



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: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Steven Boka, Director of Community Development
Date: July 29, 2013
Re: Ordinance - Vacation of Alley Remnant

INTRODUCTION: A request has been submitted by Daniel B. and Cynthia L. Clark to vacate, sell and transfer a twenty-foot (20') wide unimproved alley remnant located behind their home located at 305 Burnside.

BACKGROUND: Daniel and Cynthia Clark own Lots 3 & 5 of the Burnside 2nd Addition to the City of Muscatine. The Clark's would like to construct a detached garage on the Lot 5 but are not permitted to construct a garage on a vacant lot unless it is attached (contiguous) to the same property where the home is located. If the alley remnant is vacated and sold to the Clark's, they could proceed with their plan to construct a detached garage on Lot 5 as it would adjoin Lot 3 via the vacated alley. The adjacent property owners have been contacted by the Clark's and have indicated their support for the Clark request and have also expressed interest in acquiring the remnants located behind their homes located at 301 (Schroeder) & 303 (Castillo) Burnside. A later request to join in on the vacation request was submitted by the owner (Allison) of the property located at 307 Burnside. During a discussion with the Planning Commission, Schroeder and Castillo both requested that the property be given to them at no cost. Since Lot 5, adjoins the entire alley remnant on the north, the Clark's have agreed to purchase all of the property if the other owners do not agree to the sale price set by the city of \$1.05 per square foot.

RECOMMENDATION/RATIONALE: It is recommended that the City Council adopt the attached Ordinance approving the vacation, sale & transfer of the unimproved alley remnant as set out herein.

BACKUP INFORMATION:

1. Ordinance
2. Vacation Plat

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

Prepared by Steven Boka, 215 Sycamore St., Muscatine, Iowa 563.262.4141

ORDINANCE NO. _____

**AN ORDINANCE VACATING CERTAIN RIGHTS-OF-WAY
IN THE CITY OF MUSCATINE, IOWA.**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended the vacation of certain rights-of-way located in and adjacent to Block 2 in Burnside's 2nd Addition to the City of Muscatine; and

WHEREAS, the City Council of the City of Muscatine has conducted a public hearing on said vacation requests;

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

Section I. The following described real estate be vacated by the City of Muscatine, Iowa:

Being that part of the unimproved alley right-of-way in Block 2, Burnside's 2nd Addition to the City of Muscatine, Muscatine County, Iowa.

More particularly described as follows:

LAND DESCRIPTION - CLARK

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 55.17 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 55.17 FEET TO THE POINT OF BEGINNING; CONTAINING 1103 SQUARE FEET.

LAND DESCRIPTION – CASTILLO

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF BURNSIDE'S 2ND ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 49.86 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 49.86 FEET TO THE POINT OF BEGINNING; CONTAINING 997 SQUARE FEET.

LAND DESCRIPTION – SCHROEDER

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 50.00 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 50.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1000 SQUARE FEET.

LAND DESCRIPTION – ALLISON

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHEAST CORNER OF LOT 4 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION; THENCE SOUTH 48°46'39" WEST 44.65 FEET; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 44.65 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET TO THE POINT OF BEGINNING; CONTAINING 893 SQUARE FEET.

Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

PASSED, APPROVED AND ADOPTED this 1st day of August, 2013.

