

COMMUNITY DEVELOPMENT**MEMORANDUM**Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Planning and Zoning Commission

From: Andrew Fangman, City Planner

Date: February 7, 2017

Re: Right-of-Way Vacation Plat for Alley #4 in in Block 76 (Old Sun Mart Block)

INTRODUCTION: A vacation plat for Alley #4 (6,029 square feet of right of way) within Block 76 of Original Town has been filed, this right-of-way includes portions of Spring Street, E. 4th Street, and Poplar Street.

BACKGROUND: Kum & Go has acquired the old Sun Mart site located at the northeast corner of 4th and Cedar Street. The intent is to relocate their existing store at the northwest corner of 5th and Cedar Street to this location. As part of this proposed development, Kum & Go is requesting the vacation of the alley running through this block, between Sycamore Street and Cedar Street.

Staff will be recommending approval of this vacation request as this alley currently does not, nor is likely to in the foreseeable future, serve a public purpose, nor does it extend east of Cedar Street in a publicly accessible form. Typically, in vacation like this, the City will sell the vacated right-of-way at fair market value, which in this case would be about \$42,000 based on the price of the recent 99-year lease of portion of the Mississippi Drive right-of-way to the new hotel. However, in this instance City Staff and Kum & Go have negotiated an alternate to a cash sale that would provide a greater benefit to the community.

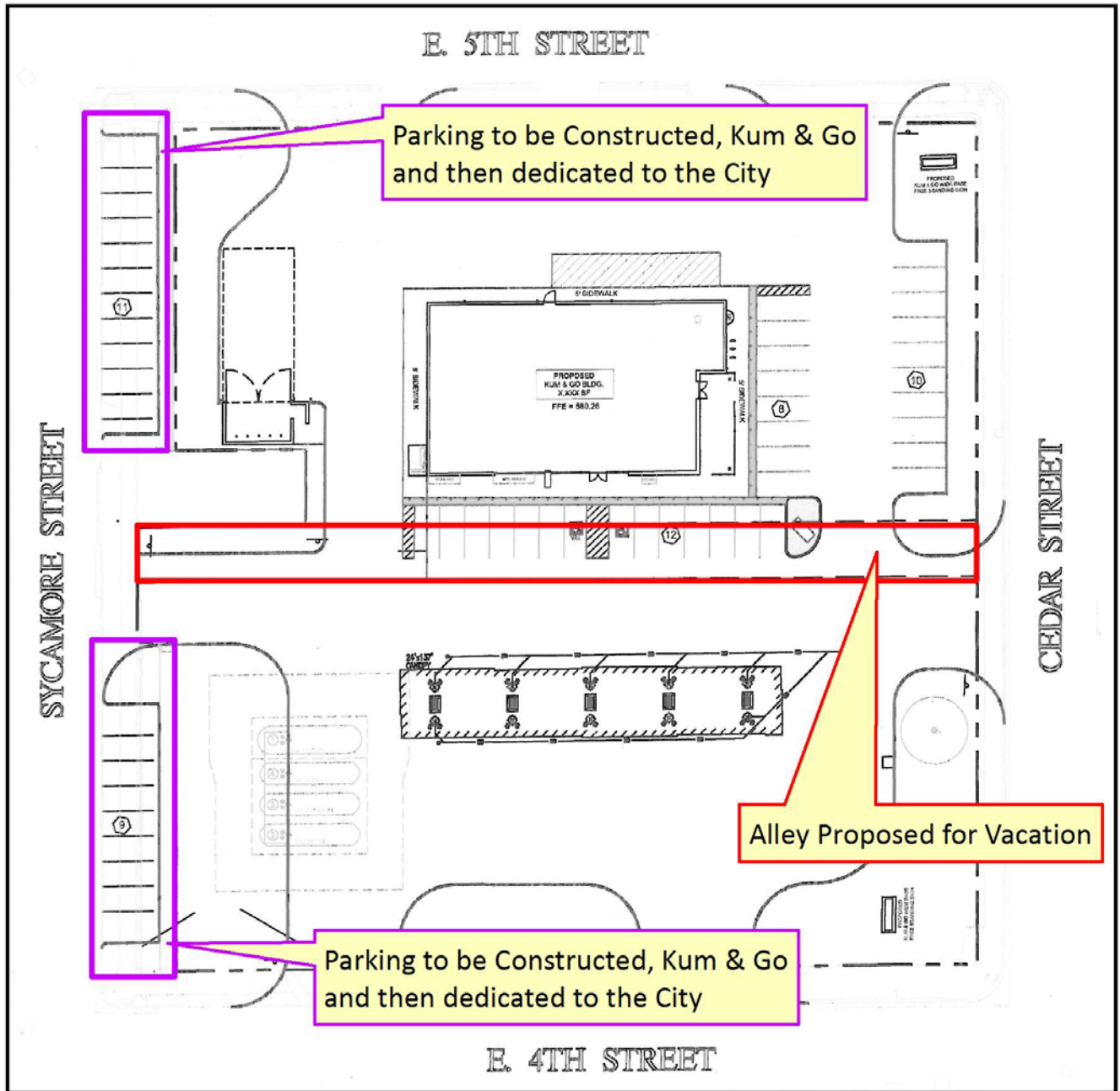
Under this agreement, in exchange for title to the vacated alley, Kum & Go would construct 20 on-street parking spaces along Sycamore Street between 4th Street and 5th Street, see site plan on following page. Further, Kum & Go will dedicate to the City of Muscatine the right-of-way containing the to be constructed parking spaces.

