



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: Planning and Zoning Commission
From: Andrew Fangman, City Planner
Date: August 14, 2012
Re: Right-of-Way Vacation Plat in the Vicinity of Myrtle Lane and Mulberry Avenue

INTRODUCTION: A vacation plat for a 10' wide strip of undeveloped right-of-way located off of Myrtle Lane has been filed.

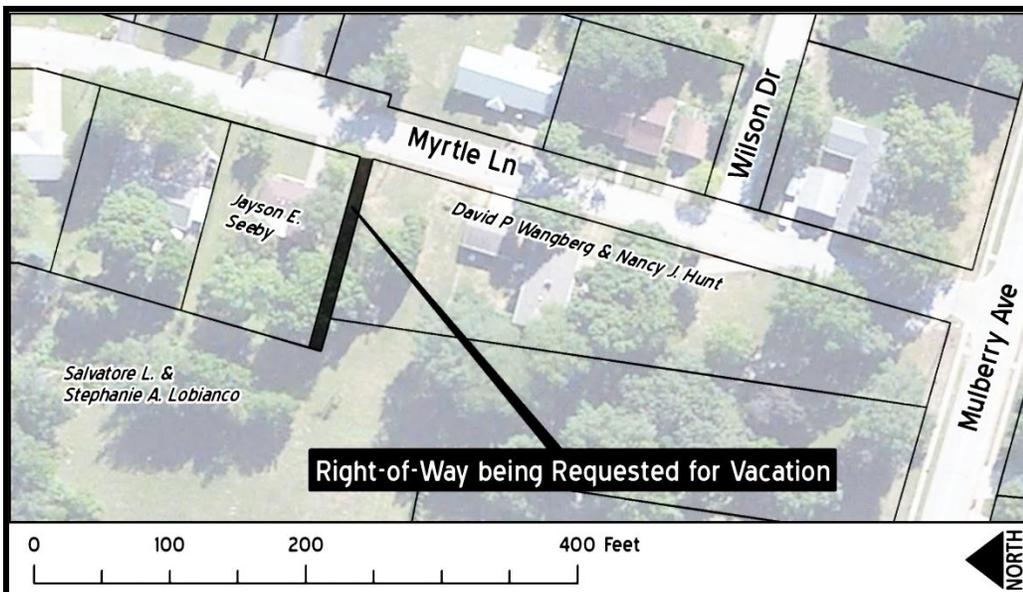
BACKGROUND: On July 3, 2012 Salvatore LoBianco filed vacation plat for a 10' wide strip of undeveloped right-of-way located off of Myrtle Lane. This right-of-way was dedicated to the City of Muscatine in 1962 for use as a walkway. No walkway has been constructed on this right-of-way, nor does the City have any plans to construct such a right-of-way. The LoBianco's intend to build a home on the parcel located at the western end of this right-of-way and are requesting that this right-of-way be vacated so that may purchase it and utilize it for the installation of utilities and for potential access to their parcel. If the vacation of this right-of-way is approved all adjoining properties owners will in accordance with established City policy be given the opportunity to purchase the portion of the vacated right-of-way nearest their property.

RECOMMENDATION/RATIONALE:

Staff recommends approval of the proposed right-of-vacation as there is no current or anticipated public use for this right-of-way.

BACKUP INFORMATION:

- 1. Submittal Letter
- 2. Narrative
- 3. Original 1962 Dedication of RoW
- 4. Plat



**SAL LOBIANCO
VACATION PLAT
NARRATIVE**

Salvatore and Stephanie LoBianco, owners of Parcel X request to be placed on the agenda for the July 10th Planning and Zoning meeting.

The LoBianco's intend to build a home on Parcel X and are requesting to have the city owned 10' walkway, Parcel BB, vacated in order to utilize it for installation of utilities and potential access to Parcel X.

#7534narrative

5405
Recording Fee \$19.00

"Hahn's Addition to the City of Muscatine, Iowa

Resolution, Certificate, Plat etc.

Filed for Record the 21st day of September A. D., 1962 at 11:36 o'clock A. M.

Lucile Freybler, Recorder.

5405
FILED SEP 21 1962
11:36 A.M. P.M.
LUCILE FREYBLER, RECORDER
\$19.00

RESOLUTION
ACCEPTING LANDS DEDICATED FOR PUBLIC USE.

WHEREAS there has been filed with the City of Muscatine, Iowa, a plat of "Hahn's Addition to the City of Muscatine, Iowa", which plat and addition have been duly approved and accepted by the City Council of the City of Muscatine, Iowa:

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

Section 1. That the City Council of the City of Muscatine, Iowa, does hereby accept for and on behalf of the City of Muscatine, Iowa, and for use by the general public, the real estate designated on the plat of "Hahn's Addition to the City of Muscatine, Iowa", as a ten foot walk, being the strip of real estate ten (10) feet in width lying adjacent to and southerly of Lot One (1), in Block One (1) of said addition, and the real estate dedicated to public use by Harry E. Hahn and Josephine Hahn, his wife, as the owners and proprietors of the real estate comprising said addition.

Section 2. Be It Further Resolved that the Mayor and City Clerk of the City of Muscatine, Iowa, are hereby authorized and directed to file and record a certified copy of this resolution in the office of the Recorder of Muscatine County, Iowa.

