



City of Muscatine



AGENDA ITEM SUMMARY

DATE: 12/2/2021

City Council

STAFF

April Limburg, Planner

SUBJECT:

Resolution Deeding Vacated Right of Way Located Between 1248 and 1300 E. 5th Street to the Adjacent Property Owners

EXECUTIVE SUMMARY:

Presented for City Council's consideration are two Resolutions deeding vacated alley right of way between 1248 and 1300 E. 5th Street to the adjoining property owners.

STAFF RECOMMENDATION

Staff recommends Council approve the attached resolutions deeding vacated alley right of way to the adjoining property owners located at 1248 and 1300 E 5th Street.

BACKGROUND/DISCUSSION

The City of Muscatine has filed for the vacation of the right of way between 1248 E 5th St and 1300 E 5th St. Upon completion of the vacation of said right of way, staff proposes the property be conveyed to the adjacent property owners, eliminating the need for City maintenance.

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. Resolution Deeding Vacated Right of Way to Richard L or Velma Mills
2. Deed to Richard L or Velma Mills
3. Resolution Deeding Vacated Right of Way to Jeffrey A. Dean
4. Deed to Jeffrey A. Dean

RESOLUTION NO. 2021-0442

A RESOLUTION DEEDING OVER THE ALLEY RIGHT OF WAY LOCATED BETWEEN 1248 AND 1300 E 5th STREET OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA TO THE ADJOINING PROPERTY OWNERS, RICHARD OR VELMA MILLS

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on October 12, 2021 recommended approval of the vacation of alley right of way between 1248 and 1300 E 5th Street and deeding the property to the adjacent property owners; and

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 to vacate and deed, both for and against, have been given an opportunity to be heard and have presented their views with respect thereto to the City Council of the City of Muscatine, Iowa at a public hearing held on November 4, 2021 and

WHEREAS, the said right of way was vacated by Ordinance on December 2, 2021; and

WHEREAS, Richard L or Velma L Mills is the adjoining property for the portion said vacated right of way described as follows:

ALL THAT PART OF THE W1/2 OF THE NORTH-SOUTH ALLEY LYING BETWEEN THE EAST TWO-THIRDS OF LOT ONE (1) IN BLOCK FIVE (5) OF BROGAN'S ADDITION AND LOT 5 IN BLOCK 6 OF BROGRAN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA.

WHEREAS, it is the intent of the City to convey said vacated right of way to Richard L or Velma L Mills

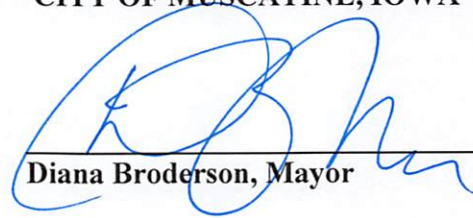
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

1. The City of Muscatine, Iowa is conveying 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 Richard L or Velma L Mills
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 2nd day of December 2021.




BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA



Diana Broderson, 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: Richard and Velma Mills, 1248 E 5th Street, Muscatine, IA 52761-4920

WARRANTY DEED

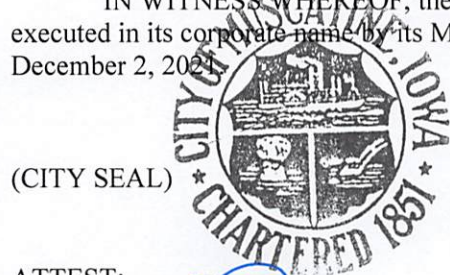
The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and deeds to Richard L or Velma L Mills all its right, title, and interest in the following real property in Muscatine County, Iowa:

ALL THAT PART OF THE W1/2 OF THE NORTH-SOUTH ALLEY LYING BETWEEN THE EAST TWO-THIRDS OF LOT ONE (1) IN BLOCK FIVE (5) OF BROGAN'S ADDITION AND LOT 5 IN BLOCK 6 OF BROGRAN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA.

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

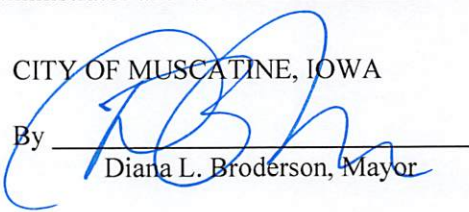
The City covenants with the grantee, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, though, or under the City.

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 December 2, 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 12-2-, 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