



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

MEMORANDUM

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

**To:** Mayor and City Council Members  
**Cc:** Greg Jenkins, Interim City Administrator  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** March 5, 2020  
**Re:** Resolution to Set a Public Hearing on Declaring Certain Real Property as Surplus— Parcel numbers 1321200012 and 1321100004, Approximately 29.09 acres on 41<sup>st</sup> Street in Unincorporated Muscatine County

**INTRODUCTION:** The City has been approached about the possible sale of 29.09 acres of City owned land on 41<sup>st</sup> Street in unincorporated Muscatine County. Parcel numbers 1321200012 and 1321100004.

**BACKGROUND:** Muscatine Metals has approached City staff about purchasing 29.09 acres of City owned land on 41<sup>st</sup> Street in unincorporated Muscatine County, these two contiguous parcels are located on the south side of 41<sup>st</sup> Street approximately 1,000 feet west of the Stewart Road/41<sup>st</sup> Street intersection. Muscatine County has zoned the area as I-2 Heavy Industrial District.

Muscatine Metals has expressed as desire to purchase all or portion of this City owned property and then relocated their existing actives to this site from their current locations in the City of Muscatine, 2407 Dick Drake Way and 2405 Grandview Avenue, to this location.

In the 1970's the City used these parcels for the disposal of trees killed the Dutch Elm Disease. In addition, it also appears that cinders from the Muscatine Power & Water generating station and sludge from the City's Water Pollution Control Plant were also buried along with dead elm trees on this site. The City of Muscatine has not had an active use for these parcels for a number of decades.

Before more due diligence on the impact of the sale of this property and a detailed negotiation with the potential buyer can occur, there are two major things that must occur. First is that council must pass a resolution declaring this property as surplus must be passed. This will allow Staff to engage in the negotiation on the terms of a possible sale, and to do the due diligence on the impact of said.

Because these parcels are located in unincorporated Muscatine County, they fall under the jurisdiction of the Muscatine County Zoning Ordinance. The potential buyers proposed use of the property as a scrap yard, is allowed in Muscatine County's I-2 zoning district, but only with

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

the approval of a special use permit by the Muscatine County Board of Adjustment. The Muscatine County Board of Adjustment makes its ruling on applications for a special use permit after holding a public hearing.

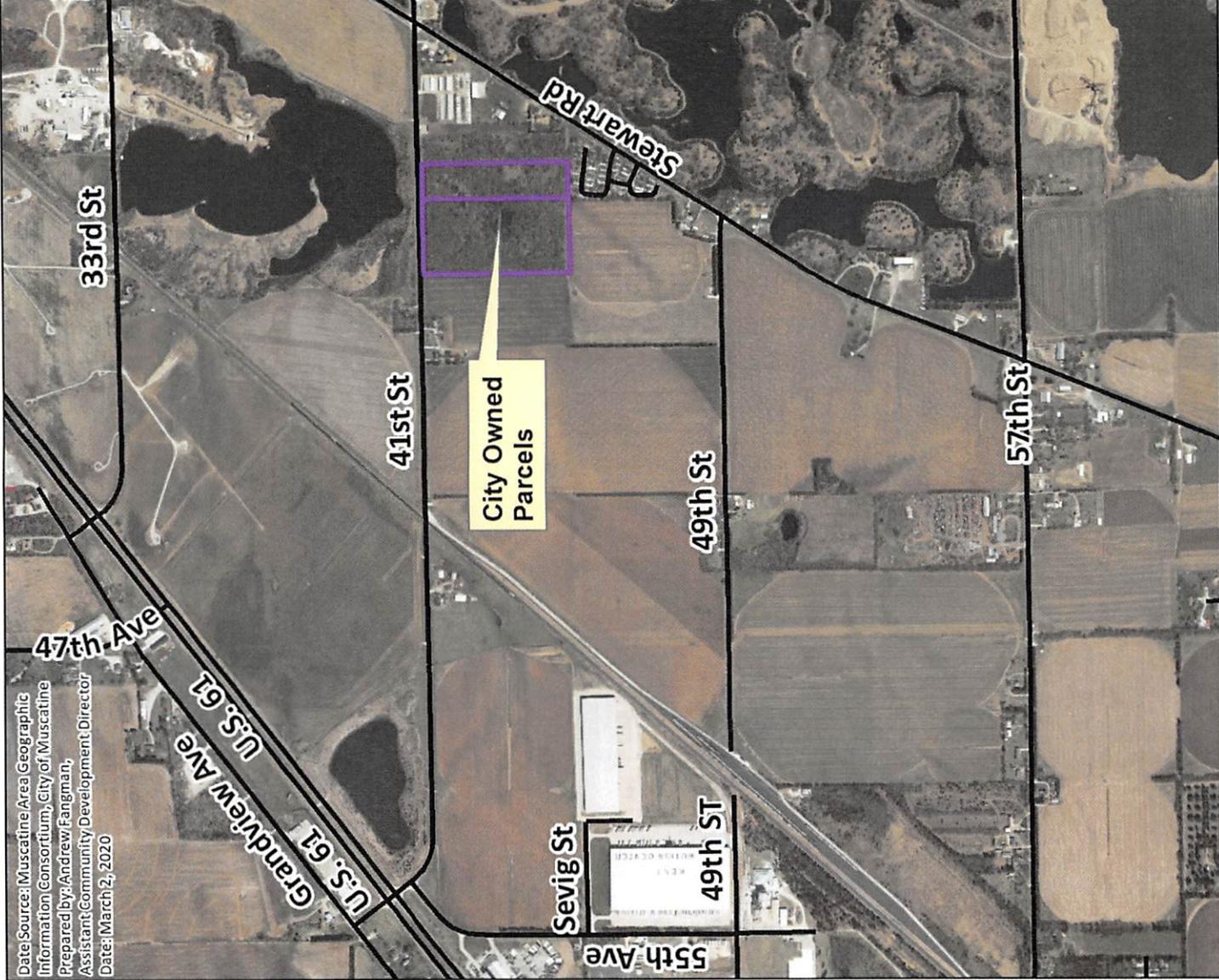
The potential buyer wishes to obtain the required special use permit prior to engaging in detailed negotiation with the City on the sale of the property, reasoning that knowing if his desired use would be permitted needs to happen before time in effort are put into any negotiations on the sale of this property. In order to submit an application for such a special use permit, the County requires the written permission of the property owner, which in the case is the City. The attached resolution setting a public hearing before City Council declaring this property as surplus also contains language that authorizes the submission of an application.

