

COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: November 19, 2015
Re: Resolution Accepting a Quit Claim Deed for Property Needed for the Mulberry Ave. from Palms Drive to Houser Street Reconstruction Project Construction Project

INTRODUCTION: Sodarock Properties LLC has agreed to donate, and has prepared a quit claim deed for 0.88 acres of property needed for the Mulberry Ave. from Palms Drive to Houser Street Reconstruction Project.

BACKGROUND: This property has an existing erosion problem that is a concern for adjacent property owners. The City needs this property to provide an outfall for the project storm sewers. The project will increase the runoff from the overall project and even with detention will increase the area of land draining to this ditch. Because the existing condition is a problem and the Mulberry Project will make it worse the decision was made to approach the owners of this land to see if they would deed part of the out lot to the City in exchange for the improvements.

On June 18, 2015 a memorandum of understanding between the City of Muscatine and Sodarock Properties LLC was signed, in which Sodarock agreed to deed this property in exchange for improvements to the property for streambed stabilization and erosion control. The necessary plat of survey and quit claim deed to execute this agreement have now been prepared.

RECOMMENDATION/RATIONALE: Staff recommends approval of this resolution.

BACKUP INFORMATION:

1. Plat of Survey
2. Memorandum of Understanding



1459 Washington St.
Muscatine, IA 52761-3040
(563) 263-8933
Fax (563) 263-2127

Public Works

City Transit
263-8152

MEMORANDUM

Equipment Maintenance
Roadway Maintenance
Collection & Drainage
Building & Grounds
Engineering

To: Greg Mansager, City Administrator
CC: Randy Hill, Public Works Director
FROM: Jim Edmond, City Engineer
DATE: June 11, 2015
RE: Mulberry Ave. from Palms Drive to Houser Street Reconstruction Project
Property Acquisition

INTRODUCTION:

Mulberry Avenue from Palms Drive to Houser Street has been designated for reconstruction by the City. This project design work has been given to a consultant to perform the design. One of the three parcels preliminarily identified as needed for the project has had a Memo Of Understanding (MOU) returned signed by the owner agreeing to deed the property to the City in exchange for sidewalk and erosion control improvements planned as part of the Mulberry Street project.

BACKGROUND:

This property has an existing erosion problem that is a concern for adjacent property owners. The City needs this property to provide an outfall for the project storm sewers. The project will increase the runoff from the overall project and even with detention will increase the area of land draining to this ditch. Because the existing condition is a problem and the Mulberry Project will make it worse the decision was made to approach the owners of this land to see if they would deed part of the out lot to the City in exchange for the improvements.

Attached is a signed MOU from the owner agreeing to deeding this property to the City. The City needs to sign this MOU and return a copy to the owner(s). Then have a registered land surveyor prepare a plat so a property deed can be prepared for the owner(s) signature and recording.

RECOMMENDATION/RATIONALE:

I recommend to the city council that they approve signing this MOU and authorize the survey necessary to prepare the plat to complete the acquisition of the subject property.

BACKUP INFORMATION.

1. Attachment 1.

*"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain*

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE QUIT CLAIM DEED FROM SODAROCK PROPERTIES, L.L.C., TO THE CITY OF MUSCATINE, IOWA

WHEREAS, where Sodarock Properties, L.L.C., has prepared a quit claim deed to the City of Muscatine, Iowa the following described real estate in Muscatine Iowa;

A PARCEL OF LAND LOCATED IN OUTLOT A OF RIVERBEND FIRST ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 39 IN RIVERBEND FIRST ADDITION TO THE CITY OF MUSCATINE AND THE BEGINNING OF A 530.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY WHOSE 226.12 FOOT CHORD BEARS SOUTH 73°13'20" WEST; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 227.87 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF BATON ROUGE ROAD; THENCE SOUTH 00°17'51" WEST 3.29 FEET ALONG THE NORTHERLY LINE OF BATON ROUGE ROAD TO THE BEGINNING OF A 15.00 FOOT RADIUS CURVE CONCAVE NORTHERLY WHOSE 21.19 FOOT CHORD BEARS NORTH 73°59'38" WEST THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 23.52 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF MULBERRY AVENUE; THENCE NORTH 29°00'54" WEST 55.23 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTHERLY LINE OF LOT 43 IN RIVERBEND FIRST ADDITION; THENCE NORTH 60°56'47" EAST 184.91 FEET ALONG SAID SOUTHERLY LINE; THENCE NORTH 00°14'49" EAST 57.19 FEET ALONG SAID SOUTHERLY LINE; THENCE NORTH 60°48'44" EAST 189.01 FEET ALONG SAID SOUTHERLY LINE AND THE EXTENSION THERE OF; THENCE SOUTH 29°10'16" EAST 123.44 FEET TO THE NORTHEAST CORNER OF LOT 38 IN RIVERBEND FIRST ADDITION; THENCE SOUTH 89°58'09" WEST 129.86 FEET ALONG THE NORTHERLY LINE OF LOTS 38 AND 39 RIVERBEND FIRST ADDITION TO THE NORTHWEST CORNER OF LOT 39 IN RIVERBEND FIRST ADDITION; THENCE SOUTH 04°28'03" EAST 118.86 FEET ALONG THE WEST LINE OF LOT 39 IN RIVERBEND FIRST ADDITION TO THE POINT OF BEGINNING. PARCEL G CONTAINS 0.88 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.

