

**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 16, 2017  
**Re:** Corrected Exchange of Vacated Right of Way in Block 70 (Spring Street, E. 4<sup>th</sup> 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. 4<sup>th</sup> Street, and Poplar Street, for 1.63 currently owned by HNI along Mad Creek, between 5<sup>th</sup> 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. 4<sup>th</sup> 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 5<sup>th</sup> 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.

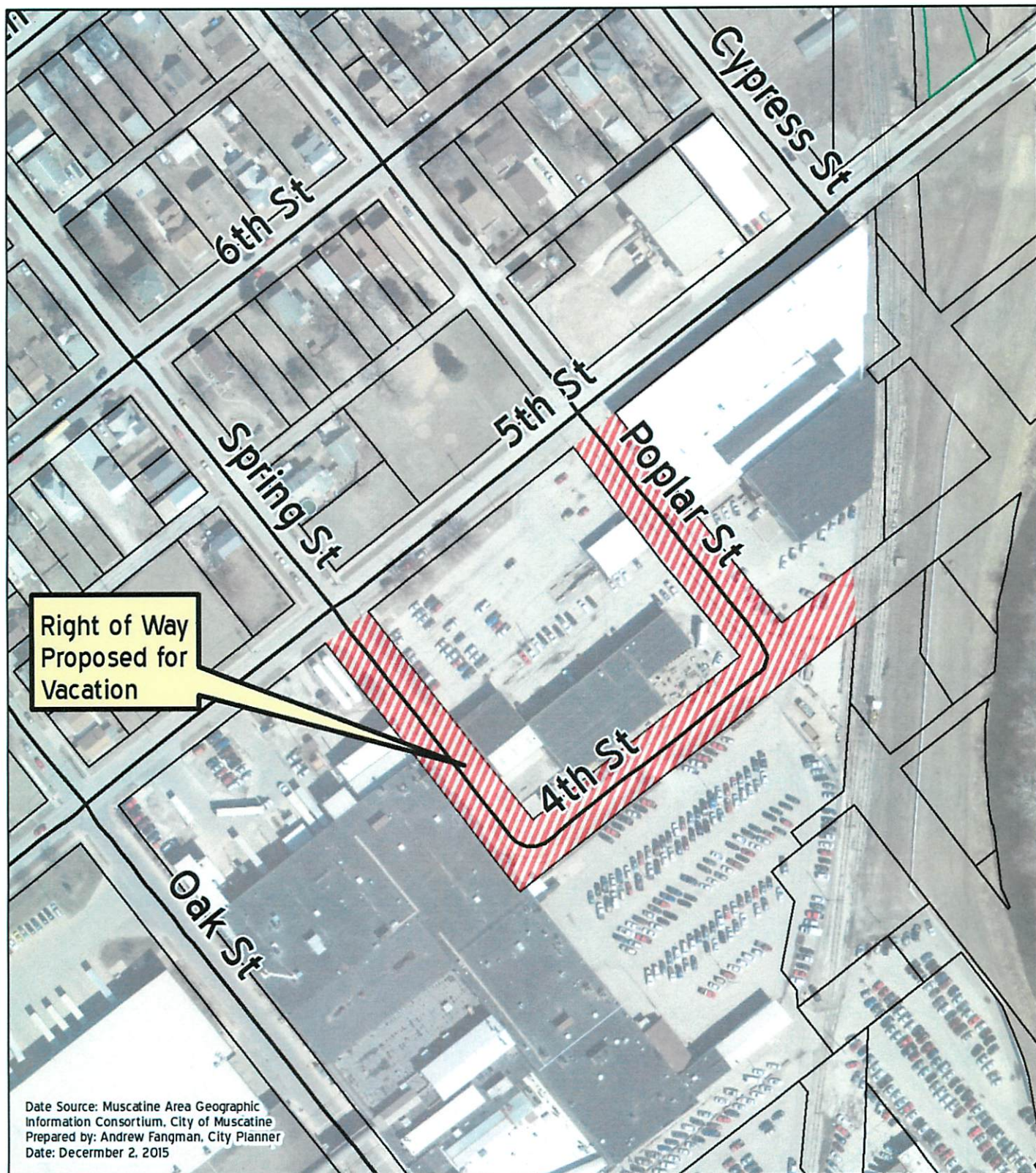
Each of these four parcels that the City would receive in return for the recently vacated right-of-way already has a City owned infrastructure on it, either the Mad Creek Levee or a portion the Public Works Lower Yard. Additionally the proposed route for the Mad Creek Trail passes through one of the 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 approving proposed land exchange.

