

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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

**To:** Mayor and City Council Members  
**From:** Andrew Fangman, City Planner  
**Cc:** Gregg Mandsager, City Administrator  
Dave Gobin, Community Development Director  
**Date:** June 21, 2018  
**Re:** Resolution to Accept a Dedication of Right of Way from DG Partners LLC at 807 Grandview Avenue

**INTRODUCTION:** There is an exchange agreement between DG Partners LLC and the City of Muscatine, approved on May 17, 2018, to exchange an easement for a dumpster enclosure and a truck dock and related uses on an undeveloped portion of the White Street right of way, adjacent to DG Partner's property a located at 807 Grandview Avenue in exchange for the dedication of right of way to the City, which necessary for sidewalk improvements along Warren Street. This resolution will fulfill the City's obligation under this exchange agreement.

**BACKGROUND:** DG Partners LLC purchased the former WFO grocery store located at 807 Grandview Avenue and converted it into a Dollar General store and a smaller, yet to be leased retail space. During this remodeling DG Partners LLC approached the City with a request for an easement on part of the White Street right of way located behind the curb.

DG Partners LCC is requesting this easement to accommodate two things; a dumpster enclosure, the previous occupant of the building had placed their dumpster in this portion of the White Street right of way without any kind of screening, and to clarify that the truck dock, that has long existed in the White Street right of way, has the legal right to be located in the location.

In exchange for this is easement DG Partners LLC has dedicated to the City an additional 20' of right of way along Warren Street between Grandview Avenue and Liberty Street. This additional right of way, makes possible a sidewalk/trail project that is vital to achieving the vision of a community-wide network of safe routes for non-motorized travel that as envisioned in both the Comprehensive Plan and Bike Pedestrian Master Plan. It should be noted that without this right of way dedication the construction the proposed sidewalk/trail project would not be possible, nor would the construction of a narrower sidewalk meeting current City standards.