PASSED, APPROVED and ADOPTED this 17th day of August, 1962.
Sept. 1962

CITY OF MUSCATINE, IOWA

By *W. H. Board*
Mayor



Mason
City Clerk

#6736
FOR Agreement for ~~THIS MORTGAGE~~ Maintenance of Septic Tank
SEE BODY 2-20 OF Plat PAGE 501
Special City Clerk Recorder
by *Theresa M. ...* Deputy 10-9-1965

State of Iowa)
Muscatine County) SS:

I, Florence Mason, Clerk of the City of Muscatine, Iowa, do hereby certify that the foregoing is a full, true and correct copy of a certain Resolution duly passed, approved and adopted by the City Council of the City of Muscatine, Iowa, at its special session on the 18th day of September, 1962.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said City, this 20th day of September, 1962.



Florence Mason
Florence Mason
City Clerk

CERTIFICATE OF ACCEPTANCE OF PLAT

STATE OF IOWA, Muscatine County, SS:

We, the undersigned, Robert D. Bosch, Mayor, and Florence Mason, City Clerk, of the City of Muscatine, Iowa, do hereby certify that the attached plat named and designated "Hahn's Addition to the City of Muscatine, Iowa", was on the 16th day of August, A. D. 1962, filed in the office of the City Clerk and presented to the City Council of the City of Muscatine, Iowa, for examination and approval; that said plat was on the 16th day of August, A. D. 1962, examined and approved by the City Council of the City of Muscatine, Iowa, by resolution duly adopted by said City Council, a copy of which resolution is hereto attached, marked Exhibit "A", and by this reference made a part hereof, and we, the undersigned, as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa, were by said resolution duly directed to certify such examination, consent and approval in order to entitle said plat to be recorded in the office of the County Recorder of Muscatine County, Iowa, among the real estate records of Muscatine County, Iowa.

Dated at Muscatine, Iowa, this 17th day of September, A. D. 1962.

Robert D. Bosch
Mayor of the City of Muscatine, Iowa.

Florence Mason
City Clerk of the City of Muscatine, Iowa.

STATE OF IOWA, Muscatine County, SS:

Be It Remembered that on this 18th day of September, A. D. 1962, before me, a Notary Public in and for Muscatine County, Iowa, personally appeared Robert D. Bosch and Florence Mason, to me personally known, who, being by me each duly sworn, did say that the said Robert D. Bosch is the Mayor of the City of Muscatine, Iowa, that Florence Mason is the City Clerk of the City of Muscatine, Iowa, and that the seal affixed to the foregoing instrument is the seal of the City of Muscatine, Iowa; that said instrument was signed and sealed on behalf of the City of Muscatine, Iowa, in accordance with a resolution passed by the City Council of the City of Muscatine, State of Iowa, at a regular meeting of said City Council held on the 18th day of September, A. D. 1962; that the said Robert D. Bosch and Florence Mason, as Mayor and City Clerk of the City of Muscatine, Iowa, respectively, severally acknowledged the execution of said instrument to be the voluntary act and deed of the City of Muscatine, Iowa, by it and them voluntarily executed.

Witness my hand and Notarial Seal the day and year last above written.



Harvey D. Allbee
Notary Public in and for Muscatine County, State of Iowa.

RESOLUTION

WHEREAS, there has been filed with the City Clerk of the City of Muscatine, Iowa, and there is now submitted to the City Council of the City of Muscatine, Iowa, a plat entitled "Hahn's Addition to the City of Muscatine, Iowa", which plat embraces the following described real estate situated within the corporate limits of the City of Muscatine, County of Muscatine, State of Iowa, to-wit:

EXHIBIT "A".

Starting at a concrete monument at the East Quarter Corner of Section 27, Township 77 North, Range 2 West of the 5th Principal Meridian, in Muscatine County, Iowa, thence along the South line of the Northeast Quarter of said Section 27 on an assumed bearing of N 90° W, with all other bearings herein given referenced therefrom, a distance of 994.2 feet, more or less, to the East line of Lot Four (4) in the South Half of the Northeast Quarter of said Section 27, thence N 0° 20' W along the East line of said Lot Four (4), a distance of 563.1 feet, more or less, to an one inch Iron Pin marking the Southeast corner of the real estate conveyed by Harry E. Hahn, et ux., to Ralph R. Stark by Correction Warranty Deed recorded in Book 121 of Lands, on Page 582, and shown by the Plat recorded in Book 3 of Plats, on Page 235, both in the office of the Recorder of Muscatine County, Iowa, thence N 73° 11' W along the Southerly line of the real estate conveyed to Ralph R. Stark, as aforesaid, a distance of 193.8 feet to the Easterly line of the Easement recorded in Book 117 of Lands, on Page 616, in the office of the Recorder of Muscatine County, Iowa, and designated on the Plat above referred to as Myrtle Lane; thence S 16° 49' W along the Easterly line of said Myrtle Lane a distance of 99.6 feet; thence N 73° 11' W a distance of 50 feet to an Iron Pin on the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, for street purposes by deed dated August 2, 1962, and the true point of beginning; thence N 16° 49' E along the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, as aforesaid, a distance of 252.6 feet; thence N 0° 49' E and continuing along the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, as aforesaid, a distance of 548.2 feet to the fence line along the North line of the South Half of the Northeast Quarter of said Section 27; thence N 89° 13' W along the line of said fence a distance of 155 feet to a property line corner post; thence S 3° 23' 20" E a distance of 204.7 feet; thence S 0° 49' W a distance of 324.5 feet; thence S 16° 49' W a distance of 232.9 feet; thence S 73° 11' E a distance of 140 feet to the true point of beginning; and containing 2.47 acres, more or less; and