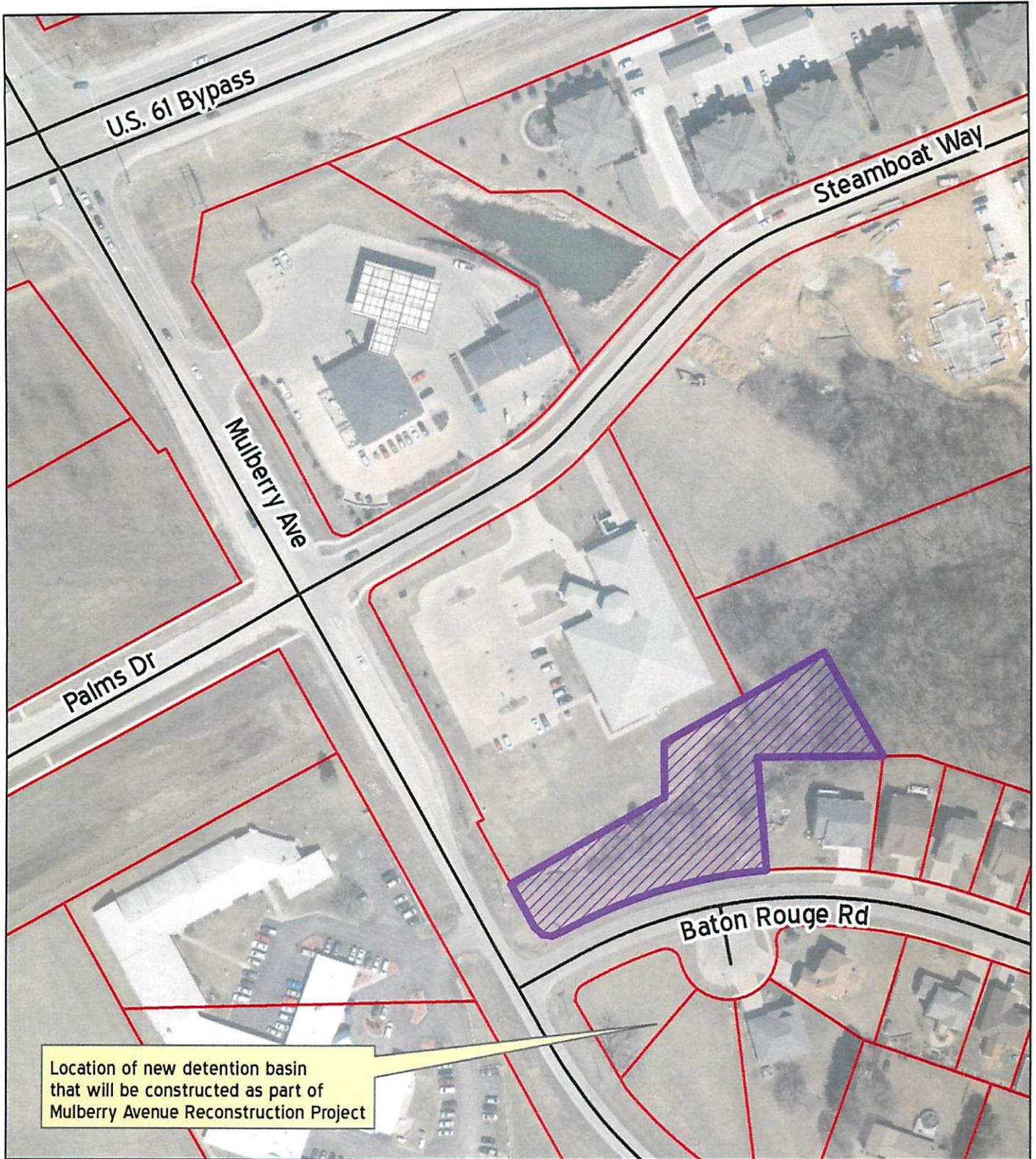
PASSED, APPROVED AND ADOPTED this 19th day of November 2015.

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

DeWayne M. Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk



Mulberry Ave. from Palms Drive to Houser Street Reconstruction Project Property Acquisition



Area Proposed for Acquisition



Existing Parcel Lines



Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine & Prepared by: Andrew Fangman, City Planner
Date: November 12, 2015