

RESOLUTION NO. 89188-1004

RESOLUTION APPROVING AN EXECUTED DEED

WHEREAS, a Resolution was adopted by the City Council of Muscatine, Iowa, on October 7, 2004, approving the sale of certain real property to Community Bank; and

WHEREAS, the Resolution requires the City to execute and deliver a deed to the buyers; and

WHEREAS, the Mayor and city Clerk have duly executed such a deed pursuant to the Resolution;

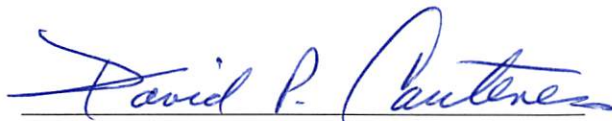
IT IS THEREFORE RESOLVED, BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, that the executed deed, a copy of which is attached to the prior Resolution, is approved in accordance with Iowa Code Section 569.7.

PASSED, APPROVED, AND ADOPTED this 7th day of October, 2004.

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




Richard W. O'Brien, Mayor


David P. Casstevens, Acting City Clerk

MEMO

TO: A. J. Johnson, City Administrator

FROM: Steven Boka, Building & Zoning Administrator

SUBJECT: Community Bank Vacation Request – Alley ROW between 6th & 7th Sts.

DATE: September 20, 2004

The Planning and Zoning Commission has reviewed and approved the request from Community Bank to have the City vacate and transfer a portion of public alley right-of-way (ROW) located between 6th and 7th Streets. This 20' X 50' portion of the alley ROW abuts a 20' X 100' portion of the alley transferred to the bank in 2003. The real estate is further described as:

The portion of the twenty-foot (20') by fifty-foot (50') improved alley right-of-way (ROW) adjacent to the East twenty feet (20') of Lot 2 and the West thirty feet (30') of Lot 3 in Block 119 of Original Town Addition in the City of Muscatine, Iowa.

It is recommended that the attached action items:

1. Ordinance Vacating the Alley ROW.
2. Authorizing the sale of City property.
3. Approving the executed deed.

Be approved by the City Council during their October 7, 2004 City Council meeting.

The fair market value of this property is \$950.00. (1,000 sq. ft. of real estate at \$0.95/sq.ft.)

Attch.

Prepared by Steven Boka, 215 Sycamore Street, Muscatine, Iowa 52761 563.262.4141

Tax Statement Address: Community Bank, 615 Cedar Street, Muscatine, Iowa 52761

EXHIBIT A

DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to Community Bank, a corporation of the State of Iowa, all rights, title, and interest in the following real property in the City of Muscatine, Iowa:

That portion of the twenty-foot by fifty-foot improved alley right-of-way (ROW) adjacent to the East twenty feet of Lot 2, and the West thirty feet of Lot 3 of Block 119 in Original Town Addition in the City of Muscatine, Iowa. A right-of-entry for maintenance of all existing utilities is reserved.

Exempt from transfer tax per Iowa Code Section 428A.2(6).


The City covenants with the grantees, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, through, 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 Clerk and its seal to be affixed on October 7, 2004.



CITY OF MUSCATINE, IOWA


Richard W. O'Brien, Mayor


David P. Casstevens, Acting City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss:

On this 13th day of October, 2004, before me Lorrie Fry, a Notary Public in and for the State of Iowa, personally appeared Richard W. O'Brien and David P. Castevens, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and Acting City Clerk, respectively, of the City of Muscatine, Iowa; and that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council under Roll Call No. 18975 of the City Council on the 7th day of October, 2004, and that Richard W. O'Brien and A. J. Johnson acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Lorrie Fry

Notary Public in and for the State of Iowa

