Prepared by Andrew Fangman, 215 Sycamore St, Muscatine, IA, 52761 (563) 262-4141

ORDINANCE NO. 93754-0317

AN ORDINANCE VACATING A PORTION OF ALLEY RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA.

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended approval of the vacation of a portion of right-of-way the City of Muscatine, Iowa; 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:

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.

A Vacation and Easement Plat is hereto attached as Exhibit A

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 Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

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

BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

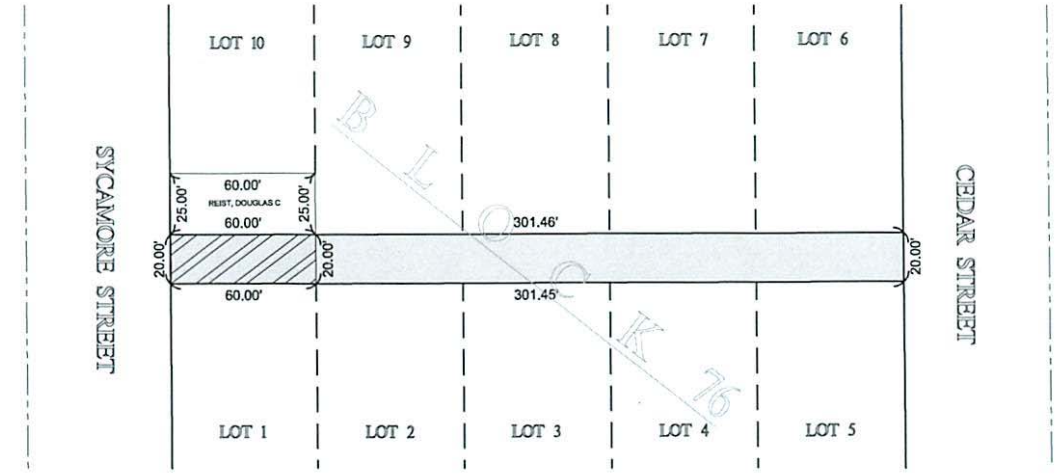
Diana Broderson, Mayor

Attest:

Gregg Mandsager, City Clerk

1st Reading: February 16, 2017
2nd Reading: March 2, 2017
3rd Reading: March 2, 2017
Publication:_____

ALLEY TO BE VACATED (6,029 SQ FT)



UTILITY EASEMENT (6,029 SQ FT)

ACCESS EASEMENT (1,200 SQ FT)

VACATION & EASEMENT PLAT

LEGAL DESCRIPTION - ALLEY VACATION

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.

LEGAL DESCRIPTION - UTILITY EASEMENT

ALL OF THE VACATED 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.

LEGAL DESCRIPTION - ACCESS EASEMENT

THAT PORTION OF THE VACATED 20' ALLEYWAY LYING NORTHERLY AND ADJACENT TO LOTS 1 AND SOUTHERLY AND ADJACENT TO LOT 10 OF BLOCK 76 OF THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.

SAID EASEMENT CONTAINS 1,200 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

STANDARD LEGEND AND NOTES

Alley Boundary	
Boundary or Property Line	
Lot Line, Internal	
Lot Line, Platted or by Deed	
Property Corner, Found	●
Property Corner, Set: 5/8" Rebar w/ Yellow Plastic Cap PLS #9889	○
Recorded Dimensions	(R)

ERROR OF CLOSURE IS LESS THAN 1 FOOT IN 10,000 FEET

0 25 50 100

1 inch = 50 ft.

LICENSED PROFESSIONAL LAND SURVEYOR
THOMAS E. HAGENSEE
09889
IOWA

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 LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE DATE

THOMAS E. HAGENSEE

LICENSE NUMBER 09889

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017.

PAGES OR SHEETS COVERED BY THIS SEAL:

THIS SHEET ONLY

PROJECT NUMBER: 16-1056

PROJECT NAME: VACATION PLAT

hbk ENGINEERING
HBK ENGINEERING, LLC
509 S. GILBERT ST.
IOWA CITY, IA 52240
PHONE: (319) 338-7557
FAX: (319) 358-2937
IOWA DEPARTMENT OF LABOR REGISTRATION NO. 00527328
WWW.HBKENGINEERING.COM

PROPRIETOR: Kum & Go

SURVEYOR:
THOMAS E. HAGENSEE
616 ENTERPRISE DR.
OAK BROOK, IL 60523
630-230-3099

FOLDER NAME: 161056

DATE CREATED: 01-30-2017

DRAWING LOG

DATE	ISSUED FOR	DR	CB
01.30.17	DESIGN	RSW	TEH

PROJECT MANAGER: STEVE LONG

SHEET: 1 of 1

Jan 30, 2017 – 3:22pm k:\Project\161056\dwg\Plats\161056 – Alley Vacation Plat.dwg

MUSCATINE

City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members

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

From: Andrew Fangman, City Planner

Date: February 16, 2017

Re: 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. 4th 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.

