

ORDINANCE NO. 92506-0813

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

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended the vacation of certain rights-of-way located in and adjacent to Block 2 in Burnside's 2nd Addition to the City of Muscatine; and

WHEREAS, the City Council of the City of Muscatine has conducted a public hearing on said vacation requests;

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:

Being that part of the unimproved alley right-of-way in Block 2, Burnside's 2nd Addition to the City of Muscatine, Muscatine County, Iowa.

More particularly described as follows:

LAND DESCRIPTION - CLARK

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 55.17 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 55.17 FEET TO THE POINT OF BEGINNING; CONTAINING 1103 SQUARE FEET.

LAND DESCRIPTION - CASTILLO

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LAND DESCRIPTION - SCHROEDER

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 50.00 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 50.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1000 SQUARE FEET.

LAND DESCRIPTION – ALLISON

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHEAST CORNER OF LOT 4 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION; THENCE SOUTH 48°46'39" WEST 44.65 FEET; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 44.65 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET TO THE POINT OF BEGINNING; CONTAINING 893 SQUARE FEET.

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 Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

PASSED, APPROVED AND ADOPTED this 15th day of August, 2013.

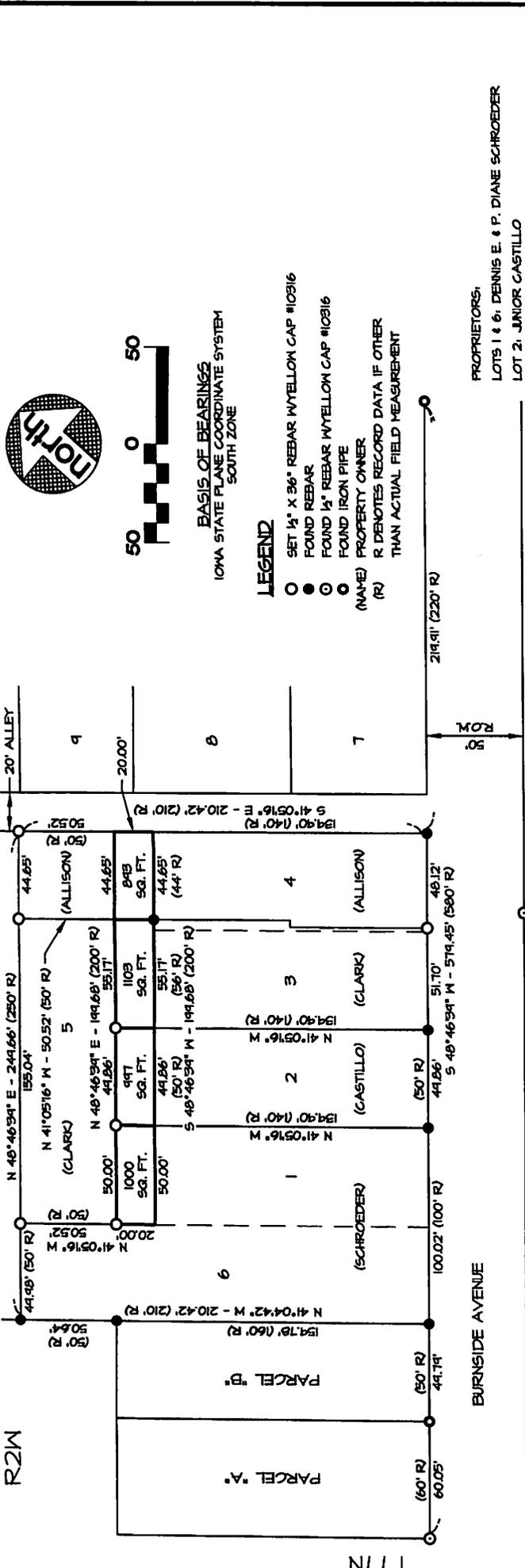
**BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA**




DeWayne Hopkins, Mayor


Gregg Mandsager, City Clerk

1st Reading: August 1, 2013
2nd Reading: August 15, 2013
3rd Reading: August 15, 2013
Publication _____



