

COMMUNITY DEVELOPMENT
MEMORANDUM

**Planning,
Zoning,
Building Safety,
Construction Inspection
Services,
Public Health**

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: April 6, 2017
Re: Corrected Exchange of Vacated Right of Way in Block 70 (Spring Street, E. 4th Street, and Poplar Street) for Four Parcel along Mad Creek (Resolution Approving Executed Deed)

INTRODUCTION: In February of 2016 City Council approved the exchange 1.53 acres of vacated right of way, primarily in Block 70 of Original Town, made up of portions of Spring Street, E. 4th Street, and Poplar Street, for 1.63 currently owned by HNI along Mad Creek, between 5th Street and Washington Street. However due to a drafting error in the resolution approving this land exchange, it is necessary to redo the process in order to produce to documents necessary to close this transaction.

BACKGROUND: 1.53 acres of right of way, primarily in Block 70 of Original Town, including portions of Spring Street, E. 4th Street, and Poplar Street, has been vacated by Ordinance No. 93327-0216.

HNI owns all the adjoining property, and desires to acquire this property to allow for the further expansion of their facilities in this area. Only property owned by HNI can be accessed from the RoW being proposed for vacation. HNI has made significant recent investments in storm sewer, water main, and paving improvements in the RoW being proposed for vacation.

HNI is proposing to exchange the newly vacated right of vacation for four parcels currently owned by HNI, these parcel totaling 1.63 acres, are located along Mad Creek, between 5th Street and Washington Street (see attached map).

RECOMMENDATION/RATIONALE:

The City of Muscatine Traffic Committee and, the Planning and Zoning Commission, and Staff all recommend approval of the proposed right of way vacation as there is no current or anticipated public use for this right-of-way. Additionally allowing for the continued expansion of the existing HNI facilities in this area, will help strength Muscatine's economy.

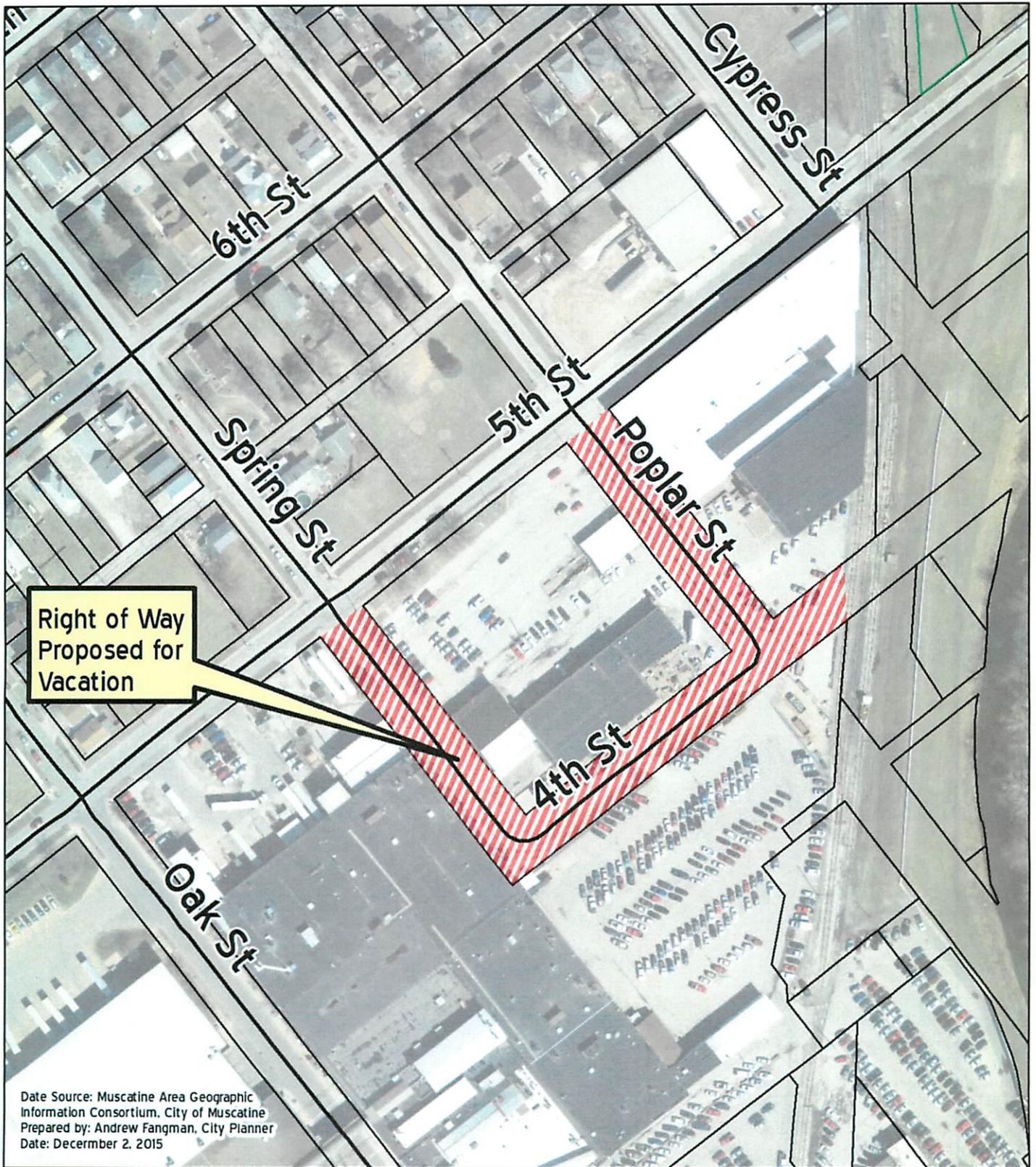
Each of these four parcels that the City would receive in return for the recently vacated right-of-way already has a City owned infrastructure on it, either the Mad Creek Levee or a portion the Public Works Lower Yard. Additionally the proposed route for the Mad Creek Trail passes through one of the parcels. Given the amount of existing and planned infrastructure located on these parcels, there is a public benefit to the City acquiring title to them

