

**ORDINANCE NO. 90788-0509**

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

**WHEREAS**, the City of Muscatine Planning and Zoning Commission has reviewed a request to vacate a portion of the unimproved McClellan Street right-of-way located between blocks 30 and 32 in Park Place Addition; and

**WHEREAS**, the City of Muscatine's Planning and Zoning Commission has determined there is no anticipated future use of the unimproved public right-of-way requested for vacation, except the reservation of a right-of-entry to maintain existing utilities; 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:

DESCRIPTION – PARCEL “T”

A PART OF MCCLELLAN STREET ADJACENT TO BLOCK 32 IN PARK PLACE ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT THE NORTHEAST CORNER OF LOT 8 OF BLOCK 30 IN PARK PLACE ADDITION; THENCE NORTH 89°18'56" EAST 67.88 FEET ALONG THE SOUTH RIGHT OF WAY OF MCARTHUR STREET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY OF FIRST AVENUE; THENCE SOUTH 00°19'53" EAST 8.74 FEET ALONG THE WEST RIGHT OF WAY OF FIRST AVENUE TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY OF MCCLELLAN STREET; THENCE SOUTH 35°20'00" WEST 151.81 FEET ALONG SAID RIGHT OF WAY TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF THE 20 FOOT ALLEY IN BLOCK 30 EXTENDED; THENCE SOUTH 89°18'56" WEST 37.09 FEET TO THE CENTERLINE OF MCCLELLAN STREET; THENCE NORTH 23°18'19" EAST 143.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,290 SQUARE FEET.

And Also:

DESCRIPTION – PARCEL “S”

A PART OF MCCLELLAN STREET ADJACENT TO BLOCK 30 IN PARK PLACE ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT THE NORTHEAST CORNER OF LOT 8 OF BLOCK 30 IN PARK PLACE ADDITION; THENCE SOUTH 23°18'19" WEST 143.96 FEET TO THE NORTH RIGHT OF WAY LINE OF THE 20 FOOT ALLEY IN BLOCK 30 EXTENDED; THENCE SOUTH 89°18'56" WEST 37.09 FEET ALONG SAID ALLEY LINE EXTENDED TO THE SOUTHEAST CORNER OF LOT 8 OF BLOCK 30; THENCE NORTH 35°20'00" EAST 162.61 FEET TO THE NORTHEAST CORNER OF LOT 8 AND THE POINT OF BEGINNING, CONTAINING 2,439 SQUARE FEET.

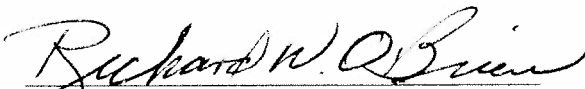
Section II. Said vacation is subject to easements for inspection, maintenance, repair and replacement of all existing utilities.

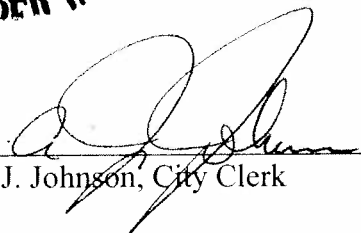
Section III. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of April 2009.

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



  
Richard W. O'Brien, Mayor

  
A. J. Johnson, City Clerk

1<sup>st</sup> Reading April 2, 2009

2<sup>nd</sup> Reading April 16, 2009

3<sup>rd</sup> Reading May 5, 2009

Publication May 13, 2009



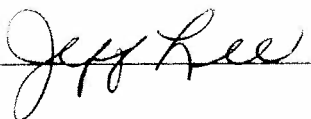
## PROOF OF PUBLICATION

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. 90788-0509

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:

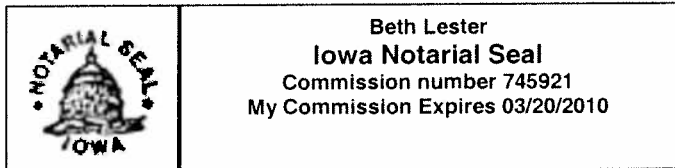
May 13, 2009

Jeff Lee 

### STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this  
13th day of May 2009

  
Beth Lester, Notary Public



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RIGHT-OF-WAY  
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WHEREAS, the City Council of the City of Muscatine has conducted a public hearing on said vacation request;  
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LINE OF THE 20 FOOT ALLEY IN BLOCK 30 EXTENDED; THENCE SOUTH 89°18'56" WEST 37.09 FEET TO THE CENTERLINE OF MCCLELLAN STREET; THENCE NORTH 23°18'19" EAST 143.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,290 SQUARE FEET.  
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Section II. Said vacation is subject to easements for inspection, maintenance, repair and replacement of all existing utilities.  
Section III. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.  
PASSED, APPROVED AND ADOPTED this 2nd day of April 2009.  
BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA  
Richard W. O'Brien, Mayor  
Attest:  
A. J. Johnson, City Clerk  
1st Reading: April 2, 2009  
2nd Reading: April 16, 2009  
3rd Reading: May 5, 2009  
Publication: April 13, 2009