

Prepared by Steven Boka, 215 Sycamore St., Muscatine, Iowa 563.262.4141

ORDINANCE NO. 91607-0411

**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 42 in Original Town; 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 Elm Street lying west of Block 42 and north of the south line of Block 42 extended; and also the alley in Block 42, all in the City of Muscatine, according to the Original Plat thereof, Muscatine County, Iowa.

More particularly described as follows:

LAND DESCRIPTION PARCEL "H" –

A PART OF ELM STREET LOCATED IN THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.
THAT PART OF ELM STREET LYING WEST OF BLOCK 42 AND NORTH OF THE SOUTH LINE OF BLOCK 42 EXTENDED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 140.00 FEET; THENCE SOUTH 51°35'02" WEST 60.00 FEET; THENCE NORTH 38°34'06" WEST 63.36 FEET; THENCE NORTH 00°27'16" WEST 97.21 FEET TO THE POINT OF BEGINNING. PARCEL "H" CONTAINS 0.140 ACRES.

LAND DESCRIPTION PARCEL "I" –

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE NORTH 00°27'16" WEST 25.37 FEET; THENCE NORTH 51°35'02" EAST 162.84 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 74.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 104.00 FEET TO THE POINT OF BEGINNING. PARCEL "I" CONTAINS 0.061 ACRES.

Publication April 26, 2011

3rd Reading: April 21, 2011

2nd Reading: April 21, 2011

1st Reading: April 4, 2011

Gregg Mandasager, City Clerk



Richard W. O'Brien, Mayor

BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA

PASSED, APPROVED AND ADOPTED this 21st day of April, 2011.

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 Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

LAND DESCRIPTION PARCEL "K" -
A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA,
BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 119.00 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 119.00 FEET TO THE POINT OF BEGINNING. PARCEL "K" CONTAINS 0.027 ACRES.

LAND DESCRIPTION PARCEL "J" -
A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA,
BEGINNING AT THE NORTHEAST CORNER OF LOT 5, IN BLOCK 42; THENCE SOUTH 51°35'02" WEST 193.50 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 193.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET TO THE POINT OF BEGINNING. PARCEL "J" CONTAINS 0.044 ACRES.

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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. 91607-0411

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:

April 26, 2011

Jeff Lee 
Jeff Lee

**STATE OF IOWA
MUSCATINE COUNTY**

Subscribed and sworn to before me this
26th day of April 2011


Beth Lester, Notary Public



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**BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA**
Richard W. O'Brien, Mayor

Attest:
Gregg Mandsager, City Clerk

1st Reading: April 4, 2011
2nd Reading: April 21, 2011
3rd Reading: April 21, 2011
Publication April 26, 2011



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

PLANNING, ZONING AND BUILDING SAFETY

**Public Health,
Housing Inspections &
Inspection Services**

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Steven Boka, Director of Community Development
Date: March 30, 2011
Re: Ordinance Vacating a Portion of Elm Street and Alley ROW in Block 42

INTRODUCTION: A request has been submitted on behalf three separate property owners interested in the vacation and purchase of unused city right-of-way located in Block 42 of Original Town. The first request involves a portion of the platted but unimproved portion of Elm Street located adjacent to Block 42 of Original Town. The second request is associated with the three property owners that abut the platted but unimproved alley right-of-way in Block 42 of Original Town.

BACKGROUND: The Planning Commission conducted an on-site viewing of the property on March 2nd and reviewed the request during their regular meeting on March 8th. The Commission unanimously recommended that the City Council take action to approve the vacation and transfer of this real estate since it has no future value to the City and would create a building lot for a new home. During their March 17th meeting, the City Council took action approving a resolution setting a public hearing for Thursday, April 7, 2011 regarding this matter.

RECOMMENDATION/RATIONALE: It is recommended that the City Council take action to approve the first reading of an Ordinance approving the vacation, sale and transfer of this property as described in the attached Ordinance.

BACKUP INFORMATION:

1. Ordinance
2. Vacation Plat with Legal Descriptions