WHEREAS, said plat lays out and subdivides said real estate into lots and blocks; and

WHEREAS, said plat has been approved by the Plan Commission of the City of Muscatine, Iowa, and has been examined by the City Council of the City of Muscatine, Iowa, and the members of said Council; and

- 2 -

WHEREAS, the City Council of the City of Muscatine, Iowa, finds that the plat of said addition fully complies with the statutes of the State of Iowa and the Ordinances of the City of Muscatine, Iowa, relating to plats, additions, and subdivisions within the corporate limits of the City of Muscatine, Iowa, that the platting of said addition is conducive to an orderly development of the City of Muscatine, Iowa, and that said addition, as platted, does not conflict with the rights-of-way of any extensions of any streets or alleys now established:

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

That the plat named and designated "Hahn's Addition to the City of Muscatine, Iowa", and the addition to the City of Muscatine, Iowa, therein platted, be, and the same are, hereby approved and accepted by the City Council of the City of Muscatine, Iowa, and the Mayor and City Clerk of the City of Muscatine, Iowa, are hereby authorized and directed to certify upon said plat the examination, consent, approval and acceptance of the same by the City Council of the City of Muscatine, Iowa, and said officers are hereby directed to record said plat so certified and a copy of this resolution in the office of the County Recorder of Muscatine County, Iowa, among the real estate records of Muscatine County, Iowa.

PASSED, APPROVED AND ADOPTED, this 12th day of September, A. D. 1962.


Robert D. Besch
Mayor of the City of Muscatine, Iowa.




Clarence Mason
of the City of Muscatine, Iowa.

CERTIFICATE OF MUSCATINE PLAN AND ZONING COMMISSION.

I, the undersigned, Nancy Manley, do hereby certify that I am the Secretary of the Muscatine Plan and Zoning Commission of the City of Muscatine, Iowa, and that the attached plat of Hahn's Addition to the City of Muscatine, Iowa, was approved by said Commission on the 11th day of September, A. D. 1962, according to the Minute Records of said Commission in my possession.

Dated at Muscatine, Iowa, this 12th day of September, A. D. 1962.


Nancy Manley
Secretary of Muscatine Plan and Zoning
Commission of the City of Muscatine, Iowa.

State of Iowa)
Muscatine County) SS:

I, Florence Mason, Clerk of the City of Muscatine, Iowa, do hereby certify that the foregoing is a full, true and correct copy of a certain Resolution duly passed, approved and adopted by the City Council of the City of Muscatine, Iowa, at its Special session on the 10th day of September, 1962.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said City, this 20th day of September, 1962.

Florence Mason
Florence Mason
City Clerk



DEDICATION
OF
HAHN'S ADDITION TO THE CITY OF MUSCATINE, IOWA.

STATE OF IOWA, Muscatine County, SS:

I, the undersigned, Harry E. Hahn, of the City and County of Muscatine, Iowa, do hereby certify that I am the owner in fee simple of all of the real estate embraced within the limits of the Plat of Hahn's Addition to the City of Muscatine, Iowa, which plat is hereto attached and by this reference made a part of this dedication.

I, the undersigned, Harry E. Hahn, do further hereby certify and declare that said plat was made under my direction, with my consent, and in accordance with my express desire, and I do hereby dedicate the street, walkway, and other public places on said plat to public use forever. I further certify that this dedication is my free act and deed.

Dated at Muscatine, Iowa, this 15th day of August, A. D. 1962.

Harry E. Hahn

Harry E. Hahn

STATE OF IOWA, Muscatine County, SS:

Be It Remembered that on this 15th day of August, A. D. 1962, before me, a Notary Public in and for Muscatine County, State of Iowa, personally appeared Harry E. Hahn, to me personally known, who, being by me duly sworn, did state that he is the owner in fee simple of the real estate embraced within the limits of Hahn's Addition to the City of Muscatine, Iowa, as shown by the plat of said addition attached to the dedication of said plat; that said plat was made with his consent, under his direction, and in accordance with his express desire; that said dedication was duly executed by him and that he acknowledged the execution of said dedication to be his voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.



Harry E. Hahn

Notary Public in and for Muscatine County, State of Iowa.

STATE OF IOWA, Muscatine County, SS:

I, the undersigned, Josephine Hahn, of the City and County of Muscatine, State of Iowa, do hereby state that I am the wife of Harry E. Hahn, who is the owner in fee simple of all the real estate embraced within the limits of Hahn's Addition to the City of Muscatine, Iowa, as shown by the plat of said addition hereto attached and by this reference made a part of this dedication.

I, the undersigned, Josephine Hahn, do further hereby state and declare that I join with the said Harry E. Hahn, my husband, in the dedication of the street, walkway and other public places on said plat to public use forever, and that I join in this dedication as my free act and deed.

Dated at Muscatine, Iowa, this 15th day of August, A. D. 1962.

Josephine Hahn
Josephine Hahn

STATE OF IOWA, Muscatine County, SS:

Be It Remembered that on this 15th day of August, A. D. 1962, before me, a Notary Public in and for Muscatine County, State of Iowa, personally appeared Josephine Hahn, to me personally known, who, being by me duly sworn, did state that she is the wife of Harry E. Hahn, who is the owner in fee simple of the real estate embraced within the limits of Hahn's Addition to the City of Muscatine, Iowa, as shown by the plat of said addition hereto attached; that she acknowledged that she joined in the execution of said dedication as her voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.



