

RESOLUTION NO. 2020-0328

A RESOLUTION CONVEYING VACATED RIGHT-OF-WAY (A PORTION OF STREET AND ALLEY RIGHT-OF-WAY (SPRING STREET BETWEEN 2ND STREET AND 3RD STREET • A PORTION OF 3RD STREET BETWEEN MAD CREEK AND THE RAILROAD TRACK • ALLEY IN BLOCK 26 • ALLEY IN BLOCK 27) IN THE CITY OF MUSCATINE, IOWA, TO HNI CORPORATION

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on August 11, 2020, recommended approval of the vacation and conveyance of a portion of alley and street right of way, as specifically describe elsewhere in this resolution, to the adjoining property owners; 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 September 3, 2020; and

WHEREAS, the said right-of-way was vacated by Ordinance on October 1, 2020; and

WHEREAS, HNI Corporation is the adjoining property for the portion said vacated right of way described as follows:

ALL OF SPRING STREET BETWEEN SECOND STREET AND THIRD STREET ADJACENT TO BLOCKS 26 AND 27 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

and

ALL OF THIRD STREET ADJACENT TO BLOCKS 26 AND 63 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, EAST OF THAT PART PREVIOUSLY VACATED AND DESCRIBED AT ORDINANCE #79229 AND WEST OF THAT PART DESCRIBED AT BOOK 254 PAGE 833.

and

ALL OF THE ALLEY IN BLOCK 26 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, EXCEPT FOR THAT PART CONVEYED TO THE CITY OF MUSCATINE AS DESCRIBED AT BOOK 172 PAGE 147, OFFICE OF THE RECORDER, MUSCATINE COUNTY, IOWA

and

ALL OF THE ALLEY IN BLOCK 27 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. THE EASTERLY RIGHT OF WAY LINE OF MULBERRY AVENUE.

WHEREAS, it the intent of the City to convey said vacated right of way to HNI Corporation.

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 HNI Corporation 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 1st day of October, 2020.

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

Diana L. Broderson, Mayor

Attest:

Carol Webb, City Clerk

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: HNI Corporation, PO Box 1109, Muscatine IA 52761-0071

WARRANTY DEED

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

**ALL OF SPRING STREET BETWEEN SECOND STREET AND THIRD STREET
ADJACENT TO BLOCKS 26 AND 27 OF THE ORIGINAL TOWN, IN THE CITY OF
MUSCATINE, MUSCATINE COUNTY, IOWA.**

and

**ALL OF THIRD STREET ADJACENT TO BLOCKS 26 AND 63 OF THE ORIGINAL TOWN,
IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, EAST OF THAT PART
PREVIOUSLY VACATED AND DESCRIBED AT ORDINANCE #79229 AND WEST OF THAT
PART DESCRIBED AT BOOK 254 PAGE 833.**

and

**ALL OF THE ALLEY IN BLOCK 26 OF THE ORIGINAL TOWN, IN THE CITY OF
MUSCATINE, MUSCATINE COUNTY, IOWA, EXCEPT FOR THAT PART CONVEYED TO
THE CITY OF MUSCATINE AS DESCRIBED AT BOOK 172 PAGE 147, OFFICE OF THE
RECORDER, MUSCATINE COUNTY, IOWA**

and

**ALL OF THE ALLEY IN BLOCK 27 OF THE ORIGINAL TOWN, IN THE CITY OF
MUSCATINE, MUSCATINE COUNTY, IOWA.**

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, 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 April 16, 2020.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____
Diana L. Broderson
Mayor

ATTEST:

Carol Webb
City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2020, by Diana L. Broderon 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