



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

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members
From: Andrew Fangman, City Planner
Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director
Date: January 3, 2019
Re: Resolution Authorizing the Sale of and Executing a Deed of Surplus City Property
(Parcel # 0835206013, 561 Square Feet that Adjoins 1206 Oak Street)

The City of Muscatine has accumulated a number of parcels of land for which the continued public ownership of no longer serves any useful purpose. In order to return these parcels to a useful purpose, restore them to the tax roll, and to reduce maintenance costs associated with these parcels to the City, the City Council has previously declared a number of City owned parcel as surplus and directed City Staff to actively seek the sale of these surplus properties.

City Staff has negotiated a purchase agreement with Casey J. Oberreuter and Melinda K. Oberreuter, adjoining property owners, regarding the sale of a portion of a surplus city owned Parcel # 0835206013, 561 Square Feet Adjoining 1206 Oak Street). At its December 6th meeting City Council approved this purchase agreement, it is now necessary for Council to pass a resolution authorizing the sale of this parcel as directed by this agreement, and a resolution executing this deed.

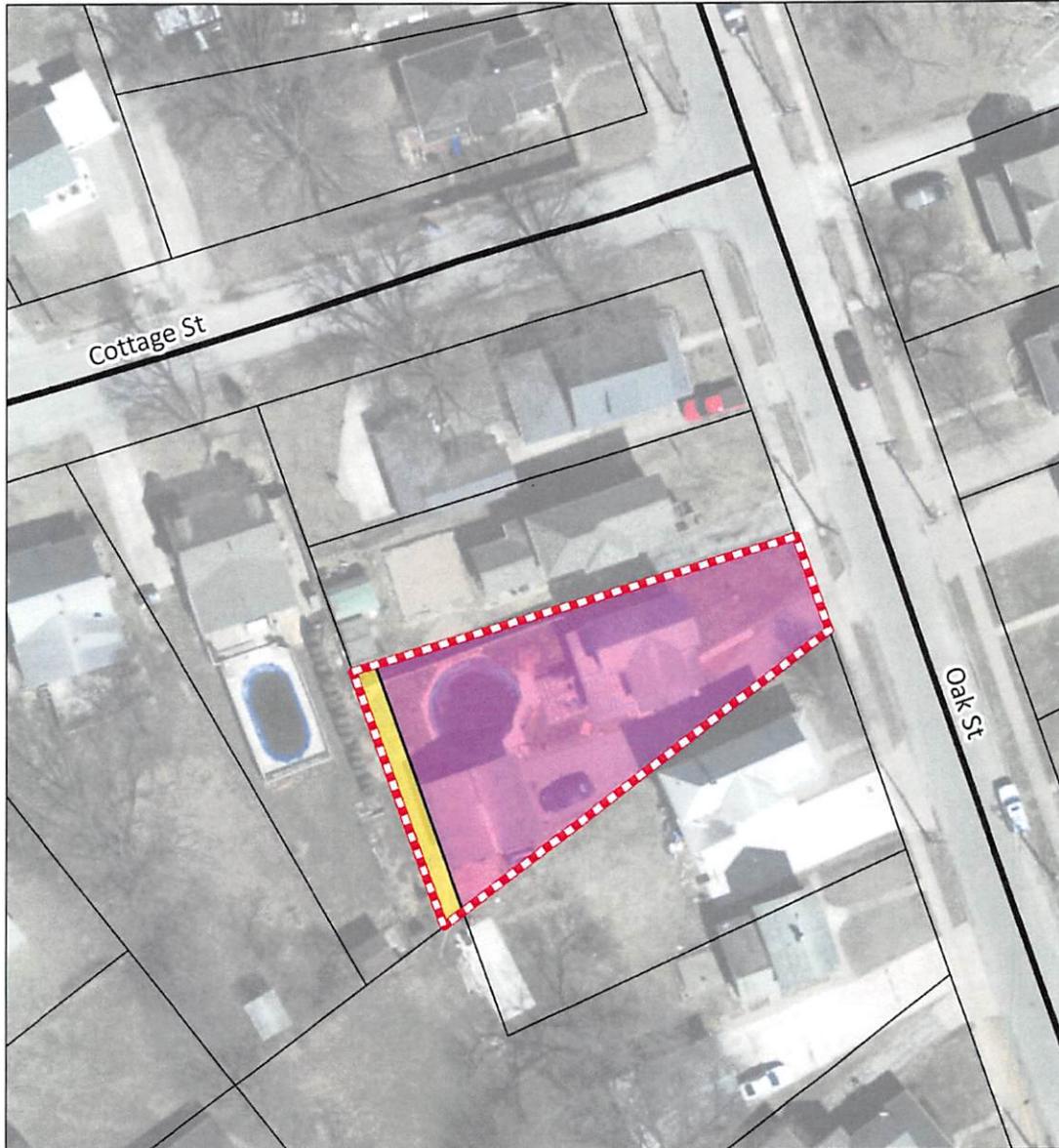
This surplus parcel was acquired by the City of Muscatine in 1946, when the westerly 7' of Lot 35 of Oak Ridge Addition, 1206 Oak Street, was split off and conveyed to the City. No records have been located to explain why the City acquired these 561 square feet. There is no City infrastructure located on this surplus property, nor is the continued public ownership of this parcel of any benefit.