Harvey S. Albert
Notary Public in and for Muscatine
County, State of Iowa.

SURVEYOR'S CERTIFICATE.

I, the undersigned, James B. Tracy, do hereby certify that I am a registered Iowa Land Surveyor and that the accompanying plat designated "HAHN'S ADDITION TO THE CITY OF MUSCATINE, IOWA", dated August 8, 1962, is a true and correct Plat of a survey made by me for Harry E. Hahn of the City of Muscatine, County of Muscatine, State of Iowa, the owner and proprietor of a tract of land within the corporate limits of the City of Muscatine, Iowa, situated in Section Twenty-seven (27), Township Seventy-seven (77) North, Range Two (2) West of the Fifth (5th) Principal Meridian, Muscatine County, Iowa, and more particularly described as follows:

Starting at a concrete monument at the East Quarter Corner of Section 27, Township 77 North, Range 2 West of the 5th Principal Meridian, in Muscatine County, Iowa, thence along the South line of the Northeast Quarter of said Section 27 on an assumed bearing of N 90° W, with all other bearings herein given referenced therefrom, a distance of 994.2 feet, more or less, to the East line of Lot Four (4) in the South Half of the Northeast Quarter of said Section 27, thence N 0° 20' W along the East line of said Lot Four (4), a distance of 563.1 feet, more or less, to an one inch Iron Pin marking the Southeast corner of the real estate conveyed by Harry E. Hahn, et ux., to Ralph R. Stark by Correction Warranty Deed recorded in Book 121 of Lands, on Page 582, and shown by the Plat recorded in Book 3 of Plats, on Page 235, both in the office of the Recorder of Muscatine County, Iowa, thence N 73° 11' W along the Southerly line of the real estate conveyed to Ralph R. Stark, as aforesaid, a distance of 193.8 feet to the Easterly line of the Easement recorded in Book 117 of Lands, on Page 616, in the office of the Recorder of Muscatine County, Iowa, and designated on the Plat above referred to as Myrtle Lane; thence S 16° 49' W along the Easterly line of said Myrtle Lane a distance of 99.6 feet; thence N 73° 11' W a distance of 50 feet to an Iron Pin on the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, for street purposes by deed dated August 2, 1962, and the true point of beginning; thence N 16° 49' E along the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, as aforesaid, a distance of 252.6 feet; thence N 0° 49' E and continuing along the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, as aforesaid, a distance of 548.2 feet to the fence line along the North line of the South Half of the Northeast Quarter of said Section 27; thence N 89° 13' W along the line of said fence a distance of 155 feet to a property line corner post; thence S 3° 23' 20" E a distance of 204.7 feet; thence S 0° 49' W a distance of 324.5 feet; thence S 16° 49' W a distance of 232.9 feet; thence S 73° 11' E a distance of 140 feet to the true point of beginning; and containing 2.47 acres, more or less.

That said Addition consists of Block One (1) containing Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Parcel "X", Six (6), and Seven (7).

That said Addition and said Lots abut upon and are adjacent to real estate conveyed to the City of Muscatine, Iowa, for public street purposes by deed dated August 2, 1962, and designated on said Plat as Myrtle Lane.

That said Plat designates a walk ten (10) feet in width lying adjacent to and southerly of Lot One (1) for use of the public.

That Parcel "X" is intended by the proprietor for future use as an access street to real estate lying westerly of the real estate herein platted.

That the location, dimensions and courses of the boundaries of all lots, blocks and streets are shown on said Plat.

That the distances shown on said Plat are in feet and decimal parts of a foot. That the true point of beginning of the tract of real estate comprising said Addition is an Iron Pin set on the Westerly line of Myrtle Lane as recently conveyed to the City of Muscatine, Iowa, by deed dated August 2, 1962, and is located S 16° 49' W a distance of 10 feet from the Southeasterly corner of Lot One (1) of said Addition. That said true point of beginning is located with reference to the Southeast corner of the Northeast Quarter of Section 27, Township 77 North, Range 2 West of the 5th Principal Meridian, in the foregoing detailed legal description of the real estate comprising this Addition.

