

ORDINANCE NO. 90983-0909

**AN ORDINANCE VACATING AND TRANSFERRING CITY RIGHT-OF-WAY
AND REAL ESTATE IN THE CITY OF MUSCATINE, IOWA.**

WHEREAS, the City of Muscatine Planning and Zoning Commission has reviewed a request to vacate and transfer public property remnants and rights-of-way located within the Grain Processing Corporation (GPC) industrial campus; and

WHEREAS, the City of Muscatine's Planning and Zoning Commission has determined there is no anticipated future use of these remnant rights-of-way and public property, 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:

A PARCEL OF LAND PREVIOUSLY PLATTED AS PART OF OREGON STREET LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 76 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 89°29'09" WEST (ASSUMED BEARING) 612.91 FEET TO THE EAST RIGHT OF WAY LINE OF OREGON STREET AND THE POINT OF BEGINNING; THENCE NORTH 00°07'30" EAST 776.89 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 83°08'43" WEST 80.55 FEET TO THE WEST RIGHT OF WAY LINE OF OREGON STREET; THENCE SOUTH 00°07'30" EAST 767.99 FEET; THENCE NORTH 89°29'09" EAST 80.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.419 ACRES.

AND ALSO -

ANY AND ALL PROPERTY OF RECORD CURRENTLY BEING IDENTIFIED AS OWNED BY THE CITY OF MUSCATINE IN MUSCATINE COUNTY, IOWA, THAT IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10 LYING EAST OF THE WEST LINE EXTENDED OF THE PREVIOUSLY VACATED ALLEY ADJACENT TO LOTS 11 THROUGH 15 IN HOOPES 2ND ADDITION AND IN THAT PART OF GOVERNMENT LOT 1 OF SECTION 11 LYING SOUTH OF THE EAST-WEST QUARTER LINE OF SECTION 10 EXTENDED, ALL IN TOWNSHIP 76 NORTH, RANGE 2 WEST OF THE 5TH P.M. AND,

SPECIFICALLY INCLUDING CANTALOUPE STREET FROM THE WESTERLY LINE OF SAID ALLEY TO THE WESTERLY LINE OF PREVIOUSLY VACATED PHILIPS STREET.

AND ALSO -

LATHAM STREET FROM THE NORTH LINE OF THE PREVIOUSLY VACATED PARCEL 8 TO THE SOUTH LINE OF KEMPER AVENUE AS SHOWN ON THE SPECIAL WARRANTY DEED RECORDED IN LOT BOOK 347 PAGE 526 THROUGH 529.

AND ALSO -

A CERTAIN STRIP OF LAND BEING PART OF THE 1944 LEVEE RIGHT OF WAY ACQUISITION BY THE CITY OF MUSCATINE LYING SOUTH OF THE EAST-WEST QUARTER LINE OF SECTION 10 EXTENDED AND NORTH OF THE NORTH LINE OF A STRIP OF LAND VACATED BY ORDINANCE NO. 86277-0896 AS SHOWN IN DOCUMENTS RECORDED IN OFFICE OF MUSCATINE COUNTY RECORDER IN BOOK 429 PAGE 713 THROUGH 723.

EXCEPTING LAND CONTROLLED BY MUSCATINE POWER & WATER AND SHOWN ON SPECIAL WARRANTY DEED RECORDED IN LOT BOOK 266 PAGE 1091 AND REAL ESTATE DEED IN BOOK 70, PAGE 451.


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. 90983-0909

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

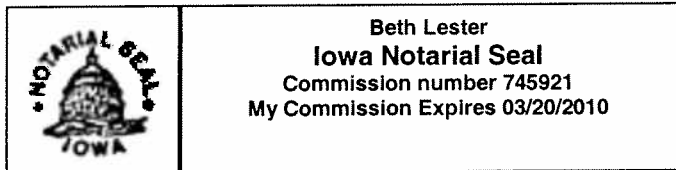
Jeff Lee

STATE OF IOWA MUSCATINE COUNTY

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

Beth Lester

Beth Lester, Notary Public



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COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 89°29'09" WEST (ASSUMED BEARING) 612.51 FEET TO THE EAST RIGHT OF WAY LINE OF OREGON STREET AND THE POINT OF BEGINNING; THENCE NORTH 00°07'30" EAST 776.89 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 83°08'43" WEST 80.55 FEET TO THE WEST RIGHT OF WAY LINE OF OREGON STREET; THENCE SOUTH 00°07'30" EAST 767.99 FEET; THENCE NORTH 89°29'09" EAST 80.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.419 ACRES.

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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

Attest:
Randy Hill, Interim City Clerk
1st Reading: 09/01/09
2nd Reading: 09/17/09
3rd Reading: 09/17/09
Publication 9/25/09