

## COMMUNITY DEVELOPMENT

### MEMORANDUM

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

**To:** Mayor and City Council Members

**Cc:** Gregg Mandsager, City Administrator  
Dave Gobin, Community Development Director

**From:** Andrew Fangman, City Planner

**Date:** January 31, 2017

**Re:** Resolution Setting a Public Hearing on a Right-of-Way Vacation Plat for Alley #4 in in Block 76 (Old Sun Mart Block)

**INTRODUCTION:** A vacation plat for Alley #4 (6,029 square feet of right of way) within Block 76 of Original Town has been filed, this right of way include portions of Spring Street, E. 4<sup>th</sup> Street, and Poplar Street.

**BACKGROUND:** Kum & Go has acquired the old Sun Mart site located at the northeast corner of 4th and Cedar Street, there intent is to relocate their existing store at the northwest corner of 5th and Cedar Street to this location. As part of this proposed development, Kum & Go is requesting the vacation of the alley running through this block, between Sycamore Street and Cedar Street.

Staff will be recommending approval of this vacation request as this alley does not now or is likely to in the for foreseeable serve a public purpose, nor does it extend east of Cedar Street in a publicly accessible form. Typically, in vacation like this, the City will sell the vacated right of at fair market value, which in this case would be about \$42,000 based on the price of the recent 99-year lease of portion of the Mississippi Drive right of way to the new hotel. However, in this instance City Staff and Kum & Go have negotiated an alternate to a cash sale that would provide a greater benefit to the community.

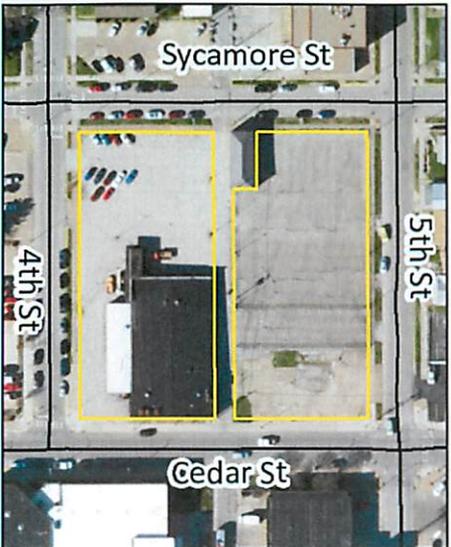
Under this agreement, in exchange for title to the vacated alley, Kum & Go would construct 20 on street parking spaces along Sycamore Street between 4th Street and 5th Street, see site plan on following page. Further, Kum & Go will dedicate to the City of Muscatine the right of way containing the to be constructed parking spaces.

These 20 new on-street parking stalls would be a net increase of 9 parking spaces from the current 11 on street parking spaces that currently exist on this stretch of Sycamore Street. These 9 additional on-street parking spaces will be of greater value to the community than the fair market value of the vacated alley, construction of the proposed Kum & Go will displace a significant number of downtown workers that are currently parking at the vacant Sun Mart site. These 9 space will also mitigate the loss of a number of on-street parking spaces along 4th and 5th Street due to new curb cuts associated with the new Kum & Go.

**RECOMMENDATION/RATIONALE:** Prior to City Council action on this request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed right of way vacation.

#### **BACKUP INFORMATION:**

1. Resolution
2. Public Hearing Notice



E. 5TH STREET

Parking to be Constructed, Kum & Go and then dedicated to the City

SYCAMORE STREET

Alley Proposed for Vacation

Parking to be Constructed, Kum & Go and then dedicated to the City

E. 4TH STREET

CEDAR STREET

**MUSCATINE**  
**Block 76 Alley Vacation**

Date Source: Muscatine Area Geographic Information Consortium, ISU, & City of Muscatine  
 Prepared by: Andrew Fangman, City Planner  
 Date: January 31, 2017



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SETTING THE TIME AND PLACE TO  
CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE  
OF AN ALLEY RIGHT-OF-WAY IN THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, a request has been to vacate and then sell a portion of existing alley right-of-way situated within in the City of Muscatine, Iowa; and

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine has recommended approval; the vacation of the alley right-of-way that is described as follows:

ALL OF THE 20' ALLEYWAY LYING NORTHERLY AND ADJACENT TO LOTS 1, 2, 3, 4, AND 5 AND SOUTHERLY AND ADJACENT TO LOTS 6, 7, 8, 9 AND LOT 10 OF BLOCK 76 OF THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.  
SAID PARCEL CONTAINS 6,029 SQUARE FEET OR 0.14 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**WHEREAS**, the City Council should now set a time and place for a public hearing upon said vacation of the above-mentioned alley right-of way.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine, that a Public Hearing is hereby established. Said hearing to be conducted at 7:00 p.m. on Thursday, February 16, 2017, in the City Hall Council Chambers and the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa

**PASSED, APPROVED AND ADOPTED this 2nd day of February, 2017.**

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

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**Diana L. Broderson, Mayor**

**Attest:**

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**Gregg Mandsager, City Clerk**

**PUBLIC NOTICE**

**A RESOLUTION SETTING THE TIME AND PLACE TO  
CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE  
OF ALLEY RIGHT-OF-WAY IN THE CITY OF MUSCATINE, IOWA**

Public Notice is hereby given that the City Council for the City of Muscatine, Iowa, will conduct a Public Hearing on the vacation and sale of certain right-of-way within in the City. The alley right-of-way being considered for vacation and sale is described as:

ALL OF THE 20' ALLEYWAY LYING NORTHERLY AND ADJACENT TO LOTS 1, 2, 3, 4, AND 5 AND SOUTHERLY AND ADJACENT TO LOTS 6, 7, 8, 9 AND LOT 10 OF BLOCK 76 OF THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.

SAID PARCEL CONTAINS 6,029 SQUARE FEET OR 0.14 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

This Public Hearing will be conducted on Thursday, February 16, 2017, at 7:00 p.m. in the City Council Chambers at City Hall.

All interested persons are invited to attend and comment on the proposed vacation of right-of-way at that time.

Gregg Mandsager, City Clerk