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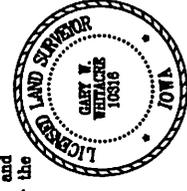
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The utility easements as shown are acceptable to the following utilities:

CENTURION, LC	Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	Title	Date
MUSCATINE POWER & WATER	Title	Date
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date

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 W. Whitacre
Date: _____ Reg. No. 10316
My license renewal date is December 31, 2013
Pages or sheets covered by this seal: 1

Martin & Whitacre Surveyors & Engineers, Inc.
P.O. BOX 413 (563)263-7891 MUSCATINE, IOWA

DAN & CINDY CLARK VACATION FLAT
PART OF BURNSIDE'S 2ND ADD. IN THE CITY OF MUSCATINE, IA

FILE	BOOK	SCALE	DRN	CHKD	DATE	JOB NO.
BURNSIDE'S 2ND ADD.	11-50	PM	6/14	7/24/13	7/24/13	16571.13
REV.	0					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: August 12, 2013
Re: Ordinance - Vacation of Alley Remnant

INTRODUCTION: A request has been submitted by Daniel B. and Cynthia L. Clark to vacate, sell and transfer a twenty-foot (20') wide unimproved alley remnant located behind their home located at 305 Burnside.

BACKGROUND: Daniel and Cynthia Clark own Lots 3 & 5 of the Burnside 2nd Addition to the City of Muscatine. The Clark's would like to construct a detached garage on the Lot 5 but are not permitted to construct a garage on a vacant lot unless it is attached (contiguous) to the same property where the home is located. Adjacent property owners were contacted by the Clark's and have indicated their support for the Clark request and have also agreed to acquire the remnants located behind their homes located at 301 (Schroeder) & 303 (Castillo) Burnside, and Allison (307). A Public Hearing was scheduled and the City Council approved the Ordinance vacating the alley ROW on first reading during their August 1st meeting. Since there were no objections filed during the public hearing, the Clark's are requesting that the City Council waive the second reading of the Ordinance and approve the vacation on final reading during the August 15th meeting.

RECOMMENDATION/RATIONALE: There are no other property owners that abut this unimproved alley. It is recommended that the City Council waive the 2nd reading and adopt the attached Ordinance on final reading.

BACKUP INFORMATION:

1. Ordinance
2. Vacation Plat
3. Clark email

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



vacation of alley

Cindy Clark <CClark@slhlaw.com>
To: sboka@muscatineiowa.gov

Mon, Aug 12, 2013 at 8:42 AM

Mr. Boka since there was no opposition at the last City Council meeting on the request to vacate the alley that runs behind our property, I am requesting that the reading on Thursday, August 15, 2013 be the second and final reading. All property owners are in agreement and will purchase their portion of the alley.

Please let me know if you have any questions.

Dan & Cindy Clark

Cynthia L. Clark

Office Administrator

STANLEY, LANDE & HUNTER

Attorneys and Counselors

301 Iowa Avenue

Suite 400

Muscatine, Iowa 52761

Telephone: 563.264.5000

Facsimile: 563.263.8775

www.slhlaw.com

cclark@slhlaw.com

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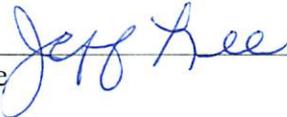
PROOF OF PUBLICATION

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. 92506-0813

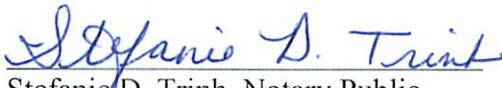
Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

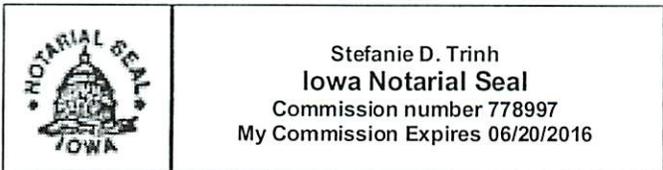
August 20, 2013

Jeff Lee 

**STATE OF IOWA
MUSCATINE COUNTY**

20th day of August 2013


Stefanie D. Trinh, Notary Public



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BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA
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Attest:
Gregg Mandsager, City Clerk

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