



# City of Muscatine



## AGENDA ITEM SUMMARY

DATE: 2/4/2021

City Council

### STAFF

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April Limburg, Planner 1

### SUBJECT:

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Ordinance Vacating the Unimproved Alley Right of Way to an Adjacent Property Owner

A Resolution Executing Deed to Convey the Vacated and Deeding Unimproved Alley Right of Way to an Adjacent Property Owner

A Resolution Approving a Utility Easement of Alley Right of Way

### EXECUTIVE SUMMARY:

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Millwork Properties, LLC has submitted a request to vacate, and then deed over, the unimproved alley right of way that directly adjoins the rear of their property at 1103 Musser Street.

### STAFF RECOMMENDATION

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Staff recommends approval of the attached resolution to execute the deed to convey the vacated right of way to Millwork Properties as well as the approval of a utility easement on February 4, 2021 at 7:00 pm during the regular meeting of City Council.

### BACKGROUND/DISCUSSION

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Millwork Properties, LLC filed a right of way vacation for all of the alley between Brier and Musser Street. The alley is currently undeveloped. Alliant Energy will be rebuilding the distribution system from Musser to S. Houser Street next year. The Muscatine Power and Water also asked for the public utility easement be extended to Musser Street right of way.

Easements to accommodate existing and future public infrastructure will be created as part of this vacation if it is approved.

The proposed purchase price is \$250 is the standard amount used in the recent disposal of right of way that only has value to the adjoining property owner. The price covers the City's cost of processing the transaction, which benefits the City by adding such real estate and any subsequent improvements to the tax roll.

With approval of the final reading of the ordinance vacating this right of way, it is then necessary for Council to approve a resolution directing for the Mayor and City Clerk to sign the deed conveying this right of way to Millwork Properties, the adjoining property owner.

### CITY FINANCIAL IMPACT

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Approval of this action would result in a small increase in revenue. The applicant will cover the transactional costs. The vacation will make the property and any future improvements made upon it subject to property tax.

#### ATTACHMENTS

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1. Ordinance Vacating Right of Way
2. A Resolution Conveying Vacated Right of Way to Millwork Properties
3. Utility Easement
4. Deed to Millwork Properties

**ORDINANCE NO. 2021-0006**

**AN ORDINANCE VACATING AND DEEDING THE ALLEY RIGHT OF WAY  
IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION OF THE CITY OF  
MUSCATINE, IOWA**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine, on November 10, 2020 recommended approval of the vacation and deeding of the alley right of way the City of Muscatine, Iowa; and

**WHEREAS**, the City Council of the City of Muscatine has conducted a public hearing on said vacation request and January 7, 2021;

**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:

ALL OF THE 20' ALLEYWAY LYING NORTHWESTERLY AND ADJACENT TO LOTS 1, 2, 3, 4, 5, 6 & 7 AND SOUTHEASTERLY AND ADJACENT TO LOTS 8, 9, 10, 11, 12, 13 & 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY IOWA. SAID PARCEL CONTAINS A PUBLIC UTILITY EASEMENT AND INCLUDES PARCEL "EE" AS SHOWN ON A SURVEY RECORDED AS DOCUMENT 2012-02246 IN THE OFFICE OF THE MUSCATINE COUNTY RECORDER.


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

**PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of January, 2021.**

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

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**Diana Brodersen, Mayor**

**Attest:**

  
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**Carol Webb, City Clerk**

1<sup>st</sup> Reading Jan 7 - 2021  
2<sup>nd</sup> Reading Jan 21 - 2021  
3<sup>rd</sup> Reading Feb 4 - 2021