



# City of Muscatine



## AGENDA ITEM SUMMARY

DATE: 12/2/2021

City Council

### STAFF

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April Limburg, Planner

### SUBJECT:

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Resolution Deeding Vacated Right of Way Located Between 1248 and 1300 E. 5<sup>th</sup> Street to the Adjacent Property Owners

### EXECUTIVE SUMMARY:

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Presented for City Council's consideration are two Resolutions deeding vacated alley right of way between 1248 and 1300 E. 5<sup>th</sup> Street to the adjoining property owners.

### STAFF RECOMMENDATION

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Staff recommends Council approve the attached resolutions deeding vacated alley right of way to the adjoining property owners located at 1248 and 1300 E 5<sup>th</sup> Street.

### BACKGROUND/DISCUSSION

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The City of Muscatine has filed for the vacation of the right of way between 1248 E 5<sup>th</sup> St and 1300 E 5<sup>th</sup> St. Upon completion of the vacation of said right of way, staff proposes the property be conveyed to the adjacent property owners, eliminating the need for City maintenance.

### CITY FINANCIAL IMPACT

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This portion of the public right of way serves no current or anticipated future public use. This action will eliminate any future financial impacts of ownership.

### ATTACHMENTS

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1. Resolution Deeding Vacated Right of Way to Richard L or Velma Mills
2. Deed to Richard L or Velma Mills
3. Resolution Deeding Vacated Right of Way to Jeffrey A. Dean
4. Deed to Jeffrey A. Dean

**RESOLUTION NO. 2021-0441**

**A RESOLUTION DEEDING OVER THE ALLEY RIGHT OF WAY LOCATED  
BETWEEN 1248 AND 1300 E 5<sup>TH</sup> STREET OF THE ORIGINAL TOWN IN THE CITY  
OF MUSCATINE, MUSCATINE COUNTY IOWA  
TO THE ADJOINING PROPERTY OWNER, JEFFREY A. DEAN**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine, on October 12, 2021 recommended approval of the vacation of alley right of way between 1248 and 1300 E 5th Street and deeding the property to the adjacent property owners; and

**WHEREAS**, due notice of said proposal to vacate and convey said vacated right of way to the adjoining property owners was given as provided for by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposal to vacate and deed, both for and against, have been given an opportunity to be heard and have presented their views with respect thereto to the City Council of the City of Muscatine, Iowa at a public hearing held on November 4, 2021 and

**WHEREAS**, the said right of way was vacated by Ordinance on December 2, 2021; and

**WHEREAS**, Jeffrey A Dean is the adjoining property for the portion said vacated right of way described as follows:

ALL THAT PART OF THE E1/2 OF THE NORTH-SOUTH ALLEY LYING BETWEEN THE EAST TWO-THIRDS OF LOT ONE (1) IN BLOCK FIVE (5) OF BROGAN'S ADDITION AND LOT 5 IN BLOCK 6 OF BROGRAN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA.

**WHEREAS**, it is the intent of the City to convey said vacated right of way to Jeffrey A Dean

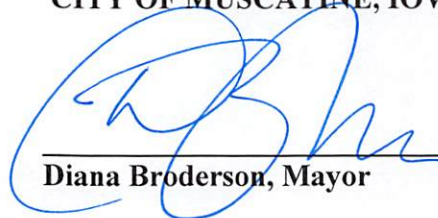
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:**

1. The City of Muscatine, Iowa is conveying its rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution marked Exhibit A to Jeffrey A Dean
2. The deed will be in the name of the City of Muscatine, Iowa; will be signed by the Mayor and attested by the City Clerk; and will be in substantially the same form as the copy of the deed attached as Exhibit A to this Resolution.
3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED AND ADOPTED this 2nd day of December 2021.

BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA



  
\_\_\_\_\_  
Diana Broderson, Mayor

Attest:


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

Exhibit A

Prepared by: April Limburg, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141  
Return and Tax Statement to: Jeffrey A Dean, 1300 E 5<sup>th</sup> St, Muscatine, IA 52761-4920

**WARRANTY DEED**

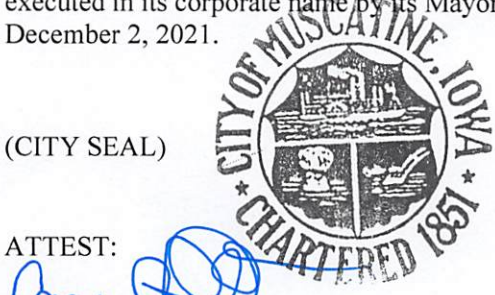
The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and deeds to Jeffrey A Dean all its right, title, and interest in the following real property in Muscatine County, Iowa:

ALL THAT PART OF THE E1/2 OF THE NORTH-SOUTH ALLEY LYING BETWEEN THE EAST TWO-THIRDS OF LOT ONE (1) IN BLOCK FIVE (5) OF BROGAN'S ADDITION AND LOT 5 IN BLOCK 6 OF BROGRAN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA.

*Exempt from transfer tax per Iowa Code Section 428A.2(21).*

The City covenants with the grantee, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, though, or under the City.

IN WITNESS WHEREOF, the City of Muscatine, Iowa, has caused this instrument to be executed in its corporate name by its Mayor and City Administrator and its seal to be affixed on December 2, 2021.



(CITY SEAL)

CITY OF MUSCATINE, IOWA  
By [Signature]  
Diana L. Broderson, Mayor

ATTEST:  
[Signature]  
Carol Webb, City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on 12-2-, 2021, by Diana L. Broderson and Carol Webb as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

[Signature]  
Cinda Hilger, Notary Public in and for the State of Iowa



Cinda L. Hilger  
Iowa Notarial Seal  
Commission Number: 753850  
My commission expires: 7-22-23