These 20 new on-street parking stalls would be a net increase of 9 parking spaces from the current 11 on-street parking spaces that currently exist on this stretch of Sycamore Street. These 9 additional on-street parking spaces will be of greater value to the community than the fair market value of the vacated alley. Construction of the proposed Kum & Go will displace a significant number of downtown workers that are currently parking at the vacant Sun Mart site. These 9 spaces will also mitigate the loss of a number of on-street parking spaces along 4th and 5th Street due to new curb cuts associated with the new Kum & Go.

RECOMMENDATION/RATIONALE: Staff recommends approval of this request for the reasons outlined above.

BACKUP INFORMATION:

1. Site Map
2. Vacation Plat



MUSCATINE ***Block 76 Alley Vacation***



Date Source: Muscatine Area Geographic Information Consortium, ISU, & City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: January 31, 2017



PROJECT NUMBER

16-1056

LEGAL DESCRIPTION - ALLEY VACATION

ALL OF THE 20 ALLEYWAY LYING NORTHERLY AND ADJACENT TO LOTS 1, 2, 3, 4, AND 5 AND SOUTHERLY AND ADJACENT TO LOTS 6, 7, 8, 9 AND LOT 10 OF BLOCK 76 OF THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.

SAID PARCEL CONTAINS 6,029 SQUARE FEET OR 0.14 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION - UTILITY EASEMENT

