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COMMUNITY DEVELOPMENT
MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection
Services,
Public Health

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: March 2, 2017
Re: Corrected Exchange of Vacated Right of Way in Block 70 (Spring Street, E. 4th Street, and Poplar Street) for Four Parcel along Mad Creek

INTRODUCTION: In February of 2016 City Council approved the exchange 1.53 acres of vacated right of way, primarily in Block 70 of Original Town, made up of portions of Spring Street, E. 4th Street, and Poplar Street, for 1.63 currently owned by HNI along Mad Creek, between 5th Street and Washington Street. However due to a drafting error in the resolution approving this land exchange, it is necessary to redo the process in order to produce documents necessary to close this transaction.

BACKGROUND: 1.53 acres of right of way, primarily in Block 70 of Original Town, including portions of Spring Street, E. 4th Street, and Poplar Street, has been vacated by Ordinance No. 93327-0216.

HNI owns all the adjoining property, and desires to acquire this property to allow for the further expansion of their facilities in this area. Only property owned by HNI can be accessed from the RoW being proposed for vacation. HNI has made significant recent investments in storm sewer, water main, and paving improvements in the RoW being proposed for vacation.

HNI is proposing to exchange the newly vacated right of vacation for four parcels currently owned by HNI, these parcel totaling 1.63 acres, are located along Mad Creek, between 5th Street and Washington Street (see attached map).

RECOMMENDATION/RATIONALE:

The City of Muscatine Traffic Committee and, the Planning and Zoning Commission, and Staff all recommend approval of the proposed right of way vacation as there is no current or anticipated public use for this right-of-way. Additionally allowing for the continued expansion of the existing HNI facilities in this area, will help strength Muscatine's economy.

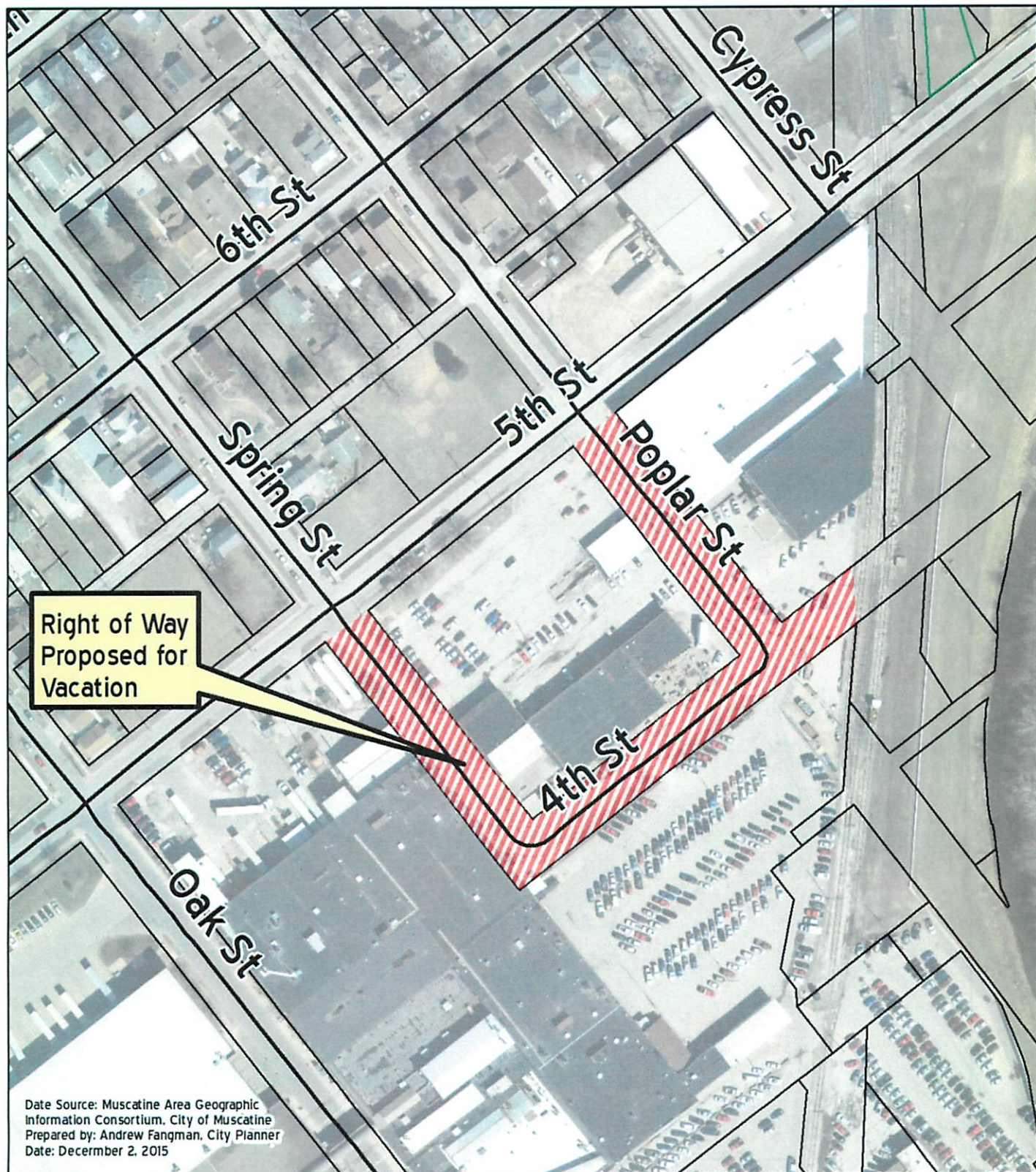
Each of these four parcels that the City would receive in return for the recently vacated right-of-way already has a City owned infrastructure on it, either the Mad Creek Levee or a portion the Public Works Lower Yard. Additionally the proposed route for the Mad Creek Trail passes through one of the parcels. Given the amount of existing and planned infrastructure located on these parcels, there is a public benefit to the City acquiring title to them

