



City of Muscatine



MUSCATINE CITY COUNCIL

Agenda Item Summary – Regular Meeting

Date December 2, 2021

STAFF

April Limburg, Planner

SUBJECT

Third and Final Reading of an Ordinance Vacating Alley Right of Way Located Between 1248 and 1300 E. 5th Street

EXECUTIVE SUMMARY

Presented for City Council's consideration is the third and final reading of an ordinance vacating the alley right of way between 1248 and 1300 E. 5th Street. The City of Muscatine has submitted a request to vacate the alley right of way, and deed said right of way to the adjoining property owners.

STAFF RECOMMENDATION

Staff recommends approval of the second reading of this ordinance to vacate alley right of way. The alley is currently improved and open to traffic. The approval of this vacation would permanently close this alley to traffic.

BACKGROUND/DISCUSSION

The City of Muscatine has filed for the vacation of the right of way comprising the alley between 1248 E 5th St and 1300 E 5th St. The intent, if the request is approved by the City Council, of the City of Muscatine is to deed the vacated right of way to the adjacent property owners. The alley is currently improved and open to traffic. The approval of this vacation would permanently close this alley to traffic. Currently on E 5th Street, there are three alleys being used by the residents in the area. This alley is heavily used and in the worst condition. The owner located at 1300 E 5th St has had the retaining wall hit several times and would like to eventually repair it. The alley sits at the bottom of E 5th coming down a hill right before a curve and is dangerous for traffic pulling on or out of the alley due to not being able to see oncoming traffic.

CITY FINANCIAL IMPACT

This right of way is being proposed for vacation for safety and maintenance purposes. Vacating and deeding of this right of way to the adjacent property owners will benefit the community by allowing residents to enhance the appearance of the area as well as grow the tax base.

ATTACHMENTS

Ordinance Vacating Right of Way

ORDINANCE NO. 2021-0400

AN ORDINANCE VACATING ALL OF THE ALLEY ADJACENT TO LOT 5 IN BLOCK 6 OF BROGAN'S ADDITION AND THE EAST TWO-THIRDS OF LOT ONE (1) IN BLOCK FIVE (5) OF BROGAN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on October 12, 2021 recommended approval of the vacation and deeding to the adjoining property owner located between 1248 E 5th St and 1300 E 5th St alley right of way

WHEREAS, the City Council of the City of Muscatine has conducted a public hearing on said vacation request November 4, 2021;

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:

ALL OF THE ALLEY ADJACENT TO LOT 5 IN BLOCK 6 OF BROGAN'S ADDITION AND THE EAST TWO-THIRDS OF LOT ONE (1) IN BLOCK FIVE (5) OF BROGAN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA

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

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2021.


Attest:


Carol Webb, City Clerk

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



Diana Brodersen, Mayor

1st Reading November 4, 2021
2nd Reading November 18, 2021
3rd Reading December 2, 2021

*** Proof of Publication ***

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 113339

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



NOTICE

ORDINANCE NO. 2021-0400

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PASSED, APPROVED AND ADOPTED this 2nd day of December, 2021.

BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA
/s/ Diana Brodersen, Mayor

Attest:

/s/ Carol Webb, City Clerk

1st Reading November 4, 2021
2nd Reading November 18, 2021
3rd Reading December 2, 2021

Section: Notices & Legals

Category: 2635 Legal Ordinance

PUBLISHED ON: 12/08/2021

TOTAL AD COST: 24.23

FILED ON: 12/8/2021

Subscribed and sworn to before me by said affiant this 8 day of Dec 2021.



Notary Public in and for Scott County, Iowa