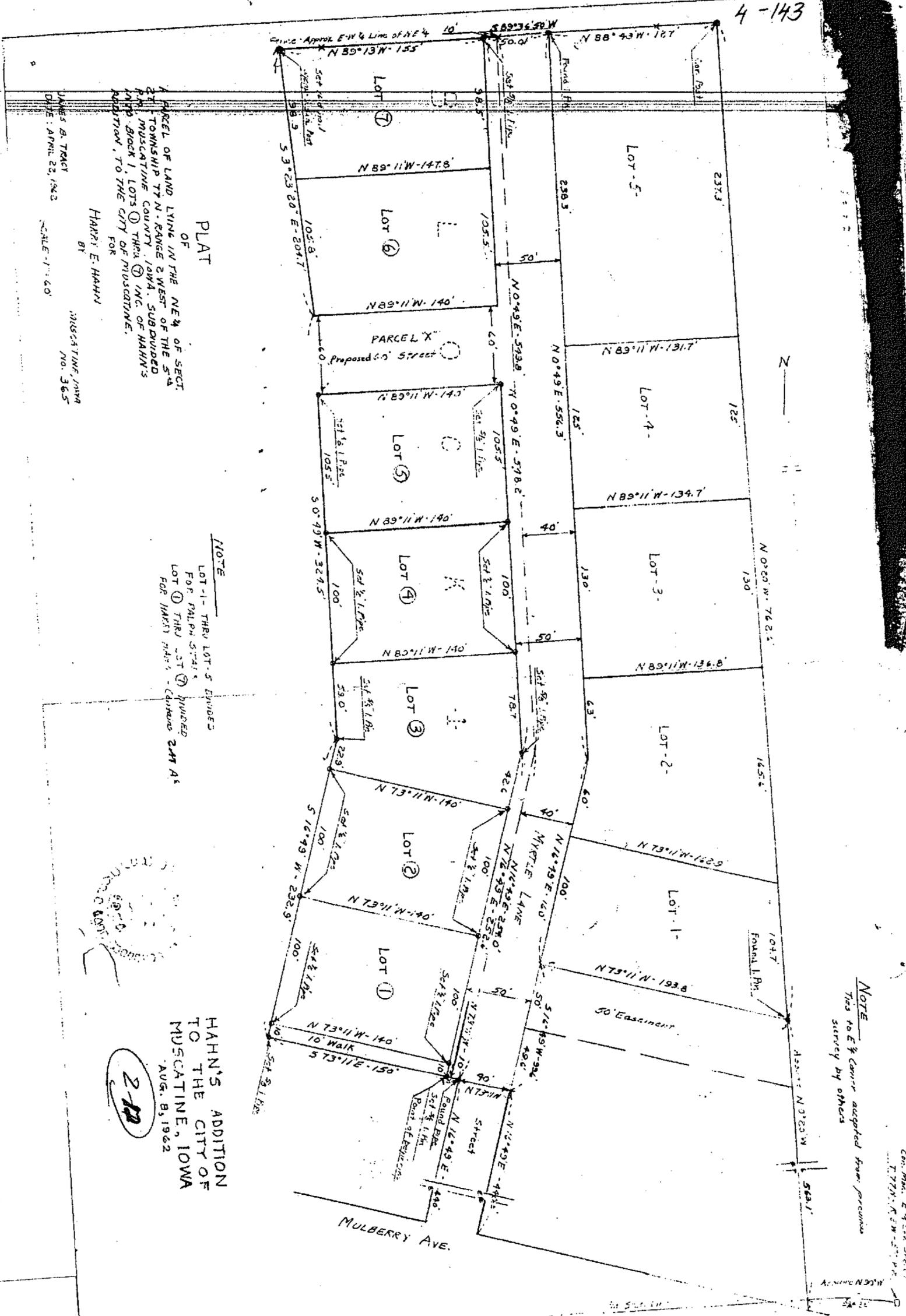
That in making said survey iron monuments were set by me at each block corner in said Addition and that the type and location of said monuments and all other monuments within the platted area are shown on the accompanying Plat.

In Witness Whereof, I have hereunto set my hand and seal, this 9th day of August, A. D. 1962.

James B. Tracy
James B. Tracy
Registered Iowa Land Surveyor
Number 2009



4-143



PLAT
 OF
 A PARCEL OF LAND LYING IN THE NE 1/4 OF SECT
 21 TOWNSHIP 17 N. RANGE 2 WEST OF THE 5th
 P.M. MUSCATINE COUNTY, IOWA. SUBDIVIDED
 INTO BLOCK 1, LOTS 1 THROUGH 10, INC. OF HAHN'S
 ADDITION, TO THE CITY OF MUSCATINE,
 IOWA.

HARRY E. HAHN
 BY
 JAMES B. TRACY
 DATE: APRIL 23, 1962
 SCALE: 1" = 60'
 MUSCATINE, IOWA
 NO. 365

NOTE
 LOT 1 - THRU LOT 5 DIVIDED
 FOR PALM ST.
 LOT 1 THRU LOT 5 DIVIDED
 FOR MARKET ST. - CHANGES 241 AT

HAHN'S ADDITION
 TO THE CITY OF
 MUSCATINE, IOWA
 AUG. 8, 1962

2-12

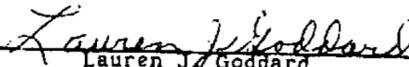
NOTE
 This to E & W corner accepted from previous
 survey by others

CON. MAP, E & W CORNERS
 T. 17 N., R. 2 W., S. 21 P.
 M. 16 N. 20 W.

COUNTY TREASURER'S CERTIFICATE

I, the undersigned, Lauren J. Goddard, do hereby certify that I am the County Treasurer of Muscatine County, State of Iowa, and I do further certify that there are no unpaid taxes or unredeemed tax sales against any of the land embraced in the plat of "Hahn's Addition to the City of Muscatine, Iowa", which plat is attached hereto.

Dated at Muscatine, Iowa, this 21st day of September, A. D. 1962.

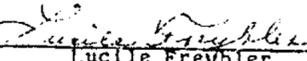

 Lauren J. Goddard
 County Treasurer of Muscatine County,
 Iowa.



COUNTY RECORDER'S CERTIFICATE

I, the undersigned, Lucile Freybier, do hereby certify that I am the County Recorder of the County of Muscatine, State of Iowa, and I do further certify that the title in fee simple of the land embraced in the plat of "Hahn's Addition to the City of Muscatine, Iowa", which plat is hereto attached, is vested in Harry E. Hahn and that the same is free from encumbrances as appears from the records in my office.

Dated at Muscatine, Iowa, this 21st day of September, A. D. 1962.