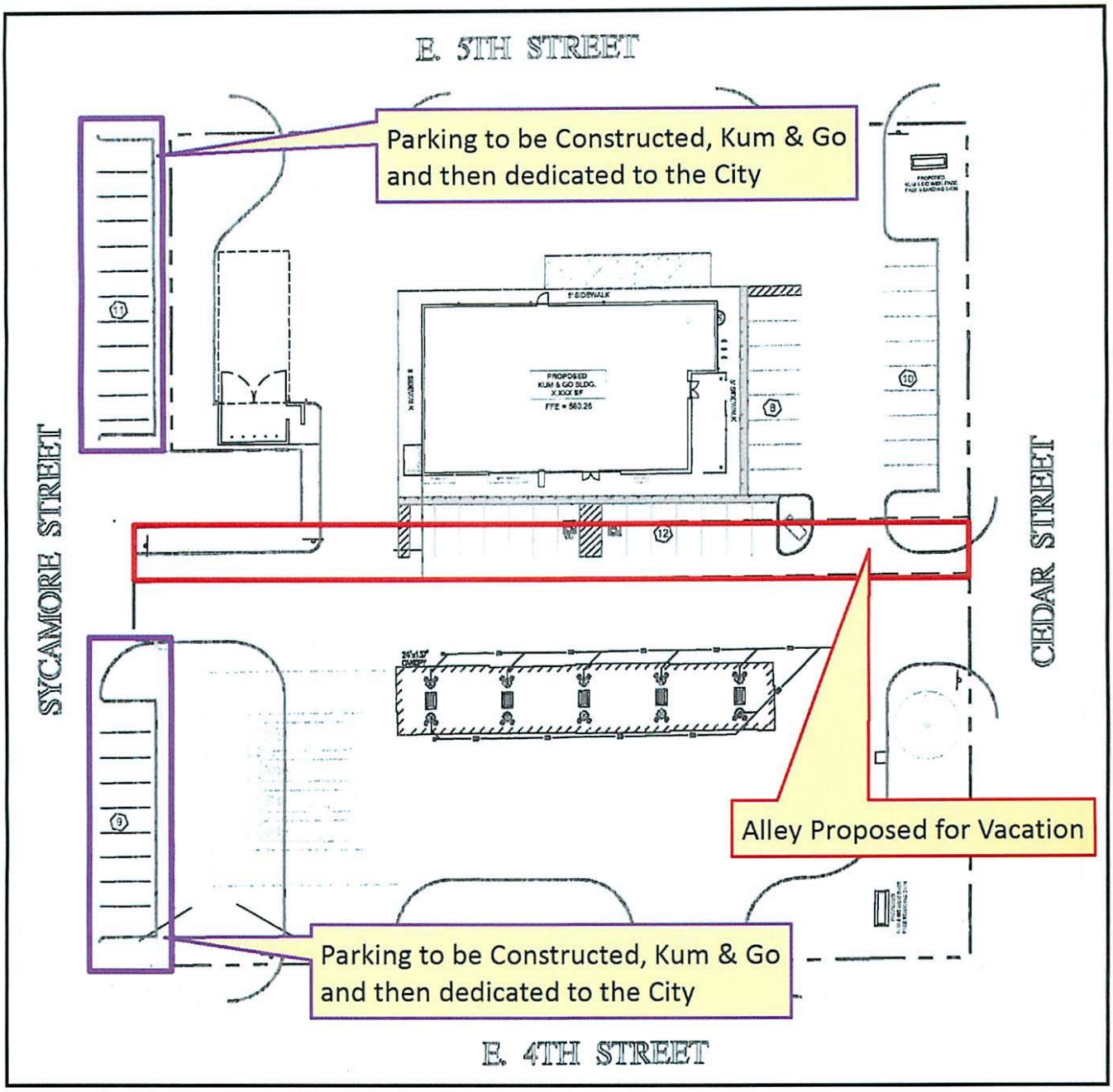
Under this agreement, in exchange for title to the vacated alley, Kum & Go would construct 20 on street parking spaces along Sycamore Street between 4th Street and 5th Street, see site plan on following page. Further, Kum & Go will dedicate to the City of Muscatine the right of way containing the to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

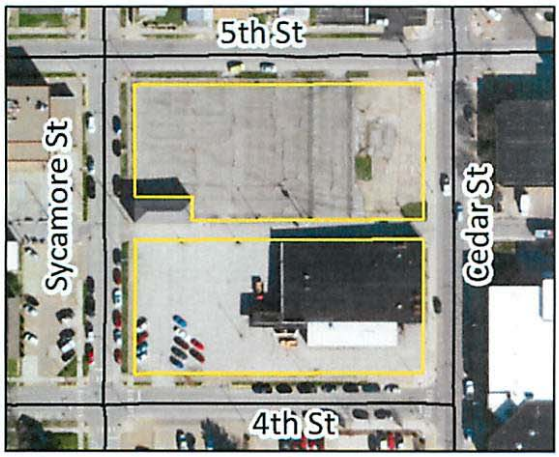
These 20 new on-street parking stalls would be a net increase of 9 parking spaces from the current 11 on street parking spaces that currently exist on this stretch of Sycamore Street. These 9 additional on-street parking spaces will be of greater value to the community than the fair market value of the 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. Ordiancne
2. Vacation Plat





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

COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

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BY THE CITY COUNCIL
OF THE CITY OF MUSCATINE, IOWA
Diana Broderson, Mayor

Attest:
Gregg Mandsager, City Clerk
1st Reading: February 16, 2017
2nd Reading: March 2, 2017
3rd Reading: March 2, 2017
Publication: 10th day of March, 2017

STATE OF IOWA }
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the following dates:

3-10

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Subscribed and sworn to before me by said affiant this 10th

day of March 20 17

NOTARIAL SEAL IOWA

STEPHEN H. THOR
Commission Number 168839
My Commission Expires
3-24-18

Notary Public in and for Scott County, Iowa