

ORDINANCE NO. 90982-0909

**AN ORDINANCE VACATING CITY RIGHT-OF-WAY
IN THE CITY OF MUSCATINE, IOWA.**

WHEREAS, the City of Muscatine Planning and Zoning Commission has reviewed a request to vacate a portions of Kemper Avenue, Oregon Street, Walton Street, and also the unimproved alley right-of-way adjacent to B. Kemper's Subdivision; and

WHEREAS, the City of Muscatine's Planning and Zoning Commission has determined there is no anticipated future use of the unimproved public right-of-way requested for vacation, except the reservation of a right-of-entry to maintain existing utilities; and

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

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:

PARTS OF KEMPER AVENUE, OREGON STREET, WALTON STREET, AND ALSO THE ALLEY ADJACENT TO B. KEMPER'S SUBDIVISION IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF STEWART ROAD AND THE SOUTH RIGHT OF WAY OF WALTON STREET; THENCE NORTH 33°20'51" EAST 72.17 FEET ALONG THE EASTERLY RIGHT OF WAY OF STEWART ROAD; THENCE NORTH 89°34'54" EAST 140.08 FEET ALONG THE NORTH RIGHT OF WAY OF WALTON STREET; THENCE NORTH 33°20'51" EAST 360.70 FEET ALONG THE WESTERLY RIGHT OF WAY OF A PLATTED ALLEY; THENCE SOUTH 89°34'04" WEST 85.36 FEET ALONG THE SOUTH RIGHT OF WAY OF KEMPER AVENUE; THENCE NORTH 00°25'56" WEST 60.00 FEET; THENCE NORTH 89°34'04" EAST 441.46 FEET ALONG THE NORTH RIGHT OF WAY OF KEMPER AVENUE; THENCE NORTH 01°06'33" WEST 674.29 FEET ALONG THE WEST RIGHT OF WAY OF OREGON STREET; THENCE NORTH 33°11'23" EAST 106.48 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF STEWART ROAD; THENCE SOUTH 01°06'33" EAST 822.12 FEET ALONG THE EAST RIGHT OF WAY OF OREGON STREET; THENCE SOUTH 01°14'22" EAST 360.84 FEET ALONG THE EAST RIGHT OF WAY OF OREGON STREET; THENCE SOUTH 89°34'54" WEST 219.86 FEET ALONG THE SOUTH RIGHT OF WAY OF WALTON STREET AND SAID SOUTH RIGHT OF WAY EXTENDED; THENCE NORTH 01°12'45" WEST 60.00 FEET; THENCE NORTH 89°34'54" EAST 159.83 FEET ALONG THE NORTH RIGHT OF WAY OF WALTON STREET; THENCE NORTH 01°14'22" WEST 299.97 FEET ALONG THE WEST RIGHT OF WAY OF OREGON STREET; THENCE 89°34'04" WEST 336.81 FEET ALONG THE SOUTH RIGHT OF WAY OF KEMPER AVENUE; THENCE SOUTH 33°20'51" WEST 432.88 FEET ALONG THE EASTERLY RIGHT OF WAY OF A PLATTED ALLEY AND SAID EASTERLY RIGHT OF WAY EXTENDED; THENCE SOUTH 89°34'54" WEST 160.08 FEET ALONG THE SOUTH RIGHT OF WAY OF WALTON STREET TO THE POINT OF BEGINNING, PARCEL "AA" CONTAINS 2.755 ACRES.

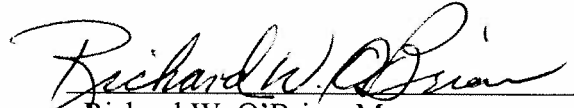
Section II. Said vacation is subject to easements for inspection, maintenance, repair and replacement of all existing utilities.

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

PASSED, APPROVED AND ADOPTED this 17th day of September 2009.

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




Richard W. O'Brien, Mayor


Randy Hill, Interim City Clerk

1st Reading: 09/03/09

2nd Reading: 09/17/09

3rd Reading: 09/17/09

Publication 09/25/09

PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk
Ordinance No. 90982-0909

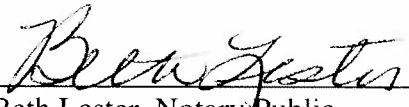
Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

September 25, 2009

Jeff Lee


STATE OF IOWA
MUSCATINE COUNTY

Subscribed and sworn to before me this
28th day of September 2009

Beth Lester

Beth Lester, Notary Public



Beth Lester
Iowa Notarial Seal
Commission number 745921
My Commission Expires 03/20/2010

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BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA
Richard W. O'Brien, Mayor

Attest:
Randy Hill, Interim City Clerk
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2nd Reading: 09/11/09
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