



City of Muscatine

ITEM NUMBER 2026-0021

AGENDA ITEM SUMMARY

DATE: 1/20/2026

STAFF

Kevin Coon, City Engineer
Brian Stineman, Public Works Director

SUBJECT

Request to Approve the Purchase of Right of Way for the West Hill Sewer Separation Phase 6D Construction Project in the Amount of \$2,500.00.

EXECUTIVE SUMMARY

For Council consideration is a request to approve the purchase of right of way for the West Hill Sewer Separation Phase 6D Construction Project in the amount of \$2,500.00. This is property that is currently owned by Saint Mary's Cemetary and would give the city the appropriate set back distance from the city street edge to the property line for the culdesac bulb on Hagerman Drive.

STAFF RECOMMENDATION

Staff recommends approval of the request.

BACKGROUND/DISCUSSION

At the December 2nd, 2025 City Council Meeting a number of remaining easements and right of way purchases were approved. In that item it was stated that the City was still waiting on one easement to be signed and one right of way purchase to be signed. This is for the remaining right of way item with staff still awaiting signature on the last easement. The total land being purchased is approximately 831 square feet and has an independently appraised value of \$2,500.00. The area being purchased can be seen in the attached purchase documentation.

CITY FINANCIAL IMPACT

Funding for these purchases is available in the West Hill Sewer Separation Project Budget via Local Option Sales Tax.

ATTACHMENTS

1. Saint Marys Cemetary ROW Agreement

RECEIPT FOR STATEMENT OF PROPERTY OWNER'S RIGHTS

PROJECT West Hill Sewer Separation Phase 6D

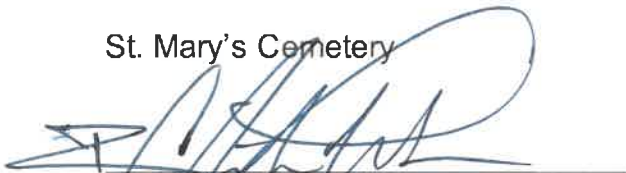
PARCEL # 0834426008

ADDRESS 215 W 8th St. Muscatine, IA 52761-3362

I certify that I am the landowner of property located at A PART OF OUTLOT 10, OF A SUB-DIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M. IN THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA., and that I have personally received a copy of the *Statement of Property Owner's Rights* which explains my rights as an owner of record who may have all or a part of their property acquired by condemnation, as required by 1999 Iowa Acts, House File 476, Section 3.


Signed this 9 day of December, 2025.

St. Mary's Cemetery

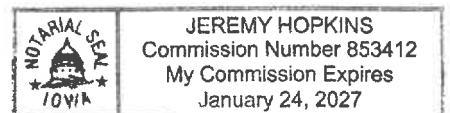


St. Mary's Cemetery

12-9-2025

Presented by: 

City of Muscatine



DATE: 02/09/2025

PROJECT West Hill Area Sanitary & Storm Sewer Separation

PARCEL # 0834426008

ADDRESS 215 W 8th St. Muscatine, IA 52761-3362

OFFER TO PURCHASE

OWNER: St. Mary's Cemetery

ADDRESS: 215 W 8th St. Muscatine, IA 52761-3362

The CITY OF MUSCATINE presents to you an offer of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00), which represents just compensation for the (831± sq.ft.) needed from your property.

BY: 
CITY OF MUSCATINE



AGREEMENT

FOR AND IN CONSIDERATION OF One Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, St. Mary's Cemetery OWNER, (hereinafter referred to as GRANTOR) of the following described property:

ACQUISITION DESCRIPTION –

A PART OF OUTLOT 10, OF A SUB-DIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M. IN THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA. COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT 10, THENCE NORTH 00°58'13" EAST 191.44 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A 43.50 FOOT RADIUS CURVE CONCAVE EASTERLY WHOSE 69.21 FOOT CHORD BEARS NORTH 00°52'25" EAST; THENCE NORTHERLY 80.04 FEET ALONG SAID CURVE TO THE EAST LINE OF OUTLOT 10; THENCE SOUTH 00°46'17" WEST 33.65 FEET ALONG THE EAST LINE OF OUTLOT 10; THENCE SOUTH 00°58'13" WEST 35.56 FEET ALONG THE EAST LINE OF OUTLOT 10 TO THE POINT OF BEGINNING; CONTAINING 831 SQUARE FEET MORE OR LESS.