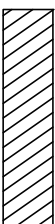
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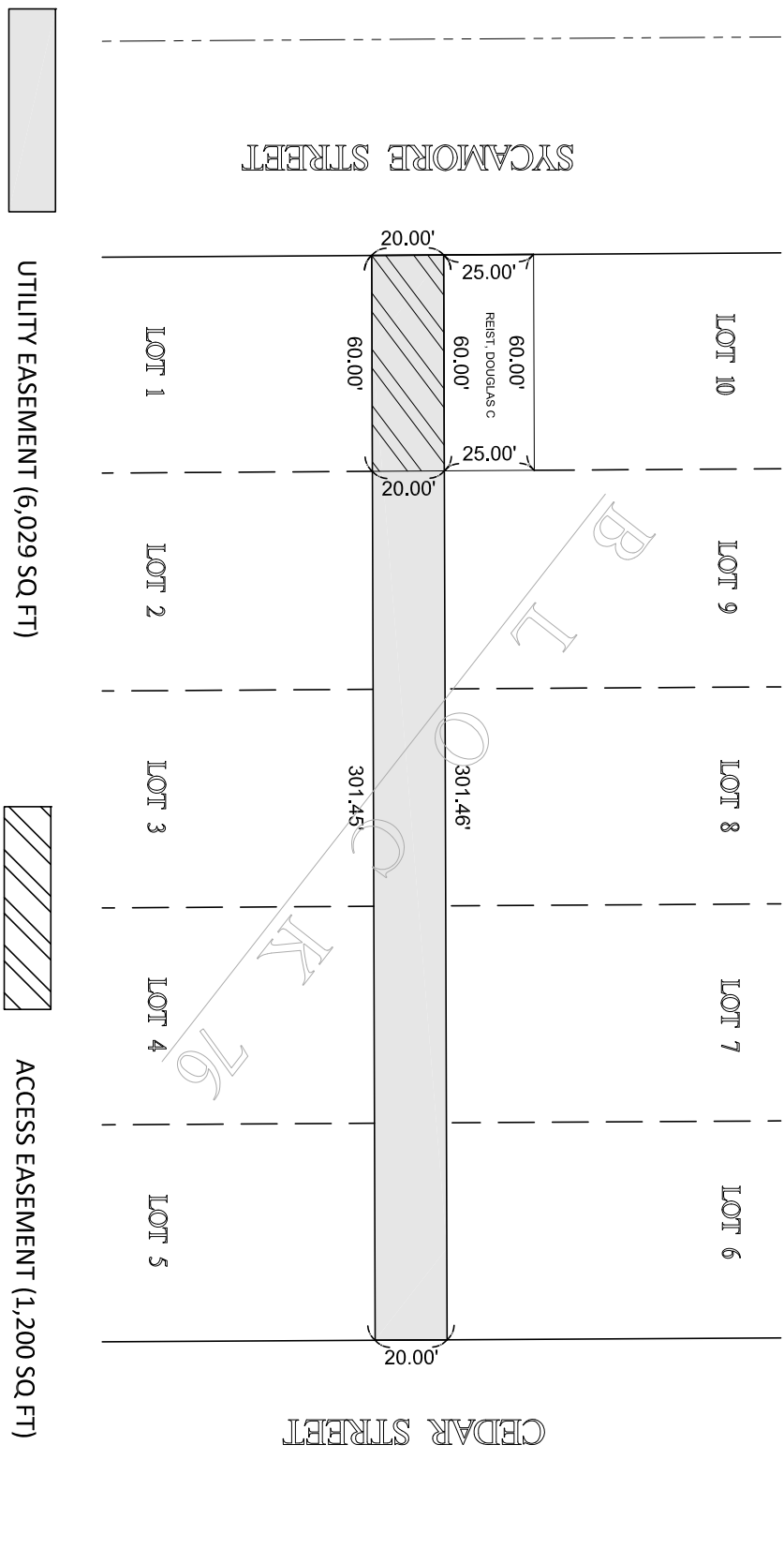
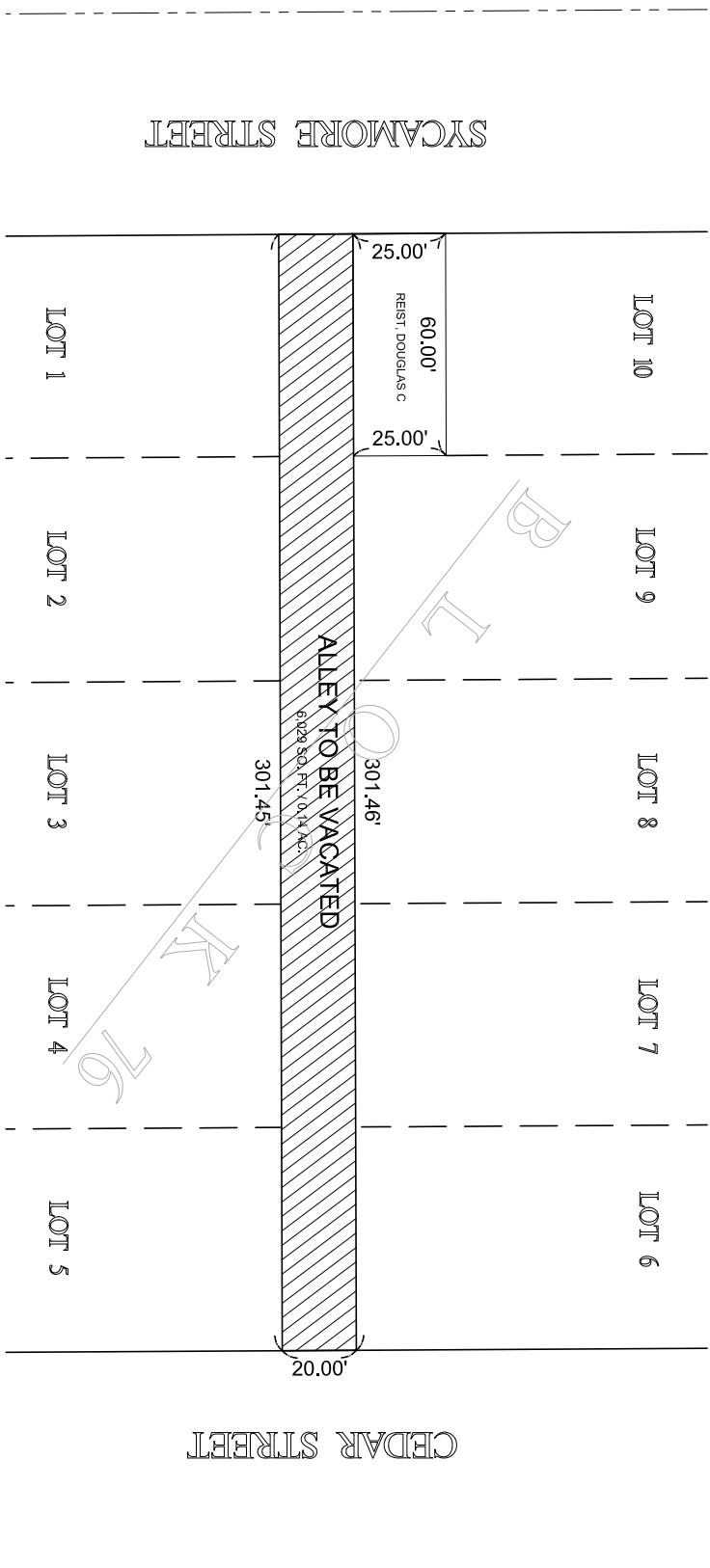
LEGAL DESCRIPTION - ACCESS EASEMENT

