



City of Muscatine



AGENDA ITEM SUMMARY

DATE:10-15-20

City Council

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT:

Resolution Setting a Public Hearing on a Request by Midwest Property Holdings LLC to vacate the undeveloped Lombard Street Right of Way Adjoining 1009 E. 6th Street

EXECUTIVE SUMMARY:

This resolution would set a public hearing on the vacation and sale of the vacate the undeveloped Lombard Street Right of Way Adjoining 1009 E. 6th Street for November 5, 2020.

STAFF RECOMMENDATION

Staff recomends approval.

BACKGROUND/DISCUSSION

Midwest Property Holdings LLC, whom recently purchased 1009 E. 6th Street, (the old Weber Button) is requesting that vacate and then sell the portion of the Lombard Street right of way, which adjoins this property. They desire to construct a canopy type structure, in order to provide for a protected storage area for snow removal equipment.

CITY FINANCIAL IMPACT

A onetime payment to the City for sale of right of way. A small increase in annual revenue as this property and improvements made upon it would be subject to property taxes.

ATTACHMENTS

1. Memo
2. Resolution Setting Public Hearing
3. Public Notice



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: Carol Webb, City Administrator
Jodi Royal-Goodwin, Community Development Director
From: Andrew Fangman, Assistant Community Development Director
Date: October 15, 2020
Re: Resolution Setting a Public Hearing on a Request by Midwest Property Holdings LLC to vacate the Undeveloped Lombard Street Right of Way Adjoining 1009 E. 6th Street

INTRODUCTION: Midwest Property Holdings LLC, whom recently purchased 1009 E. 6th Street, (the old Weber Button) is requesting that they City vacate then sell to them the portion of the undeveloped Lombard Street Right of Way that adjoins 1009 E. 6th Street.

BACKGROUND: In April of 2020, Midwest Property Holdings LLC, purchased 1009 E. 6th St from Weber and Sons Button Company, and has since been renovating this property. As part of this renovation Midwest Property Holdings LLC, desires to construct a canopy type structure, in order to provide for 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. This concrete slab was installed by the previous owner. Installation of a private improvement on public right of way was permitted by a lease by the City of this portion of the Lombard Street right of way. This lease was approved in 1951, and was for a 25-year term which expired in 1976. As this lease has expired the only way for Midwest Property Holdings LLC, to make their desired improvements to this right of way, is to either enter into a new lease with the City or to purchase it after it has been vacated. As such they are requesting that City vacate then sell this right of way.

The subject right of way has not been developed as public streets or alleys, 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 comprises this vacation request.

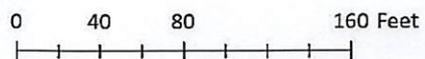
RECOMMENDATION/RATIONALE: Prior to City Council action on this request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed right of way vacation.



PZROWV-7 Lombard St Right of Way Adjacent to 1009 E. 6th Street

Legend

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



Legal description of the right of way being requested to be vacated:

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

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
5720 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637



RESOLUTION NO. 2020-0344

**A RESOLUTION SETTING THE TIME AND PLACE TO
CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE
OF STREET RIGHT-OF-WAY (THE PORTION OF LOMBARD STREET
RIGHT OF WAY THAT ADJOINS 1009 EAST 6TH 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 portion of the Lombard Street right of way that is described as follows:

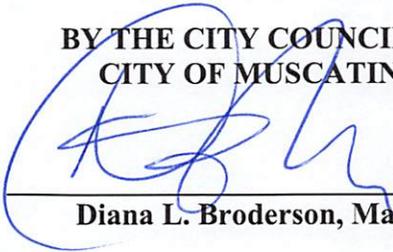
That portion of Lombard Street in the City of Muscatine, Iowa, between the north line of Sixth Street and the north alley line of Blocks One Hundred Eleven and One Hundred Twelve (111 & 112) of the Original Town, lying north of the Chicago, Rock Island and Pacific Railroad right-of-way.

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 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, November 5, 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 15th day of October, 2020.

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



Diana L. Broderson, Mayor



Attest:



Carol Webb, City Clerk



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:

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.

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, November 5, 2020, in the City Council Chambers in City Hall, Muscatine, Iowa.

Carol Webb
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 80817

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

Catherine Rockwell

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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Carol Webb
City Clerk

Section: Notices & Legals

Category: 2627 Miscellaneous Notices

PUBLISHED ON: 10/28/2020

TOTAL AD COST: 20.65

FILED ON: 10/28/2020

Subscribed and sworn to before me by said affiant this 20th day of October 2020

Cheryl Lou Schemmel

Notary Public in and for Scott County, Iowa