hereby agrees to sell to the City of Muscatine, Iowa (hereinafter referred to as CITY), a portion of the above-described property located at 215 E 8th St. Muscatine, IA 52761-3362, more particularly described as follows:

See Attached Right of Way Acquisition Plat

upon the following conditions, to-wit:

1. The area disturbed by the project will be graded, shaped, and seeded upon completion of the project by the CITY MUSCATINE. IA.
2. The CITY agrees to pay GRANTOR the sum of \$2,500.00 for the land by fee title, as a requirement for the West Hill Sewer Separation Phase 6D project.
3. The compensation and rights described herein shall be binding upon the GRANTOR(S), its heirs, and assigns.
4. The GRANTOR(S) shall have five years from the date of said settlement to renegotiate construction or maintenance damages not apparent at the time of the signing of this contract as required by Section 6B.52 of the Code of Iowa.
5. The GRANTOR(S) grants and warrants that there is no known burial site(s), well(s), solid waste disposal site(s), hazardous substance(s), nor underground storage tank(s) on the premises described and sought herein.
6. The GRANTOR agrees to disclose the project details, including timelines, improvements, and impacts, to all individuals with a leasehold interest in the subject property.
7. This Agreement may be executed in any number of counterparts, each of which shall be deemed a duplicate original and which together shall constitute one and the same instrument. In addition, the parties agree that this Agreement may be executed by electronic, pdf or facsimile signatures by any party and such signature will be deemed binding for all purposes hereof without delivery of an original signature being thereafter required.

Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Signed this 09 day of December, 2025.

St. Mary's Cemetery

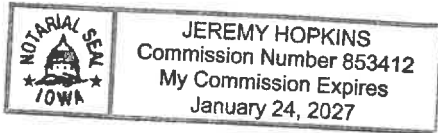
By:  _____
St. Mary's Cemetery

By: _____

Recommended For Approval

 _____

CITY OF MUSCATINE, IOWA



REAL ESTATE CLOSING STATEMENT

Seller St. Mary's Cemetery County Muscatine
 Contract Pay Date _____ Project No. West Hill Area Sanitary & Storm Sewer Separation
 Possession Date _____ Parcel No. 0834426008
 Property Description A PART OF OUTLOT 10, OF A SUB-DIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M. IN THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA.
 Transaction Closed By Mail In Person N.A. means Not Applicable Non-cash Consideration Involved

CONTRACT CONSIDERATION BREAKDOWN (No breakdown is made if transaction is a Total Acquisition)

- | | | | |
|----|--|----|-------------------|
| 1) | Land acquired by fee: | 1) | <u>\$2,500.00</u> |
| 2) | Land acquired by permanent easement | 2) | <u>\$</u> |
| 3) | Buildings acquired considered real estate: | | <u>\$</u> |
| | less salvage value: | 3) | <u>\$</u> |
| 4) | Other improvement considered real estate: | | <u>\$</u> |
| | less salvage value: | 4) | <u>\$</u> |

Total Conveyance Consideration (lines 1 through 4) \$2,500.00

- | | | |
|----|---|-------|
| 5) | Other improvements considered damages, including fence: | _____ |
| 6) | Total temporary easement: | _____ |
| 7) | Total reduction in value - temporary easement for detour: | _____ |
| 8) | Control of Access: | _____ |

LESS: Mitigate Damages (Non-cash Considerations) \$

TO TOTAL CONTRACT CONSIDERATION \$2,500.00
 Contingent Payment (e.g., value of septic, value of well): plus \$ _____
 Scheduled Future Abstracting Payment: plus \$ _____

GROSS PROCEEDS (Maximum Determinable Proceeds) \$2,500.00

DISTRIBUTION OF GROSS PROCEEDS (NOTE: Warrant(s) must be endorsed by all payees before cashing)

