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PLANNING, ZONING AND BUILDING SAFETY

Public Health,  
Housing Inspections &  
Inspection Services

MEMORANDUM

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Steven Boka, Director of Community Development  
**Date:** March 30, 2011  
**Re:** Ordinance Vacating a Portion of Elm Street and Alley ROW in Block 42

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**INTRODUCTION:** A request has been submitted on behalf three separate property owners interested in the vacation and purchase of unused city right-of-way located in Block 42 of Original Town. The first request involves a portion of the platted but unimproved portion of Elm Street located adjacent to Block 42 of Original Town. The second request is associated with the three property owners that abut the platted but unimproved alley right-of-way in Block 42 of Original Town.

**BACKGROUND:** The Planning Commission conducted an on-site viewing of the property on March 2<sup>nd</sup> and reviewed the request during their regular meeting on March 8<sup>th</sup>. The Commission unanimously recommended that the City Council take action to approve the vacation and transfer of this real estate since it has no future value to the City and would create a building lot for a new home. During their March 17<sup>th</sup> meeting, the City Council took action approving a resolution setting a public hearing for Thursday, April 7, 2011 regarding this matter.

**RECOMMENDATION/RATIONALE:** It is recommended that the City Council take action to approve the first reading of an Ordinance approving the vacation, sale and transfer of this property as described in the attached Ordinance.

**BACKUP INFORMATION:**

1. Ordinance
2. Vacation Plat with Legal Descriptions

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 42 in Original Town; 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 Elm Street lying west of Block 42 and north of the south line of Block 42 extended; and also the alley in Block 42, all in the City of Muscatine, according to the Original Plat thereof, Muscatine County, Iowa.

More particularly described as follows:

LAND DESCRIPTION PARCEL "H" –

A PART OF ELM STREET LOCATED IN THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
THAT PART OF ELM STREET LYING WEST OF BLOCK 42 AND NORTH OF THE SOUTH LINE OF BLOCK 42 EXTENDED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 140.00 FEET; THENCE SOUTH 51°35'02" WEST 60.00 FEET; THENCE NORTH 38°34'06" WEST 63.36 FEET; THENCE NORTH 00°27'16" WEST 97.21 FEET TO THE POINT OF BEGINNING. PARCEL "H" CONTAINS 0.140 ACRES.

LAND DESCRIPTION PARCEL "I" –

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE NORTH 00°27'16" WEST 25.37 FEET; THENCE NORTH 51°35'02" EAST 162.84 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 74.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 104.00 FEET TO THE POINT OF BEGINNING. PARCEL "I" CONTAINS 0.061 ACRES.

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Gregg Mandasager, City Clerk

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1<sup>st</sup> Reading

\_\_\_\_\_  
2<sup>nd</sup> Reading

\_\_\_\_\_  
3<sup>rd</sup> Reading

\_\_\_\_\_  
Publication

Attest:

\_\_\_\_\_  
Richard W. O'Brien, Mayor

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

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of April, 2011.

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

LAND DESCRIPTION PARCEL "K" -  
A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 119.00 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 119.00 FEET TO THE POINT OF BEGINNING. PARCEL "K" CONTAINS 0.027 ACRES.

LAND DESCRIPTION PARCEL "J" -  
A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHEAST CORNER OF LOT 5, IN BLOCK 42; THENCE SOUTH 51°35'02" WEST 193.50 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 193.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET TO THE POINT OF BEGINNING. PARCEL "J" CONTAINS 0.044 ACRES.