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Midwest Property Holdings LLC is requesting that the City vacate and sell to them the portion of the undeveloped Lombard Street right-of-way that adjoins 1009 East 6th Street, which the company owns.

#### STAFF RECOMMENDATION

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Staff recommends approval of the ordinance, and the subsequent resolution to execute the deed to convey the vacated right-of-way to Midwest Property Holdings LLC.

#### BACKGROUND/DISCUSSION

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In April 2020, Midwest Property Holdings LLC purchased 1009 East 6<sup>th</sup> Street from Weber and Sons Button Company and has since been renovating this property. As part the project Midwest Property Holdings LLC desires to construct a canopy type structure to provide a protected storage area for snow removal equipment, on an existing concrete pad that adjoins the east side of the existing building. However, the east wall of the existing building is concurrent with the property line, and the concrete slab in question is located within the Lombard Street right-of-way. In order for Midwest Property to erect the desired structure they will need to lease this right-of-way. The City previously leased this right-of-way to the former owner of 1009 East 6<sup>th</sup> Street, the existing improvements were made by the previous owner under the lease that expired in 1976.

The subject right-of way has not been developed as a public street, and contains no public infrastructure. The adjoining property owner to the east is the Canadian Pacific Railroad. Improvements made by the prior property owner as part of the now expired lease remain on the right-of-way subject to this vacation request.

The proposed purchase price of \$250 is the standard amount used in recent disposal of right-of-way that only has value to the adjoining property owner. This price covers the City's costs to process the transaction and makes the purchase of unneeded right-of-way attractive to adjoining property owners, which benefits the City by adding such real estate and any subsequent improvements to the tax rolls.

With approval of the final reading of the ordinance vacating this right-of-way, it is then necessary for council to approve a resolution directing for the Mayor and City Clerk to sign the deed conveying this right-of-way to Midwest Property Holdings LCC, the adjoining property owner

#### CITY FINANCIAL IMPACT

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Approval of this action would result in small increase in revenue. The applicant will cover transactional costs. The vacation will make the property and any future improvements made upon it subject to property tax.

#### ATTACHMENTS

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

1. Map
2. Ordinance vacating right-of-way
3. A Resolution Conveying Vacated Right-of-Way to Midwest Property Holdings LLC
4. Deed to Midwest Property Holdings LLC

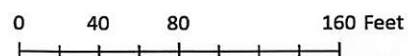




# **PZROWV-7 Lomabrd St Right of Way Adjacent to 1009 E. 6th Street**

## **Legend**

-  Lombard Street Right of Way Proposed for Vacation
-  Parcel Lines





\*\*\* 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 83381

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



PUBLIC NOTICE  
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PASSED, APPROVED AND ADOPTED this 19th day of November, 2020.

BY THE CITY COUNCIL OF CITY OF MUSCATINE, IOWA

/s/Diana Brodersen, Mayor

Attest:

Carol Webb, City Clerk

1st Reading: November 5, 2020

2nd Reading: November 12, 2020

3rd Reading: November 19, 2020

Section: Notices & Legals

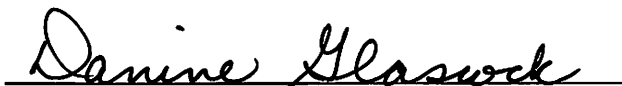
Category: 2635 Legal Ordinance

PUBLISHED ON: 11/30/2020

TOTAL AD COST: 34.10

FILED ON: 11/30/2020

Subscribed and sworn to before me by said affiant this 30 day of Nov. 2020



Notary Public in and for Scott County, Iowa

