



AGENDA ITEM SUMMARY

DATE: 11/18/2021

City Council

STAFF

April Limburg, Planner

SUBJECT:

A Resolution Deeding Vacated Right of Way to an Adjoining Property Owner

EXECUTIVE SUMMARY:

Presented for City Council's consideration is a resolution deeding over to the adjoining property owner the vacated undeveloped right of way of Lombard Street.

STAFF RECOMMENDATION

Staff recommends Council approve the attached resolution deeding to the adjoining property owner located at 1100 E 7th St the undeveloped Lombard Street right of way.

BACKGROUND/DISCUSSION

In June of 2019, Patrick Garrels, owner of Garrels Enterprises, Lllp, purchased 1100 E 7th Street from Andy Hartsock. The property is currently a rental property. In the future, he would like to construct a garage on the property as there currently isn't one. A utility easement must also be created to accommodate existing and future utilities running through the portion of right of way being conveyed.

CITY FINANCIAL IMPACT

This portion of the public right of way serves no current or anticipated future public use. This action will eliminate any future financial impacts of ownership.

ATTACHMENTS

1. A Resolution Deeding Vacated Right of Way to Garrels Enterprises, Lllp
2. Deed to Garrels Enterprises, Lllp

RESOLUTION NO. 2021-0429

A RESOLUTION DEEDING OVER TO THE ADJOINING PROPERTY OWNER THE VACATED UNDEVELOPED RIGHT OF WAY OF LOMBARD STREET OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on September 14, 2021 recommended approval of the vacation and deeding of undeveloped Lombard Street right of way

WHEREAS, due notice of said proposal to vacate and convey said right of way and to further convey said vacated right of way to the adjoining property owner was give as provided for by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal vacation on deeding, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Muscatine, Iowa at public hearing held on October 7, 2021 and

WHEREAS, the said right of way was vacated by Ordinance on

WHEREAS, Garrels Enterprises Lllp is the adjoining property for the portion said vacated right of way described as follows:

THAT PORTION OF LOMBARD STREET IN THE CITY OF MUSCATINE, IOWA, BETWEEN THE SOUTH LINE OF SEVENTH STREET AND THE SOUTH ALLEY LINE IN BLOCKS ONE HUNDRED ELEVEN AND ONE HUNDRED TWELVE (111 & 112) OF THE ORIGINAL TOWN

WHEREAS, it is the intent of the City to convey said vacated right of way to Garrels Enterprises, Lllp

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

1. The City of Muscatine, Iowa will vacate and deed its rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution marked Exhibit A to Garrels Enterprises Lllp
2. The deed will be in the name of the City of Muscatine, Iowa; will be signed by the Mayor and attested by the City Clerk; and will be in substantially the same form as the copy of the deed attached as Exhibit A to this Resolution.
3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED AND ADOPTED this 18th day of November 2021.



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



Diana Brodersen, Mayor

Attest:



Carol Webb, City Clerk

Exhibit A

Prepared by: April Limburg, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: Garrels Enterprises, Llp, 2180 280th St, Wilton, IA 52778

WARRANTY DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and deeds to Garrels Enterprises, Llp all its right, title, and interest in the following real property in Muscatine County, Iowa:

THAT PORTION OF LOMBARD STREET IN THE CITY OF MUSCATINE, IOWA,
BETWEEN THE SOUTH LINE OF SEVENTH STREET AND THE SOUTH ALLEY LINE IN
BLOCKS ONE HUNDRED ELEVEN AND ONE HUNDRED TWELVE (111 & 112) OF THE
ORIGINAL TOWN

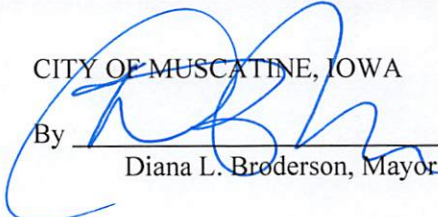
Exempt from transfer tax per Iowa Code Section 428A.2(21).

The City covenants with the grantee, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, though, or under the City.

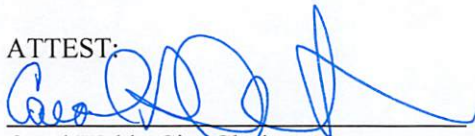
IN WITNESS WHEREOF, the City of Muscatine, Iowa, has caused this instrument to be executed in its corporate name by its Mayor and City Administrator and its seal to be affixed on November 18, 2021.

(CITY SEAL)

CITY OF MUSCATINE, IOWA

By 
Diana L. Broderson, Mayor

ATTEST:


Carol Webb, City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on 11-18, 2021, by Diana L. Broderson and Carol Webb as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.


Cinda Hilger, Notary Public in and for the State of Iowa



Cinda L. Hilger
Iowa Notarial Seal
Commission Number: 753850
My commission expires: 7-22-2023