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

DeWayne Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk

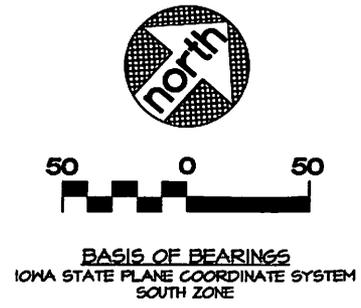
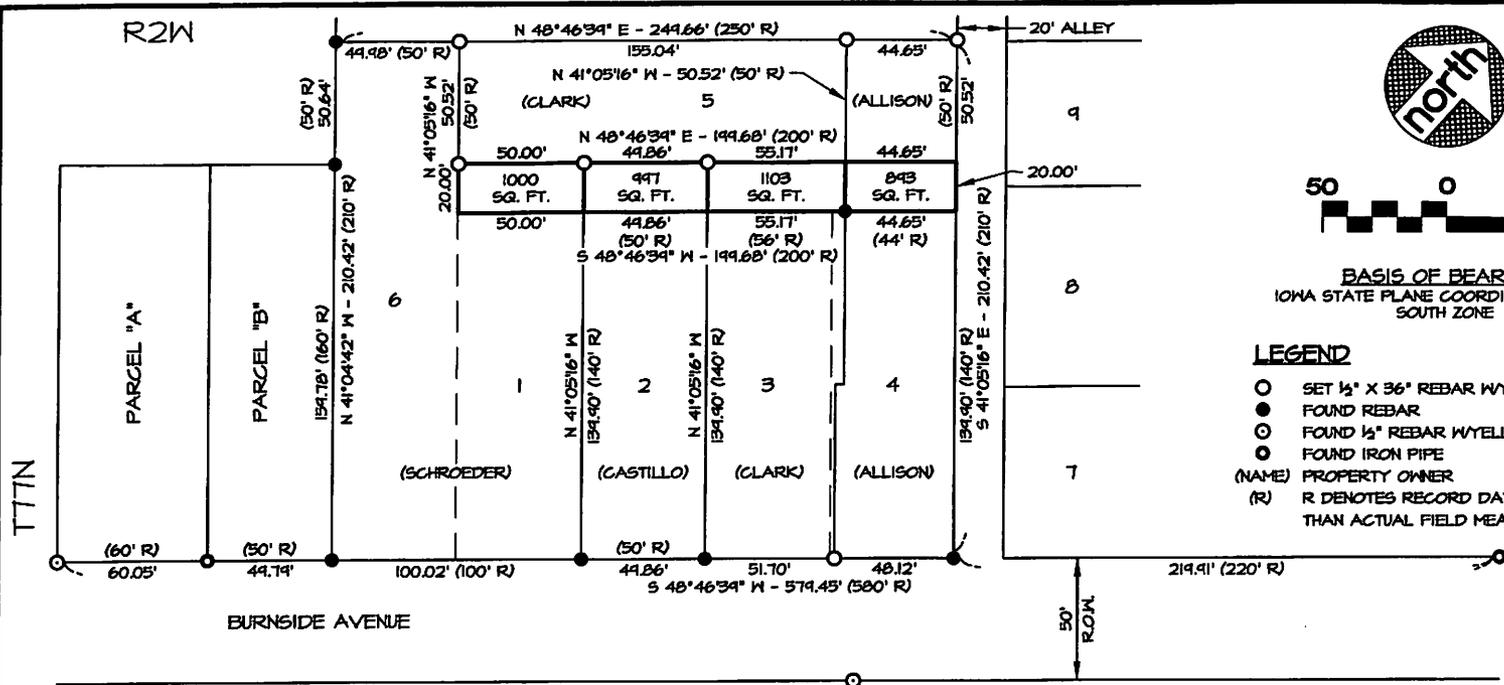
1st Reading _____

2nd Reading _____

3rd Reading _____

Publication _____

PREPARED BY: GARY W. WHITACRE, MARTIN & WHITACRE SURVEYORS & ENGINEERS, INC., P.O. BOX 418, MUSCATINE, IOWA 52761 / PHONE: 563-263-1641



- LEGEND**
- SET 1/2" X 36" REBAR WYELLOW CAP #10316
 - FOUND REBAR
 - FOUND 1/2" REBAR WYELLOW CAP #10316
 - FOUND IRON PIPE
 - (NAME) PROPERTY OWNER
 - (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

PROPRIETORS:
 LOTS 1 & 6: DENNIS E. & P. DIANE SCHROEDER
 LOT 2: JUNIOR CASTILLO
 LOT 3, & PART OF LOTS 4 & 5: DAN & CYNTHIA L. CLARK
 PART OF LOTS 4 & 5: LINDA L. ALLISON

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The utility easements as shown are acceptable to the following utilities:

Utility	Title	Date
CENTURYLINK, LC		
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY		
MUSCATINE POWER & WATER		
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Gary W. Whitacre
 Date _____ Reg. No. 10316
 My license renewal date is December 31, 2013
 Pages or sheets covered by this seal: 1



Martin & Whitacre
Surveyors & Engineers, Inc.
 P.O. BOX 413 (563)283-7891 MUSCATINE, IOWA

DAN & CINDY CLARK VACATION PLAT
 PART OF BURNSIDE'S 2ND ADD., IN THE CITY OF MUSCATINE, IA

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
BURNSIDE'S	BURNSIDE'S	1"=50'	PM	GWW	7/24/13	7657.13
REV.	0				7657 SURVEY.DWG	SHEET 1 OF 1