

RESOLUTION NO. 8080-033

A RESOLUTION CONVEYING VACATED RIGHT-OF-WAY (A PORTION OF THE ALLEY IN BLOCK 29 OF ORIGINAL TOWN) IN THE CITY OF MUSCATINE, IOWA TO ANITA DEKOCK, LLC

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on March 10, 2020, recommended approval of the vacation and conveyance a portion of the alley located in Block 29 of Original Town of way to the adjoining property owners and; and

WHEREAS, due notice of said proposal to vacate and convey said right-of-way and to further convey said vacated right of way to the adjoining property owners was given as provided for by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Muscatine, Iowa at public hearing held on April 2, 2020; and

WHEREAS, the said right-of-way was vacated by Ordinance on April 16, 2020; and

WHEREAS, Anita DeKock, LLC. is the adjoining property for the portion said vacated right of way described as follows:

THE NORTHERLY HALF OF THE PORTION OF THE ALLEY IMMEDIATELY ADJACENT TO THE SOUTHERLY LINES OF LOTS 8, 9 AND 10 OF BLOCK 29 OF THE ORIGINAL TOWN OF MUSCATINE, MEASURED NORMAL TO SAID SOUTHERLY LINES OF LOTS 8, 9 AND 10 OF BLOCK 29. EXCEPTING THE WESTERNMOST 30.70 FEET OF LOT 10 MEASURED NORMAL TO THE WESTERLY LINE OF LOT 10 BEING THE EASTERLY RIGHT OF WAY LINE OF MULBERRY AVENUE.

WHEREAS, it the intent of the City to convey said vacated right of way to Anita DeKock, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

1. The City of Muscatine, Iowa, will sell and convey its rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution marked Exhibit A to Anita DeKock, LLC for \$10.00, the receipt of which is hereto acknowledged.
2. The deed will be in the name of the City of Muscatine, Iowa; will be signed by the Mayor and attested by the City Clerk; and will be in substantially the same form as the copy of the deed attached as Exhibit A to this Resolution.

3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2020.

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

Diana L. Broderson, Mayor

Attest:

Greg Jenkins, Interim City Clerk

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: Anita DeKock, LLC., 227 Mulberry Ave, Muscatine IA 52761-4127

WARRANTY DEED

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

THE NORTHERLY HALF OF THE PORTION OF THE ALLEY IMMEDIATELY ADJACENT TO THE SOUTHERLY LINES OF LOTS 8, 9 AND 10 OF BLOCK 29 OF THE ORIGINAL TOWN OF MUSCATINE, MEASURED NORMAL TO SAID SOUTHERLY LINES OF LOTS 8, 9 AND 10 OF BLOCK 29. EXCEPTING THE WESTERNMOST 30.70 FEET OF LOT 10 MEASURED NORMAL TO THE WESTERLY LINE OF LOT 10 BEING THE EASTERLY RIGHT OF WAY LINE OF MULBERRY AVENUE.

Exempt from transfer tax per Iowa Code Section 428A.2(21).

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, though, 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 April 16, 2020.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____
Diana L. Broderson
Mayor

ATTEST:

Greg Jenkins
Interim City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2020, by Diana L. Broderson and Greg Jenkins as Mayor and Interim City Clerk, respectively, of the City of Muscatine, Iowa.

Notary Public in and for the State of Iowa