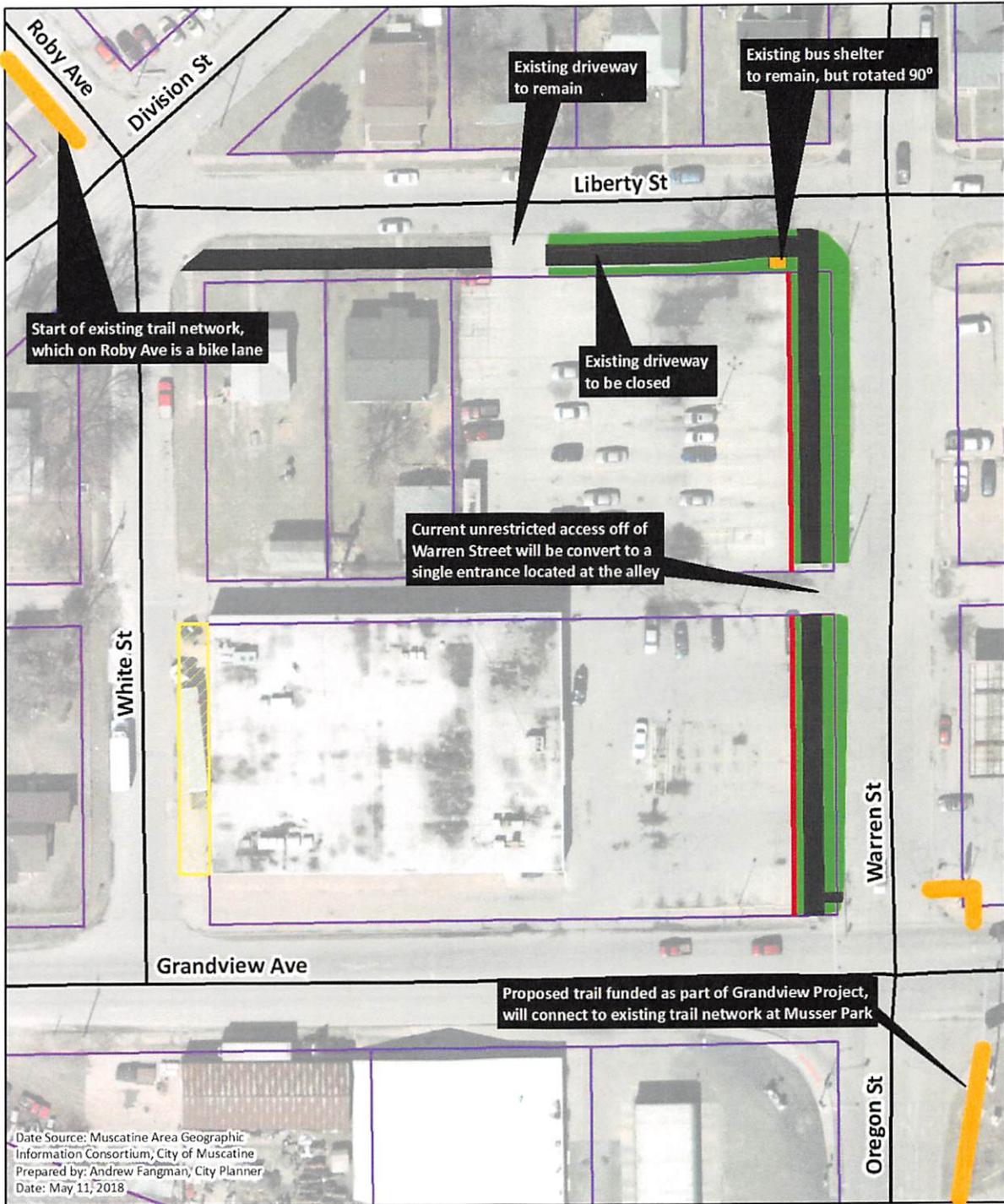
### RECOMMENDATION/RATIONALE

Staff recommends approval of this easement agreement as it fulfills the DG Partners obligation under the exchange agreement previously reached with City of Muscatine

### BACKUP INFORMATION:

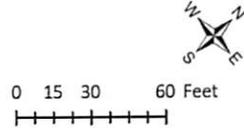
1. Resolution accepting dedication of right of way
2. Right of way dedication document

"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: May 11, 2018

- Proposed 10' Sidewalk
- Proposed Truck Dock and Dumpster Easement Area
- New Turfed Areas
- New right of way line after dedication of 20' of right of way by adjoining property owner
- Current Parcel Lines



Prepared by and return to Andrew Fangman, 215 Sycamore St., Muscatine, IA 52761 – (563)  
262-4141

**DEDICATION OF RIGHT OF WAY**

STATE OF IOWA, MUSCATINE COUNTY, ss:

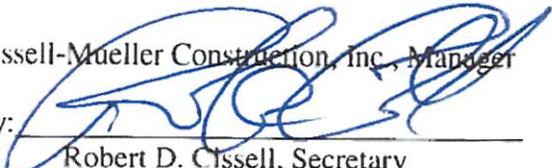
The undersigned, DG Partners LLC, a Missouri limited liability company, does hereby certify that it is the owner in fee simple of all the real estate embraced within Lot 5 and Lot 6 in Block 23 of the South Muscatine Addition, in the City of Muscatine, Muscatine County, Iowa,

The undersigned, DG Partners LLC, a Missouri limited liability company, does hereby dedicate a parcel of land for right-of-way purposes situated in THE NORTHEASTERLY 20 FEET OF LOT 5 IN BLOCK 23 OF SOUTH MUSCATINE ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY IOWA; AND THE NORTHEASTERLY 20 FEET OF LOT 6 IN BLOCK 23 OF SOUTH MUSCATINE ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY IOWA, to the City of Muscatine, Iowa and to public use forever; and that this Dedication is the free act and deed of the undersigned.

Dated at \_\_\_\_\_, Iowa this 11th day of June, 2018.

DG Partners LLC

By: Cissell-Mueller Construction, Inc., Manager

By:   
Robert D. Cissell, Secretary

STATE OF Missouri, St. Charles COUNTY, ss:

On this 17<sup>th</sup> day of June, 2018, before me the undersigned, a Notary Public in and for the State of \_\_\_\_\_, personally appeared Robert D. Cissell, to me personally known, who, being by me duly sworn, did say that he is the Secretary of Cissell-Mueller Construction, Inc., which is the Manager of **DG PARTNERS LLC**, that the instrument was signed on behalf of **DG PARTNERS LLC**, by authority of its Managers, and that Robert D. Cissell, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of **DG PARTNERS LLC**, by it and by him voluntarily executed.

Amber M Lumetta  
Notary Public in and for the State of Missouri



AMBER M. LUMETTA  
My Commission Expires  
July 1, 2021  
St. Charles County  
Commission #13400466

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

**ACCEPTANCE OF DEDICATION OF RIGHT OF WAY (WARREN STREET)**

**WHEREAS**, on May 17, 2018 the City Council of Muscatine, Iowa approved an exchange agreement between DG Partners LLC and the City of Muscatine, to exchange an easement for a dumpster enclosure and a truck dock and related uses on an undeveloped portion of the White Street right of way, adjacent to DG Partner's property a located at 807 Grandview Avenue, for a dedication of right of way to the City, which necessary for sidewalk improvements along Warren Street; and

**WHEREAS**, DG Partners LLC has now submitted the right of way dedication documents required as part of said exchange agreement; and

**WHEREAS**, DG Partners LLC, a Missouri limited liability company, does hereby dedicate a parcel of land for right-of-way purposes situated in THE NORTHEASTERLY 20 FEET OF LOT 5 IN BLOCK 23 OF SOUTH MUSCATINE ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY IOWA; AND THE NORTHEASTERLY 20 FEET OF LOT 6 IN BLOCK 23 OF SOUTH MUSCATINE ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY IOWA, to the City of Muscatine, Iowa and to public use forever;

**WHEREAS**, said dedication of right of way by DG Partners LLC is made by a signed Dedication of Right of Way attached hereto as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine, that the City of Muscatine, Iowa to accept said right-of-way dedication;

**PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of June, 2018.**

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

\_\_\_\_\_  
**Diana L. Broderson, Mayor**

**Attest:**

\_\_\_\_\_  
**Gregg Mandsager, City Clerk**