

ORDINANCE NO. 91760-0811

**AN ORDINANCE VACATING CERTAIN RIGHT-OF-WAY
IN THE CITY OF MUSCATINE, IOWA.**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended the vacation of the alley right-of-way remnant located between and adjacent to Lot 22 of Mill Street Addition and Lot 1 in Block 29 of South Muscatine; and

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, as follows:

PARCEL "L", more particularly described as:

THAT PORTION OF THE 20 FOOT WIDE ALLEY RIGHT OF WAY BETWEEN AND ADJACENT TO LOT 22 OF MILL STREET ADDITION AND LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, IOWA.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 OF MILL STREET ADDITION; THENCE NORTH 41°13'26" EAST 60.15 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 22; THENCE SOUTH 48°46'34" EAST 20 FEET TO THE NORTHWESTERLY LINE OF LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE; THENCE SOUTH 41°13'26" WEST 60.15 FEET ALONG THE NORTHWESTERLY LINE OF LOT 1 TO THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET; THENCE NORTH 48°46'34" WEST 20.00 FEET ALONG THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET TO THE POINT OF BEGINNING, CONTAINING 1203 SQUARE FEET OR 0.028 ACRES.

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 Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.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 18th day of August, 2011

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



Gregg Mandsager
Gregg Mandsager, City Clerk

Richard W. O'Brien
Richard W. O'Brien, Mayor

1st Reading July 21, 2011

2nd Reading August 4, 2011

3rd Reading August 18, 2011

Publication August 25, 2011

PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk
Ordinance No. 91760-0811

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

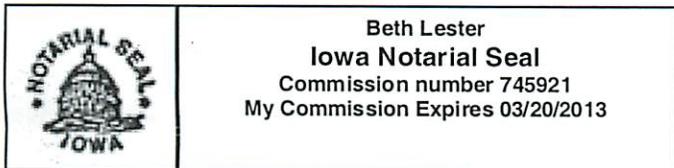
August 25, 2011

Jeff Lee 

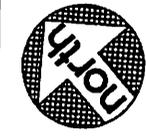
**STATE OF IOWA
MUSCATINE COUNTY**

Subscribed and sworn to before me this
25th day of August 2011


Beth Lester, Notary Public



ORDINANCE NO. 91760-0811
AN ORDINANCE VACATING
CERTAIN RIGHT-OF-WAY
IN THE CITY OF MUSCATINE, IOWA.
WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended the vacation of the alley right-of-way remnant located between and adjacent to Lot 22 of Mill Street Addition and Lot 1 in Block 29 of South Muscatine; and
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, as follows:
THAT PORTION OF THE 20 FOOT WIDE ALLEY RIGHT OF WAY BETWEEN AND ADJACENT TO LOT 22 OF MILL STREET ADDITION AND LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, IOWA.
BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 OF MILL STREET ADDITION; THENCE NORTH 41°13'26" EAST 60.15 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 22; THENCE SOUTH 48°46'34" EAST 20 FEET TO THE NORTH-WESTERLY LINE OF LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE; THENCE SOUTH 41°13'26" WEST 60.15 FEET ALONG THE NORTHWESTERLY LINE OF LOT 1 TO THE NORTHEAST-ERLY RIGHT OF WAY OF PEARL STREET; THENCE NORTH 48°46'34" WEST 20.00 FEET ALONG THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET TO THE POINT OF BEGINNING, CONTAINING 1203 SQUARE FEET OR 0.028 ACRES.
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 21st day of July, 2011.
BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA
Richard W. O'Brien, Mayor
Attest:
Gregg Mandsager, City Clerk
1st Reading: July 21, 2011
2nd Reading: August 4, 2011
3rd Reading: August 18, 2011
Publication August 25, 2011