Because of the very small size of this parcel, and its lack of frontage on any public right of way it is only of potential use to an adjoining property owner. As this parcel was originally created by splitting it off of Lot 35 of Oak Ridge Addition, the appropriate way to dispose of this surplus parcel is the restoration of Lot 35 as it was originally platted through the sale of this surplus property to current owners of the balance of Lot 35, the Oberreuter's.

A purchase agreement and purchase price of \$250 have been negotiated. The Muscatine County Assessor has assessed this parcel at \$210. However, the cost to the City of processing the sale of a surplus property is \$250. As such a sale price of \$250 was established to ensure the cost to the City of completing this transaction does not exceed its sale price.

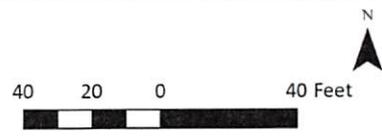
Supporting Documents

1. Map
2. Purchase Agreement
3. Resolution Authorizing the Sale of and Executing a Deed of Surplus City Property
4. Resolution Executing a Deed



Legend

-  Surplus City Owned Parcel
-  Oberreuter Parcel
-  Lot 35 of the Oak Ridge Addition as Originally Plated
-  Parcel Lines



Date Source: Muscatine Area Geographic Information Consortium and City of Muscatine
Prepared by: Andrew Fangman, City Planner
Date: November 21, 2018

RESOLUTION NO. _____

A Resolution Authorizing the Sale of
City Property to Casey J. Oberreuter and Melinda K. Oberreuter

WHEREAS, as Resolution was adopted by the City Council of Muscatine, Iowa, on December 20, 2018, concerning the proposed sale of all the City's right, title, and interest in and to the real property described in the copy of the Deed attached to this Resolution and incorporated by reference; and

WHEREAS, the Resolution provided that notice of intention to sell the real property should be given by publication of a Public Notice in *The Muscatine Journal* no less than 4 or more than 20 days before the City Council meeting to be held on January 3, 2019, and the notice was published as specified in the Resolution and as required by law; and

WHEREAS, the Resolution provided for a public hearing on the proposed sale of real property, and such public hearing has been held; and

WHEREAS, the City Council of Muscatine, Iowa, on December 6, 2018 approved a purchase agreement between City of Muscatine and Casey J. Oberreuter and Melinda K. Oberreuter for \$250.

IT IS, THEREFORE, RESOLVED, by the City Council of Muscatine, Iowa, as follows:

1. The City of Muscatine, Iowa, will sell and convey all its right, title, and interest in and to the real property described as **the Westerly of 7' LOT 35 of the Oak Ridge Addition to the City of Muscatine, Iowa in Muscatine County, Iowa** to Casey J. Oberreuter and Melinda K. Oberreuter in exchange for \$250.

2. The Mayor is authorized and directed to sign the Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature; and will be in substantially the same form as the copy of the Deed attached to this Resolution as "Exhibited A".

4. The deed will be delivered upon receipt of \$250.

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

PASSED, APPROVED, AND ADOPTED on January 3, 2019.

(CITY SEAL)

ATTEST:

Diana L. Broderson, Mayor

Gregg Mandsager, City Clerk

Prepared by/Return to: Andrew Fangman 215 Sycamore St Muscatine IA 52761 (563) 262-4141

STATE OF IOWA)

) ss:

CERTIFICATE

MUSCATINE COUNTY)

I, Nancy Lueck, Director of Finance of the City of Muscatine, Iowa, certify that true copies of the following documents are attached to this Certificate:

- a. Resolution No. _____ concerning a proposed sale of City property, with Public Notice attached.
- b. Affidavit of Published Notice.
- c. Resolution No. _____ authorizing the sale of City property and approving the attached Deed.
- e. Original Deed.

These documents relate to the vacation and sale of property in the City of Muscatine, Iowa; the Ordinance and Resolutions were duly adopted and approved by the City Council of Muscatine, Iowa; and the originals are on file at City Hall in Muscatine, Iowa.

Nancy Lueck, Director of Finance

Signed and sworn to before me on _____, 2019.

Notary Public in and for the
State of Iowa

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: Casey J. Oberreuter and Melinda K. Oberreuter, 1206 Oak Street,
Muscatine, IA 52761

WARRANTY DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to Casey J. Oberreuter and Melinda K. Oberreuter all its right, title, and interest in the following real property in Muscatine County, Iowa:

The Westerly of 7' LOT 35 of the Oak Ridge Addition to the City of Muscatine, Iowa in Muscatine County.

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 January 3, 2019.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____
Diana L. Broderson
Mayor

ATTEST:

Gregg Mandsager
City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2019, by Diana L. Broderson and Gregg Mandsager as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

Notary Public in and for the State of Iowa