



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

PLANNING, ZONING AND BUILDING SAFETY

**Public Health,
Housing Inspections &
Inspection Services**

TO: Gregg Mandsager, City Administrator
FROM: Dave Gobin, Community Development Director
DATE: November 4, 2014
RE: 704 Clay Street

INTRODUCTION: For several years, the City has worked with the IDNR for a Brownsfield Project at 704 Clay Street. After removing the underground tanks and other site remediation work, the IDNR has determined "No Further Action" on this property which is currently located in the flood zone.

This clears the way for the City to accept the property through a quit claim deed, declare it surplus and sell it at our standard rate of \$1.05 per square foot as a minimum.

Recently, BLC Real Estate, LLC, has prepared and registered a quit claim deed to the City for the property awaiting the Council's approval. The following actions are what the City's Staff recommends:

1. City Council adopt the resolution accepting the property and pay \$10 for the quit claim deed
2. City Council adopt the resolution to declare the property as surplus
3. City Council adopt the resolution setting a public hearing for December 4, 2014 to dispose of the property with conditions

RECOMMENDATION/RATIONALE: Staff recommends City Council adopt the resolutions pertaining to the acceptance/disposal of 704 Clay Street.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE QUIT CLAIM DEED FROM BLC REAL ESTATE, LLC TO THE CITY OF MUSCATINE, IOWA

WHEREAS, where BLC Real Estate, LLC has prepared a quit claim deed to the City of Muscatine, Iowa the following described real estate in Muscatine Iowa, locally know as 704 Clay Street;

A tract of land located in the Southwest Quarter of Section 25, Township 77 North, Range 2 West of the 5th P.M., a part of Block 48 of Park Place Addition to the City of Muscatine, Iowa, described as follows:

Commencing at the West quarter corner of said Section 25; thence South 00° 32' 35" West 623.54 feet to the North line of Clay Street, thence North 74° 26' 39" East 67.00 feet on the Northerly line of Clay Street to the point of beginning; thence North 00° 32' 35" East 209.28 feet to the Southerly line of platted Johnson Street; thence South 88° 44' 51" East 310.51 feet on the South line of said platted street to the Westerly line of Gobble Street; thence South 00° 30' 59" West 115.92 feet on the Westerly line of Gobble Street to the Northerly line of Clay Street, thence South 74° 26' 39" West 323.15 feet on the Northerly line of Clay Street to the point of beginning. Said tract contains 1.16 acres.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, Iowa that the quit claim deed attached hereto and identified as "Exhibit A" is hereby by accepted by the City of Muscatine and the Mayor and City Clerk are hereby authorized and directed to sign this Resolution and thereafter deliver a copy thereof to the Muscatine County Recorder to be recorded in the permanent real estate records of Muscatine County, Iowa.

PASSED, APPROVED AND ADOPTED this 6th day of November 2014.

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

DeWayne M. Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk

Instr. Number: E14-01398
Recorded: 10/21/2014 at 8:34:00.0 AM
Fee Amount: \$17.00
Revenue Tax: \$0.00
Cynthia S Gray - Recorder
Muscatine County, Iowa

Anthony A. Longnecker

Return To: Anthony A. Longnecker, 700 Walnut, Suite 1600, Des Moines, IA 50309-3899,
(515) 283-3196

Preparer: Anthony A. Longnecker, 700 Walnut, Suite 1600, Des Moines, IA 50309-3899,
(515) 283-3196

Taxpayer: The City of Muscatine, 215 Sycamore Street, Muscatine, IA 52761

QUIT CLAIM DEED

For the consideration of Ten (\$10.00) Dollar(s) and other valuable consideration, BLC Real Estate, LLC does hereby Quit Claim to The City of Muscatine all our right, title, interest, estate, claim and demand in the following described real estate in Muscatine County, Iowa:

A tract of land located in the Southwest Quarter of Section 25, Township 77 North, Range 2 West of the 5th P.M., a part of Block 48 of Park Place Addition to the City of Muscatine, Iowa, described as follows:

Commencing at the West quarter corner of said Section 25; thence South 00° 32' 35" West 623.54 feet to the North line of Clay Street, thence North 74° 26' 39" East 67.00 feet on the Northerly line of Clay Street to the point of beginning; thence North 00° 32' 35" East 209.28 feet to the Southerly line of platted Johnson Street; thence South 88° 44' 51" East 310.51 feet on the South line of said platted street to the Westerly line of Gobble Street; thence South 00° 30' 59" West 115.92 feet on the Westerly line of Gobble Street to the Northerly line of Clay Street; thence South 74° 26' 39" West 323.15 feet on the Northerly line of Clay Street to the point of beginning. Said tract contains 1.16 acres.

Consideration Less than \$500.00

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: October 15, 2014

BLC REAL ESTATE, LLC

By: James T. Werther
Name: JAMES T. WERTHER
Title: VICE PRESIDENT

ATTEST:

Gail Kellum

STATE OF SOUTH CAROLINA, COUNTY OF GREENVILLE

This record was acknowledged before me this 15th day of October, 2014, by James T. Werther, as Vice President, of BLC Real Estate, LLC.

Cynthia Chastane /locking
Signature of Notary Public

Notary public of SC

My Commission Expires: 4/22/2023



CERTIFICATE OF NO FURTHER ACTION

Prepared By: Sherry Blaisdell (515/281-8865)
IOWA DEPARTMENT OF NATURAL RESOURCES, 502 E 9th St, Des Moines, IA 50319-0034

Return To: COASTAL MART, INC
ATTN: SAM TELLEEN
1001 LOUISIANA STREET
HOUSTON, TX 77002

This document certifies that the referenced underground storage tank (UST) site has been classified by the Iowa Department of Natural Resources (Department) as "no further action" as provided in Iowa Code section 455B.474(1)(h)(3), as amended by 2007 Iowa Acts, S.F. 499, Section 2. This certificate must be recorded in the referenced site's County Recorder Office. *See id.*

Date of Issuance: 07/28/2009

Owner/Operator of the Tank(s): COASTAL MART, INC

Department File Reference: UST No. 198602863
LUST No. 8LTR20

UST Facility Address: 704 CLAY STREET
MUSCATINE, IA

Owner/Operator Mailing Address: COASTAL MART, INC
ATTN: SAM TELLEEN
1001 LOUISIANA STREET
HOUSTON, TX 77002

Legal Description of the UST Site:
NW ¼ OF NW ¼ OF SW ¼ OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2
WEST, MUSCATINE COUNTY; LOCALLY KNOWN AS 704 CLAY STREET,
MUSCATINE, IOWA.

Note: If MW-9 or MW-15 are subsequently located, they must be properly abandoned in accordance with 567—39.8 of the Iowa Administrative Code.

This certificate prohibits the Department from requiring a property owner or a responsible party from conducting further corrective action if the only reason is a change in action levels. *See id.* However, this certificate does not prevent the Department from requiring further corrective action at the site if a new petroleum release occurs or if a previously-unknown or unforeseen risk condition should arise. *See id;* see also 567 IOWA ADMINISTRATIVE CODE 135.12(10)(b).

This certificate does not constitute a warranty or representation of any kind to any person as to the environmental condition, marketability, or value of the above-referenced property other than that NFA-qualifying status was achieved upon the date of certificate issuance. See IOWA CODE § 455B.474(1)(h)(1).

FOR THE DIRECTOR:

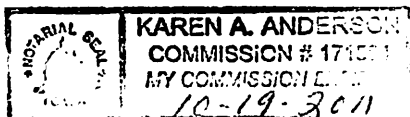
Elaine R. Douskey
ELAINE DOUSKEY, Supervisor
UST Section
Environmental Services Division