Approve resolution setting public hearing on proposed land exchange.

BACKUP INFORMATION:

1. Map of Right of Way Proposed for Vacation
2. Map of Parcels Proposed for Acquisition by the City of Muscatine
3. Resolution authorizing the sale city property
4. Resolution approving an executed

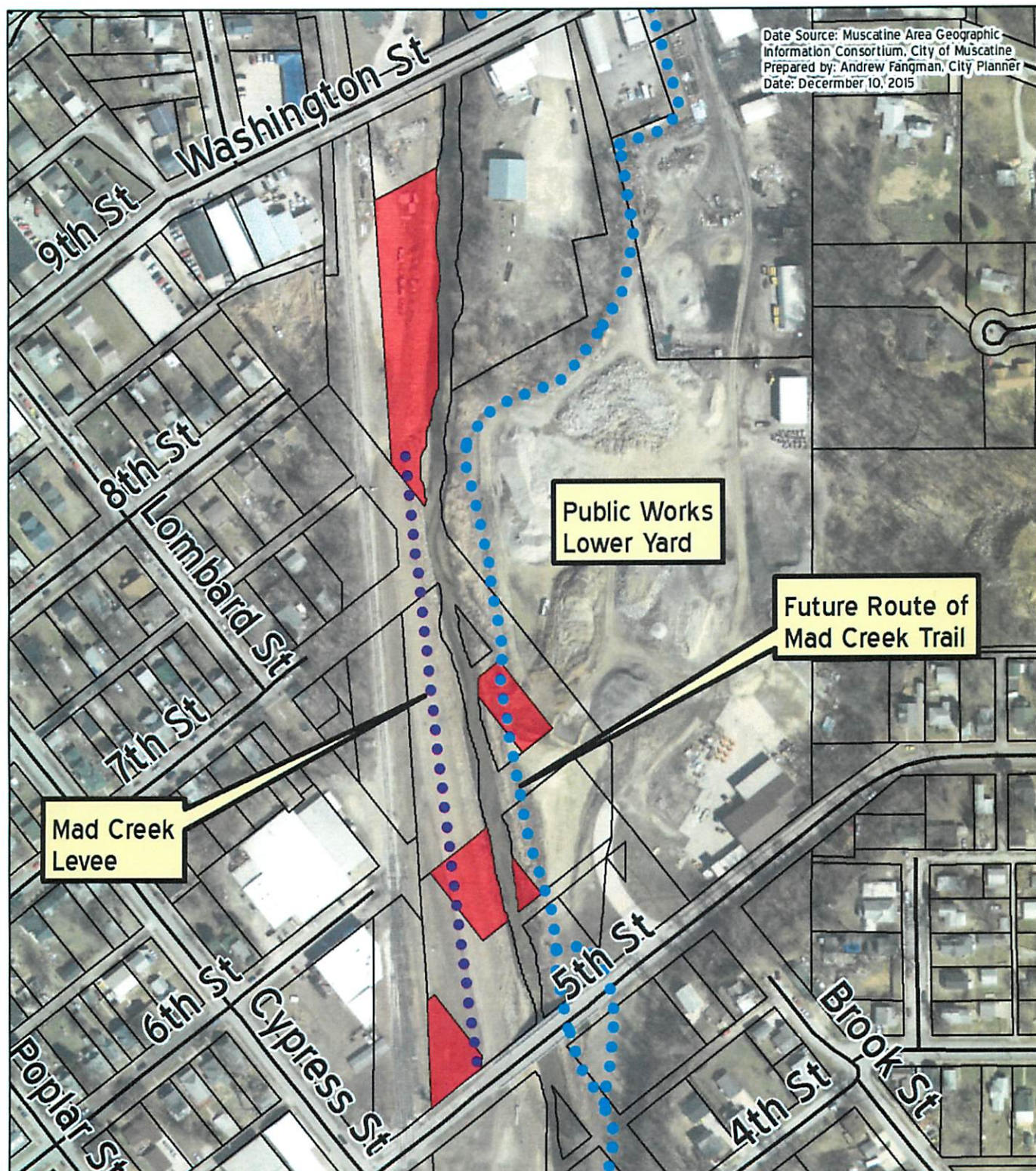
**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**