THAT PORTION OF THE VACATED 20' ALLEYWAY LYING NORTHERLY AND ADJACENT TO LOTS 1 AND 2 SOUTHERLY AND ADJACENT TO LOT 10 OF BLOCK 76 OF THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.

SAID EASEMENT CONTAINS 1,200 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



ALLEY TO BE VACATED (6,029 SQ FT)



VACATION & EASEMENT PLAT

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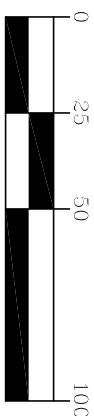
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1 inch = 50 ft.

STANDARD LEGEND AND NOTES	
Alley Boundary	_____
Boundary or Property Line	_____
Lot Line, Internal	_____
Lot Line, Platted or by Deed	-----
Property Corner, Found	●
Property Corner, Set 5/8" Rebar w/ Yellow Plastic Cap Pls #3089	○
Recorded Dimensions	(R)

ERROR OF CLOSURE IS LESS THAN 1 FOOT IN 10,000 FEET

<p>I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.</p>	
<p>SIGNATURE</p> <p>THOMAS E. HAGENSEE</p> <p>LICENSE NUMBER 098889</p> <p>MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017.</p> <p>PAGES OR SHEETS COVERED BY THIS SEAL:</p> <p><u>THIS SHEET ONLY</u></p>	<p>DATE</p>

[illegible]