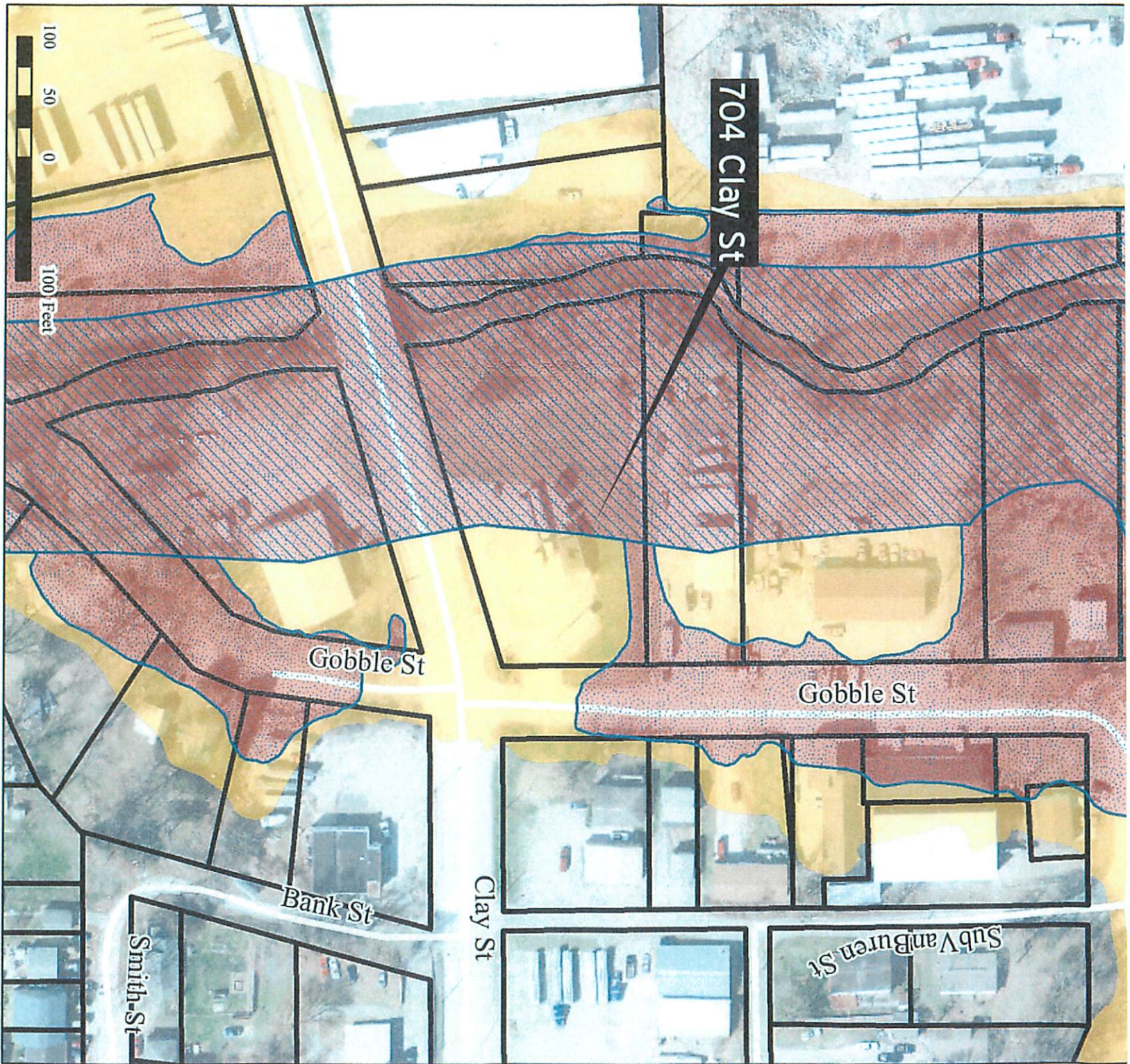
State of Iowa)
County of Polk) ss.

This instrument was acknowledged before me on this 30th day of July, 2009, by Elaine Douskey, who executed the foregoing instrument, and acknowledge that this person executed the same as his/her/their voluntary act and deed.

Karen A. Anderson
Notary Public for State of Iowa

My Commission Expires: 10-19-2011





Flood Zone Map for 704 Clay St, Muscatine Iowa



Floodway



AE



0.2% Annual Chance Flood Hazard



A



X, Protected By Levee