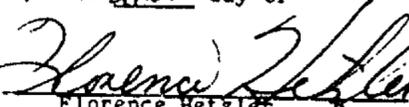

 Lucile Freybier
 County Recorder of Muscatine County,
 Iowa.

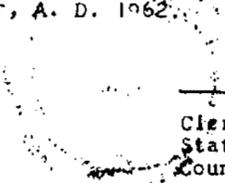


CLERK OF THE DISTRICT COURT CERTIFICATE

I, the undersigned, Florence Hetzler, do hereby certify that I am the Clerk of the District Court of the State of Iowa, in and for Muscatine County, and I do further certify that the land embraced within the plat of "Hahn's Addition to the City of Muscatine, Iowa", which plat is attached hereto, is free from all judgments, attachments, mechanic's or other liens as appears from the records in my office.

Dated at Muscatine, Iowa, this 21st day of September, A. D. 1962.


 Florence Hetzler
 Clerk of the District Court of the
 State of Iowa, in and for Muscatine
 County.



D. ALBEE 1976-1987
HARVEY D. ALBEE
HARVEY D. ALBEE JR.

TELEPHONE
555-0435

ALBEE & ALBEE
ATTORNEYS AT LAW
314-317 MEDICAL ARTS BUILDING
MUSCATINE, IOWA

September 21, 1962

Mr. Harry E. Hahn
Muscatine, Iowa

Dear Sir:

The undersigned Attorney At Law, pursuant to your request, has examined an abstract of title under one cover to the following described real estate, situated in the City and County of Muscatine, State of Iowa, to-wit:

Starting at a concrete monument at the East Quarter Corner of Section Twenty-seven (27), Township Seventy-seven (77) North, Range Two (2) West of the Fifth (5th) Principal Meridian, in Muscatine County, Iowa, thence along the South line of the Northeast Quarter of said Section 27 on an assumed bearing of North 90° West, with all other bearings herein given referenced therefrom, a distance of 994.2 feet, more or less, to the East line of Lot Four (4) in the South Half of the Northeast Quarter of said Section 27, thence North 0° 20' West along the East line of said Lot Four (4), a distance of 563.1 feet, more or less, to an one inch Iron Pin marking the Southeast corner of the real estate conveyed by Harry E. Hahn, et ux., to Ralph R. Stark by Correction Warranty Deed recorded in Book 121 of Lands, on Page 582, and shown by the Plat recorded in Book 3 of Plats, on Page 235, both in the office of the Recorder of Muscatine County, Iowa, thence North 73° 11' West along the Southerly line of the real estate conveyed to Ralph R. Stark, as aforesaid, a distance of 193.8 feet to the Easterly line of the Easement recorded in Book 117 of Lands, on Page 616, in the office of the Recorder of Muscatine County, Iowa, and designated on the Plat above referred to as Myrtle Lane; thence South 16° 49' West along the Easterly line of said Myrtle Lane a distance of 99.6 feet; thence North 73° 11' West a distance of 50 feet to an Iron Pin on the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, for street purposes by deed dated August 2, 1962, and the true point of beginning; thence North 16° 49' East along the Westerly line

Mr. Harry E. Hahn

-2-

September 21, 1962

of the real estate conveyed to the City of Muscatine, Iowa, as aforesaid, a distance of 252.6 feet; thence North $0^{\circ} 49'$ East and continuing along the Westerly line of the real estate conveyed to the City of Muscatine, Iowa, as aforesaid, a distance of 548.2 feet to the fence line along the North line of the South Half of the Northeast Quarter of said Section 27; thence North $89^{\circ} 13'$ West along the line of said fence a distance of 155 feet to a property line corner post; thence South $3^{\circ} 23' 20''$ East a distance of 204.7 feet; thence South $0^{\circ} 49'$ West a distance of 324.5 feet; thence South $16^{\circ} 49'$ West a distance of 232.9 feet; thence South $73^{\circ} 11'$ East a distance of 140 feet to the true point of beginning; and containing 2.47 acres, more or less;

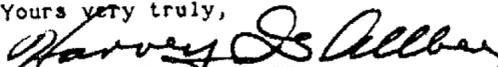
as shown by an abstract for said real estate certified to by the Legal Abstract Company from the Original Entry to May 12, 1959, at 8:30 o'clock A. M., and continued by said Legal Abstract Company from said date to September 20, 1962, at 8:30 o'clock A. M.

From said examination I am of the opinion that said abstract shows the record fee simple title to said real estate vested in Harry E. Hahn as of September 20, 1962, at 8:30 o'clock A. M.

I further find from said examination that the real estate above described as shown by said abstract is free and clear of all liens and encumbrances of whatsoever kind and nature except the same, or a portion thereof, may be subject to the Utility Easement recorded in Book 126 of Lots, Page 91, in the office of the Recorder of Muscatine County, Iowa, abstracted at Item 43 of said abstract, which Utility Easement, in my opinion, based upon the provisions of Section 409.9 of the Code of Iowa 1962, is not an encumbrance on said real estate.

The use of said real estate is restricted by the Zoning Ordinance which became effective in the City of Muscatine, Iowa, by publication on February 15, 1957. However this restriction, as is true of all zoning ordinance restrictions, is not considered as a lien or encumbrance on real estate, as said restrictions assist in the orderly development of the city.