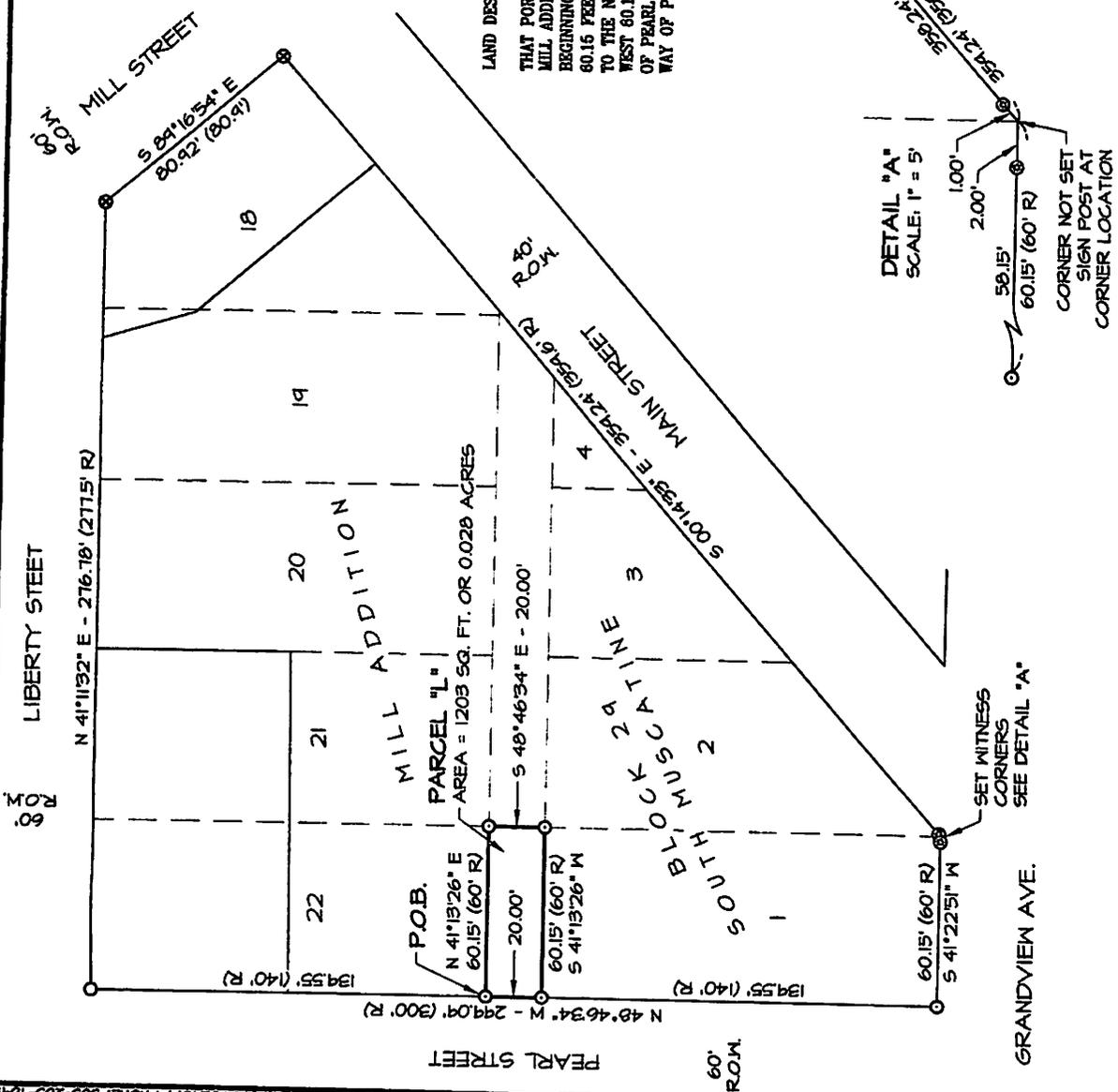
BASIS OF BEARINGS
IOWA STATE PLANE COORDINATE SYSTEM
SOUTH ZONE

LEGEND

- SET 1/2" X 36" REBAR W/YELLOW CAP #10316
- SET MAG. NAIL WWASHER
- ⊙ SET MAG. NAIL
- ⊙ SET "X" IN CONCRETE
- (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

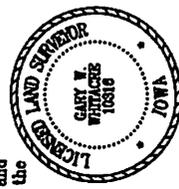
LAND DESCRIPTION -

THAT PORTION OF THE 20 FOOT WIDE ALLEY RIGHT OF WAY BETWEEN AND ADJACENT TO LOT 22 OF MILL ADDITION AND LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, IOWA, BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 OF MILL ADDITION; THENCE NORTH 41°13'26" EAST 60.15 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 22; THENCE SOUTH 48°46'34" EAST 20.00 FEET TO THE NORTHEASTERLY LINE OF LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE, THENCE SOUTH 41°13'26" WEST 80.15 FEET ALONG THE NORTHWESTERLY LINE OF LOT 1 TO THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET, THENCE NORTH 48°46'34" WEST 20.00 FEET ALONG THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET TO THE POINT OF BEGINNING, CONTAINING 1203 SQUARE FEET OR 0.028 ACRES.



PROPRIETOR: CITY OF MUSCATINE, IOWA

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 Land Surveyor under the laws of the State of Iowa.



GARY M. WHITACRE
 Gary M. Whitacre
 Date: June 2, 2011 Reg. No. 10316
 My license renewal date is December 31, 2011
 Pages or sheets covered by this seal: 1

Martin & Whitacre Surveyors & Engineers, Inc.		MUSCATINE, IOWA	
P.O. BOX 413 (563)263-7691		VACATION FLAT	
FILE	BOOK	SCALE	DATE
MILL ADD. CITY #42	CITY #42	1"=40'	6/2/2011
REV. 0	DRN	PM	JOB NO.
	1576 SURVEY DWG		1576.11
			SHEET 1 OF 1



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

COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Steven Boka, Director of Community Development
Date: July 15, 2011
Re: Vacation Request – Alley ROW Remnant in

INTRODUCTION: A request has been submitted by Attorney Nathan Mather on behalf of T.L.W. Corporation, to vacate, sell and transfer an alley remnant located adjacent to the property they own that is generally bounded by Main, Pearl, Liberty and Mill Streets.

BACKGROUND: T.L.W. Corporation owns all of the real estate that borders the remainder of the alley right-of-way located within the property shown on the Vacation Plat, a copy of which is attached hereto. The Owners are now requesting that the remaining alley right-of-way be vacated, sold and transferred to the Corporation for their future use.

RECOMMENDATION/RATIONALE: The Planning Commission reviewed this request during their June 14th meeting and unanimously recommended approval of the request, as submitted, since the property has no future value to the City. Therefore, following the required public hearing on July 21st, it is recommended that the City Council take action to approve the ordinance authorizing the vacation, transfer and sale of the property, on first reading.

BACKUP INFORMATION:

1. Ordinance
2. Vacation Plat