**RECOMMENDATION/RATIONALE:** Staff recommends approval of the attached resolution. The potential relocation of Muscatine Metals to this location could be beneficial to the community. Such a move would open Muscatine Metal's current location on Dick Drake Way and Grandview Avenue for redevelopment that is economically beneficial, while maintaining the presence in the community of Muscatine Metals and giving them room for expansion. Such a sale would also put back on the tax roll land that has not seen productive use in decades.

Approval of this resolution does not commit to the City to the sale of this parcel to Muscatine Metals or any other party, it would however permit for the start of public dialog on this issue. Through public hearing before the City Council on the issue of if this property should remain under City Ownership, and for the potential buyers proposed use to go through a public approval process through the County Board of Adjustment at which nearby residents and property could have there say on allowing of a scrap yard this location. If such a special use permit is obtained, the City Council after a public hearing votes to declare the property as surplus, negotiations on terms of such a sale are successful, and additional due diligence does not turn up a reason to proceed with such a sale, a purchase agreement would be brought forward to Council at a later date.

**BACKUP INFORMATION:**

1. Resolution



Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine  
Prepared by: Andrew Fangman,  
Assistant Community Development Director  
Date: March 2, 2020

City Owned  
Parcels

1,000 500 0 1,000 Feet

**RESOLUTION NO. 2020-0095**

**A RESOLUTION SETTING A PUBLIC HEARING CONCERNING THE  
DECLARATION OF REAL ESTATE AS SURPLUS PROPERTY AND  
OFFERING SAID REAL ESTATE FOR SALE (PARCEL NUMBERS 1321200012 AND  
1321100004, APPROXIMATELY 29.09 ACRES ON 41ST STREET IN  
UNINCORPORATED MUSCATINE COUNTY)**

**WHEREAS**, the City Council of Muscatine, Iowa, is considering declaring the following described real estate in Muscatine, Iowa, to-wit:

**The east half of the northwest quarter of the northeast quarter of Section 21, Township 76 North, Range 2 west of the 5<sup>th</sup> P.M. Muscatine County, Iowa (Parcel Number: 1321100004); and**

**Except for the easterly 350 feet, the west half of the northwest quarter of the northeast quarter of Section 21, Township 76 North, Range 2 west of the 5<sup>th</sup> P.M. Muscatine County, Iowa (Parcel Number: 1321200012).**

**WHEREAS**, a public hearing must be conducted by the City Council of Muscatine prior to the as surplus property and offering said real estate for sale;

**WHEREAS**, to allow for the consideration of the sale of all or portion said property as a scrap yard, Justin Winters is authorized to submit, at his own expense, an application to the Muscatine County Board of Adjustment for a Special Use Permit to operate a scrap yard on said parcel; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine, that March 19th, 2020, 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 5<sup>th</sup> day of March 2020.

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

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**Diana L. Broderson, Mayor**

**Attest:**

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**Greg Jenkins, Interim City Clerk**

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA: You are notified that the City Council of Muscatine, Iowa, is considering declaring the following described real estate in Muscatine, Iowa, to-wit:

**The east half of the northwest quarter of the northeast quarter of Section 21, Township 76 North, Range 2 west of the 5<sup>th</sup> P.M. Muscatine County, Iowa (Parcel Number: 1321100004); and**

**Except for the easterly 350 feet, the west half of the northwest quarter of the northeast quarter of Section 21, Township 76 North, Range 2 west of the 5<sup>th</sup> P.M. Muscatine County, Iowa (Parcel Number: 1321200012).**

As surplus property and offering said real estate for sale.

You are further notified that oral or written statements in support of or opposition to this proposed lease may be made at a public hearing before the City Council to be held at 7:00 o'clock P.M. on March 19, 2020, in the Council Chambers in City Hall, 215 Sycamore Street, Muscatine, Iowa.

Greg Jenkins, Interim City Clerk