Yours very truly,


HARVEY G. ALLBEE

HGA:DM

DEED

WHEREAS, the undersigned, Harry E. Hahn, is the owner and holder of the legal title to the real estate hereinafter described; and

WHEREAS, Vernon M. Thede and Mary E. Thede, husband and wife; Fred G. Hocking and Eugenia I. Hocking, husband and wife; Ralph R. Stark; John S. Hahn; Harold W. Umlandt and Elma H. Umlandt, husband and wife; Frank M. Swengel and June L. Swengel, husband and wife; E. L. Emerson and Bessie Emerson, husband and wife; and Charles W. Elder and C. Frances Elder, husband and wife; are seized and possessed of the legal title lying adjacent to and adjoining, or in the near vicinity of, the real estate hereinafter described, and are seized and possessed of easements over or a beneficial interest in easements over the real estate hereinafter described, which easements are recorded in the office of the Recorder of Muscatine County, Iowa, in Book 126 of Lots, page 91, Book 126 of Lots, page 501, Book 151 of Lots, page 74, and Book 117 of Lands, page 616; and

WHEREAS, it is the desire of all parties hereto to convey the real estate hereinafter described to the City of Muscatine, Iowa, for use by the general public as a public street:

NOW, THEREFORE, the undersigned, Harry E. Hahn and Josephine Hahn, his wife; John S. Hahn and Patricia A. Hahn, his wife; Ralph R. Stark and Sadie Stark, his wife; Vernon M. Thede and Mary E. Thede, husband and wife; Fred G. Hocking and Eugenia I. Hocking, husband and wife; Harold W. Umlandt and Elma H. Umlandt, husband and wife; E. L. Emerson and Bessie Emerson, husband and wife; Frank M. Swengel and June L. Swengel, husband and wife; and Charles W. Elder and C. Frances Elder, husband and wife, Grantors, for and in consideration of the execution of this instrument by each of the undersigned and the anticipated mutual benefit to be received by the Grantors if this conveyance is accepted, do hereby convey to the City of Muscatine, Iowa, a municipal corporation, existing under and by virtue of the laws of the State of Iowa, Grantee, for use by the general public as a public street in the City of Muscatine, Iowa, the following described real estate, to-wit:

Starting at a concrete monument at the East Quarter Corner of Section 27, Township 77 North, Range 2 West of the 5th Principal Meridian, in Muscatine County, Iowa, thence along the South line of the Northeast Quarter of said Section 27 on an assumed bearing of N 90° W, with all other bearings herein given referenced therefrom, a distance of 994.2 feet, more or less, to the East line of Lot Four (4) in the South Half of the Northeast Quarter of said Section 27, thence N 0° 20' W along the East line of said Lot Four (4), a distance of 563.1 feet, more or less, to an one inch Iron Pin marking the Southeast corner of the real estate conveyed by Harry E. Hahn, et ux., to Ralph R. Stark by Correction Warranty Deed recorded in Book 121 of Lands, page 582, and shown by the Plat recorded in Book 3 of Plats, page 235, both in the office of the Recorder of Muscatine County, Iowa, thence N 73° 11' W along the Southerly line of the real estate conveyed to Ralph R. Stark, as aforesaid, a distance of 193.8 feet to the Easterly line of the Easement recorded in Book 117 of Lands, page 616, in the office of the Recorder of Muscatine County, Iowa,

and designated on the Plat thereto attached as Myrtle Lane and the true point of beginning; thence N 16° 49' E and along the Easterly line of said Easement a distance of 160 feet; thence N 0° 49' E and along the Easterly line of said Easement a distance of 556.3 feet to the North-west corner of the tract of real estate conveyed to Ralph R. Stark by deed recorded in Book 185 of Lots, page 84, in the office of the Recorder of Muscatine County, Iowa, and the boundary fence line marking the North line of said Lot Four (4); thence Westerly along said boundary fence line (S 89° 36' 50" W) a distance of 50 feet; thence S 0° 49' W and parallel to the Easterly line of said Easement a distance of 548.2 feet; thence S 16° 49' W and parallel to the Easterly line of said Easement a distance of 252.6 feet; thence S 73° 11' E a distance of 10 feet; thence S 16° 49' W and along the Westerly line of the Easement described in the Easement recorded in Book 117 of Lands, page 616, in the office of the Recorder of Muscatine County, Iowa, a distance of 440 feet to the Northerly line of Mulberry Avenue; thence Easterly along the Northerly line of Mulberry Avenue a distance of 40 feet to the Easterly line of the Easement last above referred to; thence N 16° 49' E along the Easterly line of said Easement a distance of 539.6 feet to the true point of beginning.

It being the intention of the Grantors to hereby dedicate the real estate hereinabove described for use by the general public as a public street.

It is further the intention of said Grantors that this conveyance and dedication shall have no force or effect until this conveyance and the dedication of said real estate by these Grantors shall have been accepted by the City of Muscatine, Iowa.

Dated at Muscatine, Iowa, this 2nd day of August, A. D. 1962.