A vacation plat for 1.53 acres of right of way, as indicated on this map, has been filed by HNI Corporation.

Right of Way Vacation E. 4th, Spring, & Poplar

0 100 200 400 Feet



HNI Parcels Proposed for Aquisition

HNI Parcels Proposed for Aquisition

0 100 200 400 Feet



RESOLUTION NO. _____

A Resolution Concerning a
Proposed Sale of City Property

WHEREAS, the Planning and Zoning Commission recommended vacation of portions of certain streets in the City of Muscatine; and

WHEREAS, the City Council published notice of the proposed vacation, conducted a public hearing on the proposed vacation, and adopted Ordinance No. 93327-0216 vacating the real property described in the Public Notice attached as Exhibit A and incorporated by reference; and

WHEREAS, the City Council of Muscatine, Iowa, intends to sell and convey to HNI Corporation, in exchange for other real estate, all the right, title, and interest of the City in and to the real property described in the Public Notice attached as Exhibit A.

IT IS, THEREFORE, RESOLVED, by the City Council of Muscatine, Iowa, as follows:

1. The City Council will hold a public hearing on the proposed sale at 7:00 p.m. on Tuesday, March 16, 2017, in the City Council Chambers at City Hall, Muscatine, Iowa.
2. Notice of intention to sell the real property will be given by publication of the Public Notice attached as Exhibit A; the notice will be published once in *The Muscatine Journal*, a newspaper printed, published, and of general circulation in the City, not less than 4 or more than 20 days before the meeting of the City Council at which the proposal is to be considered.

PASSED, APPROVED, AND ADOPTED on March 2, 2017.

(CITY SEAL)

Diana L. Broderson
Mayor

ATTEST:

Gregg Mandsager
City Clerk

EXHIBIT A

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA:

You are notified that the City of Muscatine, Iowa, proposes to sell and convey to HNI Corporation in exchange for other real estate the following real property in the City of Muscatine, Muscatine County, Iowa:

Parcel Q as depicted in a Plat of Survey dated December 29, 2015, and recorded as Document No. 2015-06632 in the Muscatine County Recorder's office; also described as all of Spring Street and Poplar Street located between the Southerly line of 5th Street and the Northerly line of 4th Street and all of 4th Street from the Westerly line of Spring Street to the Westerly line of the Iowa, Chicago & Eastern Railroad right-of-way in the City of Muscatine, Iowa, containing 1.53 acres and subject to easements of record.

You are further notified that oral or written statements in support of or opposition to the proposed sale of real property may be made at a public hearing before the City Council to be held at 7:00 p.m. on Thursday, March 16, 2017, in the City Council Chambers in City Hall, Muscatine, Iowa.

**Gregg Mandsager
City Clerk**