Partial Payment Warrant # _____ Paid / / \$
 Conveyance Warrant # _____ Paid at Time of Closing \$
 Possession Warrant # _____ Paid at Time of Possession \$
 (Contact _____ Phone No. _____ for Warrant)
 Contingent Payment Warrant # _____ Paid / / \$

Lienholders and Other Assessments Paid:
 1) Mortgage (principal & interest) \$
 2) Real Estate Taxes (Linn County Treasurer) \$
 3) Special Assessments \$
 4) Personal Taxes \$

TOTAL DISTRUBUTIONS OF GROSS PROCEEDS \$2,500.00

Grantee's Agent:
 CITY OF MUSCATINE, IOWA
 BY: [Signature] 09-12-2025
 Closing Agent Date

Grantor:
[Signature]
 BY: [Signature] 12-9-2025
 St. Mary's Cemetery Date

ALLOCATION OF PROCEEDS STATEMENT

PROJECT# West Hill Area Sanitary & Storm Sewer Separation

PARCEL No. 0834426008

GROSS PROCEEDS AMOUNT \$2,500.00

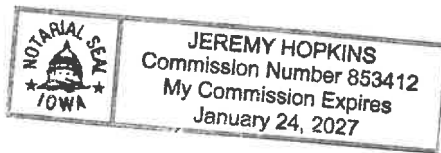
(includes Total Contract Consideration, Contingent Payment, Scheduled Future Abstracting Payment)

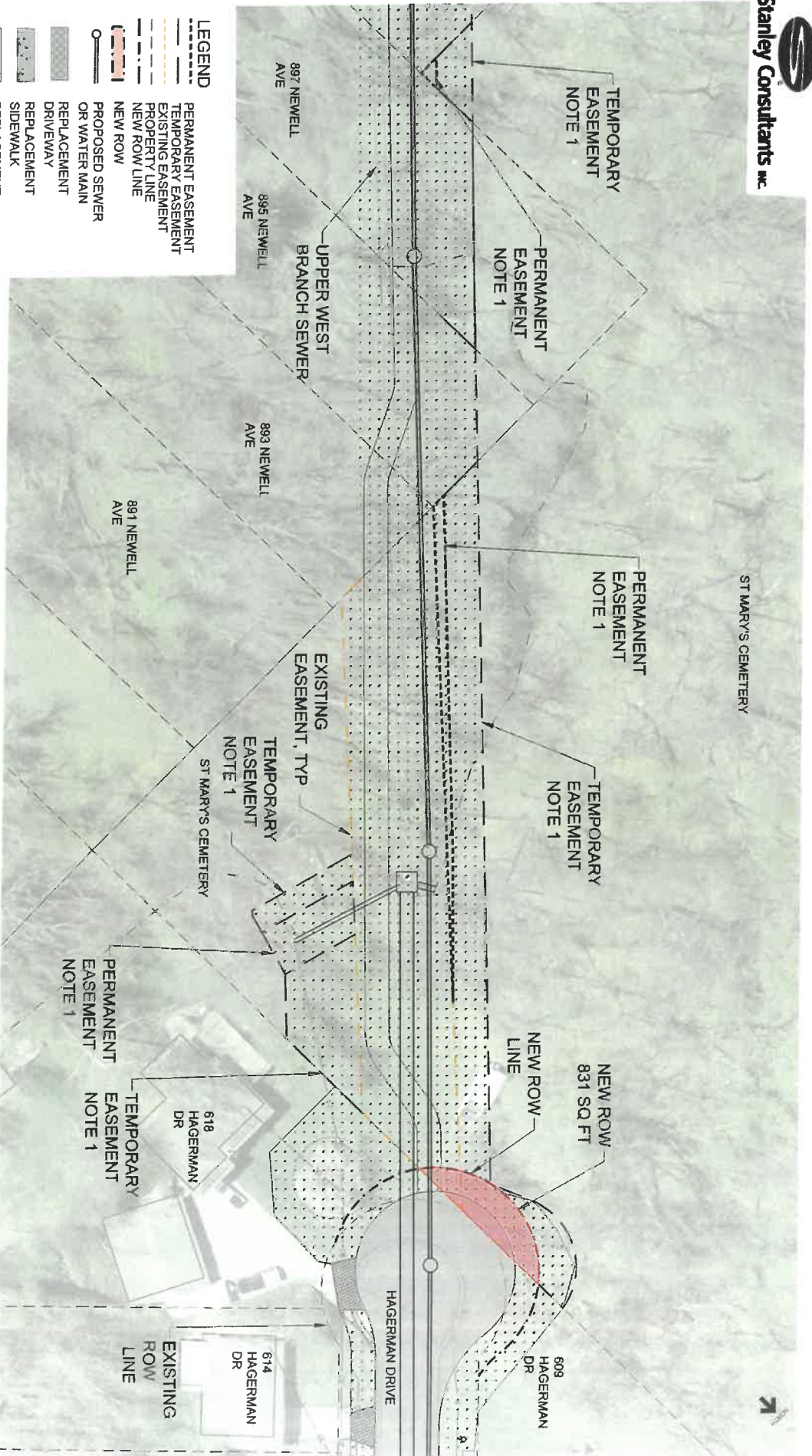
| <u>Name of Transferor</u> | <u>Address</u> | <u>Allocation Amount of Proceeds</u> |
|----------------------------|--|--------------------------------------|
| <u>St. Mary's Cemetery</u> | <u>215 W 8th St. Muscatine, IA 52761-3362</u> | <u>\$2,500.00</u> |