<u>Harry E. Hahn</u> Harry E. Hahn	<u>Vernon M. Thebe</u> Vernon M. Thebe
<u>Josephine Hahn</u> Josephine Hahn	<u>Mary E. Thebe</u> Mary E. Thebe
<u>John S. Hahn</u> John S. Hahn	<u>Fred G. Hocking</u> Fred G. Hocking
<u>Patricia A. Hahn</u> Patricia A. Hahn	<u>Eugenia J. Hocking</u> Eugenia J. Hocking
<u>Ralph R. Stark</u> Ralph R. Stark	<u>Frank M. Swengel</u> Frank M. Swengel
<u>Sadie Stark</u> Sadie Stark	<u>June L. Swengel</u> June L. Swengel
<u>Harold W. Umlandt</u> Harold W. Umlandt	<u>E. L. Emerson</u> E. L. Emerson
<u>Elma W. Umlandt</u> Elma W. Umlandt	<u>Bessie Emerson</u> Bessie Emerson

Charles W. Elder
Charles W. Elder

C. Frances Elder
C. Frances Elder

STATE OF IOWA, Muscatine County, SS:



On this 2nd day of August, A. D. 1962 before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Harry E. Hahn and Josephine Hahn, his wife; John S. Hahn and Patricia A. Hahn, his wife; Ralph R. Stark and Sadie Stark, his wife; Vernon M. Thede and Mary E. Thede, husband and wife; Fred G. Hocking and Eugenia I. Hocking, husband and wife; Harold W. Umlandt and Elma M. Umlandt, husband and wife; E. L. Emerson and Bessie Emerson, husband and wife; Frank M. Swengel and June L. Swengel, husband and wife; and Charles W. Elder and C. Frances Elder, husband and wife; to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

W. J. Martin
Notary Public in and for Muscatine
County, State of Iowa.

RESOLUTION

WHEREAS there has been filed with the City Clerk of the City of Muscatine, Iowa, and there is now submitted to the City Council of said City for approval and acceptance a deed conveying to the City of Muscatine, Iowa, for use as a public street, certain real estate hereinafter described comprising what is now known as Myrtle Lane in the City of Muscatine, Iowa, and an additional strip of real estate ten (10) feet wide along a portion of the Westerly side of said Myrtle Lane; and

WHEREAS a majority of the owners of real estate, lying adjacent to said Myrtle Lane, have petitioned the City Council to improve for use as a public street the real estate so conveyed to the City of Muscatine, Iowa:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muscatine, Iowa, that the deed executed and delivered by Harry E. Hahn, et al., as Grantors, conveying to the City of Muscatine, Iowa, as Grantee, the following described real estate, lying and being situated in the City of Muscatine, County of Muscatine, State of Iowa, to-wit:

Starting at a concrete monument at the East Quarter Corner of Section 27, Township 77 North, Range 2 West of the 5th Principal Meridian, in Muscatine County, Iowa, thence along the South line of the Northeast Quarter of said Section 27 on an assumed bearing of N 90° W, with all other bearings herein given referenced therefrom, a distance of 994.2 feet, more or less, to the East line of Lot Four (4) in the South Half of the Northeast Quarter of said Section 27, thence N 0° 20' W along the East line of said Lot Four (4), a distance of 563.1 feet, more or less, to an one inch Iron Pin marking the Southeast corner of the real estate conveyed by Harry E. Hahn, et ux., to Ralph R. Stark by Correction Warranty Deed recorded in Book 121 of Lands, page 582, and shown by the Plat recorded in Book 3 of Plats, page 235, both in the office of the Recorder of Muscatine County, Iowa, thence N 73° 11' W along the Southerly line of the real estate conveyed to Ralph R. Stark, as aforesaid, a distance of 193.8 feet to the Easterly line of the Easement recorded in Book 117 of Lands, page 616, in the office of the Recorder of Muscatine County, Iowa, and designated on the Plat thereto attached as Myrtle Lane and the true point of beginning; thence N 16° 49' E and along the Easterly line of said Easement a distance of 160 feet; thence N 0° 49' E and along the Easterly line of said Easement a distance of 556.3 feet to the Northwest corner of the tract of real estate conveyed to Ralph R. Stark by deed recorded in Book 185 of Lots, page 84, in the office of the Recorder of Muscatine County, Iowa, and the boundary fence line marking the North line of said Lot Four (4); thence Westerly along said boundary fence line (S 89° 36' 50" W) a distance of 50 feet; thence S 0° 49' W and parallel to the Easterly line of said Easement a distance of 548.2 feet; thence S 16° 49' W and parallel to

the Easterly line of said Easement a distance of 252.6 feet; thence S 73° 11' E a distance of 10 feet; thence S 16° 49' W and along the Westerly line of the Easement described in the Easement recorded in Book 117 of Lands, page 616, in the office of the Recorder of Muscatine County, Iowa, a distance of 440 feet to the Northerly line of Mulberry Avenue; thence Easterly along the Northerly line of Mulberry Avenue a distance of 40 feet to the Easterly line of the Easement last above referred to; thence N 16° 49' E along the Easterly line of said Easement a distance of 539.6 feet to the true point of beginning;

for use as a public street be, and the same is, hereby approved and said deed and the real estate therein described is hereby accepted by the City Council of the City of Muscatine, Iowa, for and on behalf of said City.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Muscatine, Iowa, are hereby authorized and directed to attach to said deed a certified copy of this resolution and to record the same in the office of the Recorder of Muscatine County, Iowa.

PASSED, APPROVED and ADOPTED this 18th day of ~~August~~, A. D. 1962.
September

CITY OF MUSCATINE, IOWA

By *Arthur J. Bosch*
Mayor


[Signature]
City Clerk

State of Iowa)
Muscatine County) SS:

I, Florence Mason, Clerk of the City of Muscatine, Iowa, do hereby certify that the foregoing is a full, true and correct copy of a certain Resolution duly passed, approved and adopted by the City Council of the City of Muscatine, Iowa, at its special session on the 18th day of September, 1962.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said City, this 20th day of September, 1962.



Florence Mason
Florence Mason
City Clerk