Approve resolution approving proposed land exchange.

BACKUP INFORMATION:

1. Resolution authorizing the sale city property
2. Certificate
3. Deed

**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**



Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: December 2, 2015

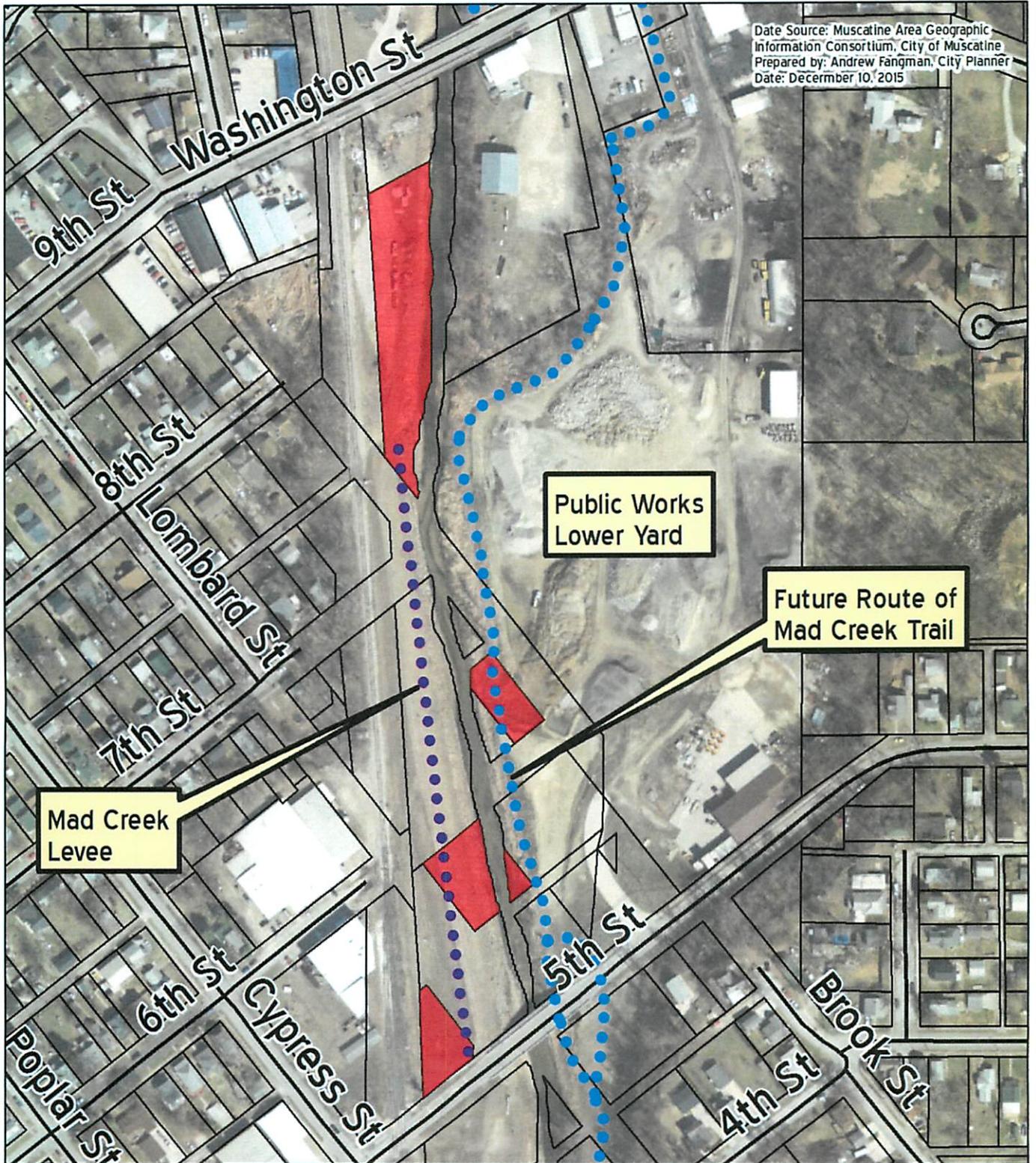


A vacation plat for 1.53 acres of right of way, as indicated on this map, has been filed by HNI Corporation.

Right of Way Vacation E. 4th, Spring, & Poplar

0 100 200 400 Feet





Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: December 10, 2015

Public Works
Lower Yard

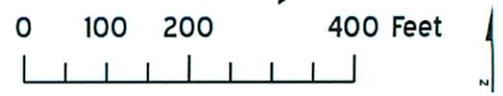
Future Route of
Mad Creek Trail

Mad Creek
Levee



HNI Parcels Proposed for Aquisition

HNI Parcels Proposed for Aquisition



RESOLUTION NO. _____

A Resolution Approving an Executed Deed

WHEREAS, a Resolution was adopted by the City Council of Muscatine, Iowa, on March 2, 2017, approving the sale of certain real property to HNI Corporation; and

WHEREAS, the Resolution requires the City to execute and deliver a Deed to the buyer; and

WHEREAS, the Mayor and City Clerk have duly executed such a Deed pursuant to the Resolution;

IT IS, THEREFORE, RESOLVED, by the City Council of Muscatine, Iowa, that the executed deed, a copy of which was attached to the prior Resolution, is approved in accordance with Iowa Code Section 569.7.

PASSED, APPROVED, AND ADOPTED on March 2, 2017.

(CITY SEAL)

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Clerk

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: HNI Corporation, 408 Second Street, Muscatine, IA 52761

DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to HNI Corporation, all its right, title, and interest in the following real property in Muscatine County, Iowa:

Parcel Q as depicted in a Plat of Survey dated December 29, 2015, and recorded as Document No. 2015-06632 in the Muscatine County Recorder's office; also described as all of Spring Street and Poplar Street located between the Southerly line of 5th Street and the Northerly line of 4th Street and all of 4th Street from the Westerly line of Spring Street to the Westerly line of the Iowa, Chicago & Eastern Railroad right-of-way in the City of Muscatine, Iowa, containing 1.53 acres and subject to easements of record.

Exempt from transfer tax per Iowa Code Section 428A.2(6).

The City covenants with the grantee, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, through, or under the City.

IN WITNESS WHEREOF, the City of Muscatine, Iowa, has caused this instrument to be executed in its corporate name by its Mayor and City Clerk and its seal to be affixed on March 16, 2017.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____
Diana L. Broderson
Mayor

ATTEST:

Gregg Mandsager
City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2017, by Diana L. Broderson and Gregg Mandsager as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

Notary Public in and for the State of Iowa