NOTE: If the Allocation of Proceeds is not provided or is not the same as reported by other sellers, IRS Regulations Sec. 1.6056-4 require the gross proceeds be reported to each seller.

Approved By: _____

[Signature] 12-9-2025
Date





- LEGEND**
- PERMANENT EASEMENT
 - TEMPORARY EASEMENT
 - EXISTING EASEMENT
 - PROPERTY LINE
 - NEW ROW LINE
 - NEW ROW
 - PROPOSED SEWER OR WATER MAIN
 - REPLACEMENT DRIVEWAY
 - REPLACEMENT SIDEWALK
 - REPLACEMENT SEEDING

SCALE = 1" = 40'

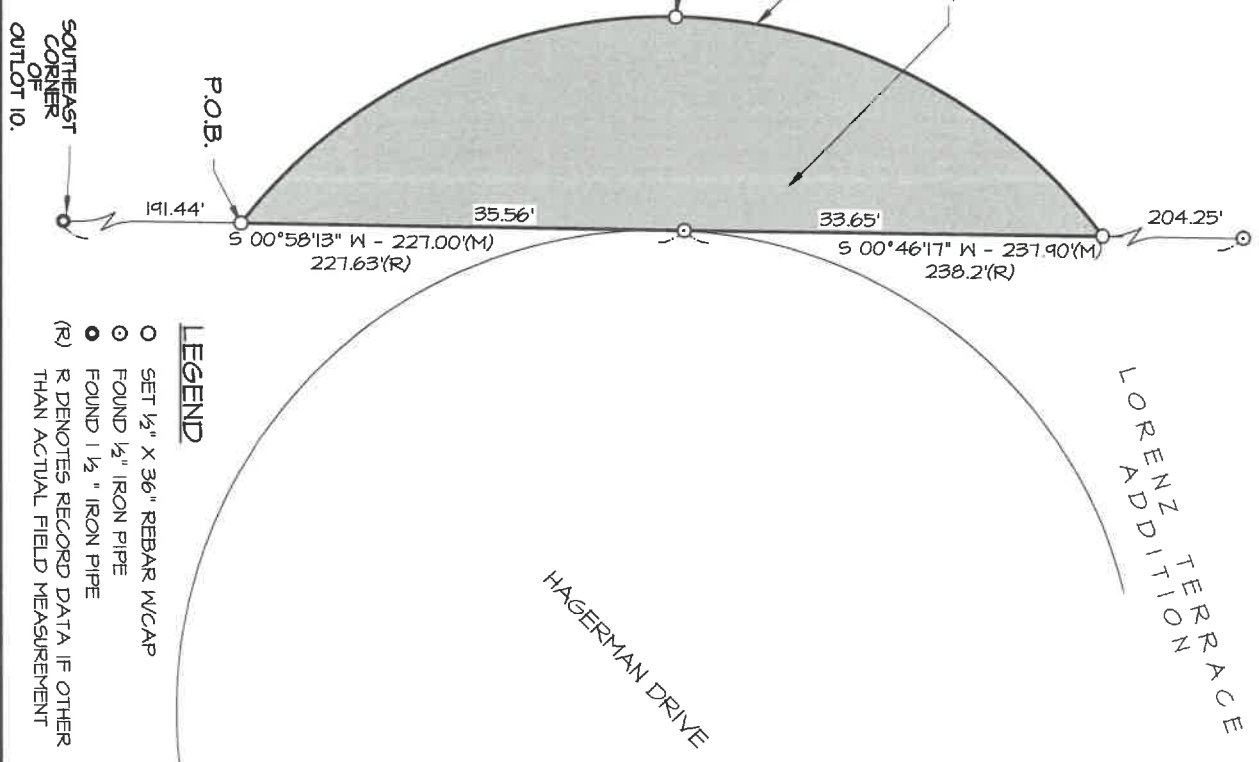
NOTE 1
SEE EASEMENT EXHIBITS FOR DETAILS ON TEMPORARY AND PERMANENT EASEMENTS.

