



# City of Muscatine



## AGENDA ITEM SUMMARY

DATE: July 15, 2021

City Council

### STAFF

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April Limburg, Planner

### SUBJECT:

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A Resolution Authorizing Establishing an Easement on 3,339 square feet of the Mulberry Avenue Right-of-Way

### EXECUTIVE SUMMARY:

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The owner of 204 Mulberry Avenue has requested the City deed over 3,339 square feet of the Mulberry Avenue right-of-way that is no longer necessary for City operations now that the roundabout is complete. Prior to conveying this property, a sewer easement must be established to allow continued access to maintain the service.

### STAFF RECOMMENDATION

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Staff recommends Council approve the attached resolution approving a sewer easement.

### BACKGROUND/DISCUSSION

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The reconstruction of the Mulberry Avenue-2nd Street intersection as a roundabout has shifted the intersection to the northeast. The shifting of this intersection away from 204 Mulberry Avenue has created an area of surplus right of way between the back of the sidewalk and the parcel containing 204 Mulberry Avenue, for which there is not current or future public use. The adjoining property owner, Littleton Land Holdings LLC, has expressed interest in this property since the original design of the roundabout at Mulberry and 2nd Street was presented to the community.

The 3,339 square feet of surplus right of way was vacated at the June 17 meeting. However, City sewer runs through the area and an easement must be established prior to deeding it to another party. This easement will accommodate existing and future utilities running through the right of way being proposed for vacation.

### CITY FINANCIAL IMPACT

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There is no financial impact of this action.

### ATTACHMENTS

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1. Resolution Approving a Sewer Easement
2. Public Sewer Easement

**RESOLUTION NO. 2021-0240**

**A RESOLUTION APPROVING A SEWER EASEMENT FOR PART OF THE  
MULBERRY AVENUE ADJACENT TO LOT 5 IN BLOCK 30 OF THE  
ORIGINAL TOWN IN THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, the City of Muscatine has vacated and desires to deed over 3,339 sq. ft. of the Mulberry Avenue right of way adjoining the 204 Mulberry Avenue property; and

**WHEREAS**, public sewer exists within said vacated right of way; and

**WHEREAS**, to allow for the continued use and maintenance of the utilities an easement must be created; and

**WHEREAS**, an easement for the purpose of accessing the Easement Area to reconstruct, maintain, operate, replace, repair, patrol or remove, whenever necessary, and all appurtenant facilities located in part of the Mulberry Avenue adjacent to Lot 5 in Block 30 of the Original Town in the City of Muscatine has drafted as is attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA**, that the easement attached as exhibit A is approved and will be signed by the Mayor and attested by the City Clerk.

**PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of July, 2021.**

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

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**Diana L. Broderson, Mayor**

**Attest:**

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**Carol Webb, City Clerk**