DATE UPDATED
8-18-2025

ROW EXHIBIT
FOR ST MARY CEMETERY
SHEET 1
WEST HILL AREA SANITARY &
STORM SEWER SEPARATION
PHASE 6D
MUSCATINE, IOWA

OUTLOT 10
E 1/2 - SE 1/4
34-TTN-2M

CURVE DATA
DELTA = 105°25'06"
RADIUS = 43.50'
ARC = 80.04'
CHORD = N 00°52'25" E
64.21'



ACQUISITION DESCRIPTION -

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COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT 10, THENCE NORTH 00°58'13" EAST 191.44 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A 43.50 FOOT RADIUS CURVE CONCAVE EASTERLY WHOSE 69.21 FOOT CHORD BEARS NORTH 00°52'25" EAST; THENCE NORTHERLY 80.04 FEET ALONG SAID CURVE TO THE EAST LINE OF OUTLOT 10; THENCE SOUTH 00°46'17" WEST 33.65 FEET ALONG THE EAST LINE OF OUTLOT 10; THENCE SOUTH 00°58'13" WEST 35.56 FEET ALONG THE EAST LINE OF OUTLOT 10 TO THE POINT OF BEGINNING; CONTAINING 831 SQUARE FEET MORE OR LESS.

- LEGEND**
- SET 1/2" X 3/8" REBAR W/CAP
 - FOUND 1/2" IRON PIPE
 - FOUND 1 1/2" IRON PIPE
 - (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

ACQUISITION PLAT
WEST HILL
SANITARY AND STORM
SEPARATION - PHASE 6D
ST. MARY'S CEMETERY
LOGAN ST.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Seth A. Whitacre
Date: 10/9/25 Reg. No. 18379
My license renewal date is December 31, 2026



Pages or sheets covered by this seal: 1

SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, Inc.
1508 BIDWELL ROAD, MUSCATINE, IOWA 52761
INFO@MARTIN-WHITACRE.COM (563)263-7691

SURVEYOR: SETH A. WHITACRE
PROPRIETOR(S): ST. MARY'S DEVOTERY ASSOCIATION

REQUESTOR: CITY OF MUSCATINE
LOCATION: OUTLOT 10 IN THE E 1/2 - SE 1/4 34-TTN-2M
SURVEY TYPE: ACQUISITION PLAT

| FILE | BOOK | SCALE | DRN | CHK'D | DATE | JOB NO. |
|---------|--------|--------|-----|-------|---------|---------|
| SCANNED | M 1114 | 1"=10' | SAW | GMV | 10/9/25 | 916.24 |

REV. 1 ST. MARY'S HAGERMAN SEPARATION SHEET 1 OF 1