**BACKUP INFORMATION:**

1. Resolution authorizing the sale city property
2. Certificate
3. Deed



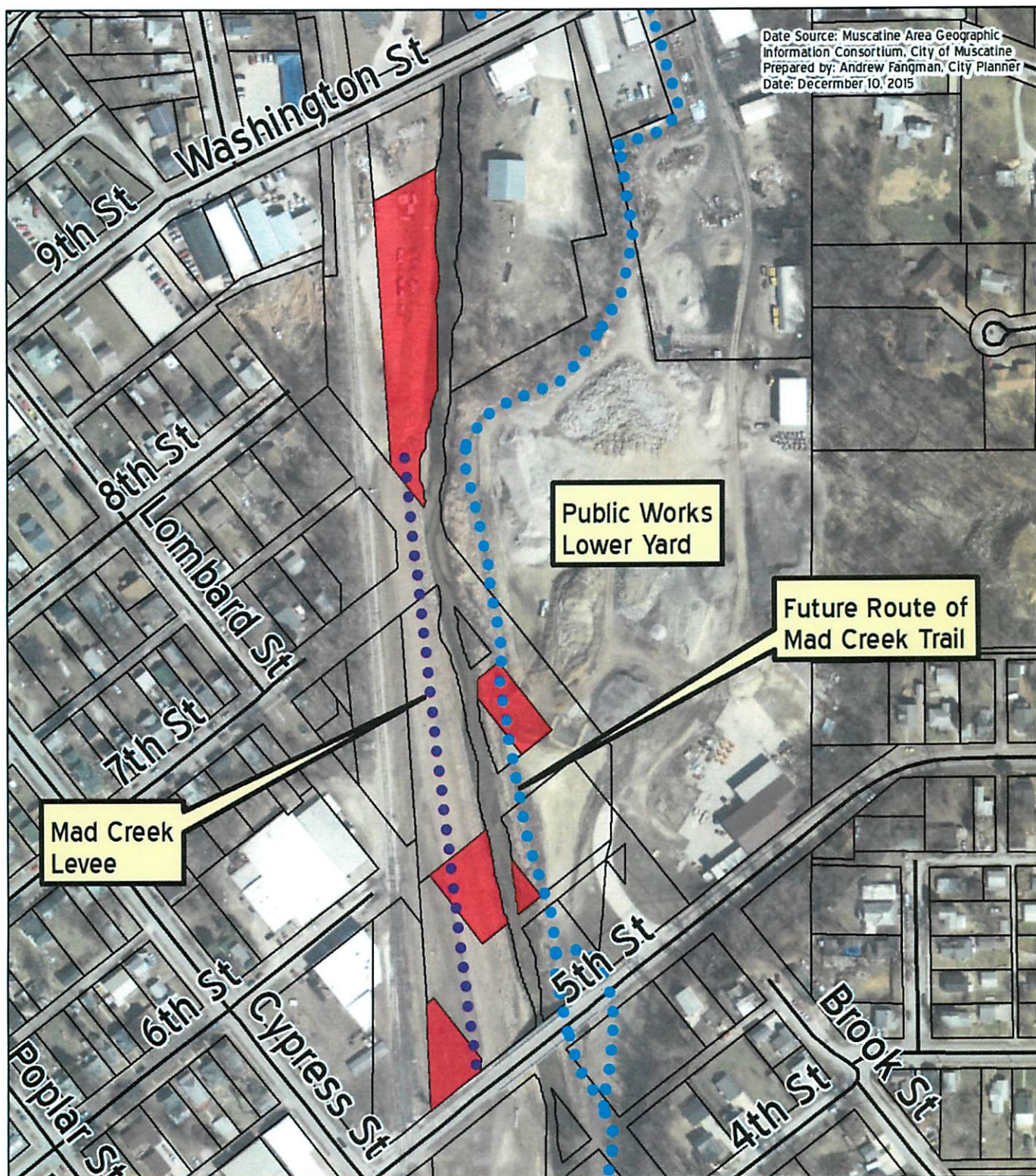


A vacation plat for 1.53 acres of right of way, as indicated on this map, has been filed by HNI Corporation.

## 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 Authorizing the Sale of  
City Property to HNI Corporation

WHEREAS, as Resolution was adopted by the City Council of Muscatine, Iowa, on February 16, 2017, concerning the proposed sale of all the City's right, title, and interest in and to the real property described in the copy of the Deed attached to this Resolution and incorporated by reference; and

WHEREAS, the Resolution provided that notice of intention to sell the real property should be given by publication of a Public Notice in *The Muscatine Journal* no less than 4 or more than 20 days before the City Council meeting to be held on March 2, 2017, and the notice was published as specified in the Resolution and as required by law; and

WHEREAS, the Resolution provided for a public hearing on the proposed sale of real property, and such public hearing has been held; and

WHEREAS, the City Council has adopted an Ordinance vacating the real property and finds that the sale of the real property will serve the public interest.

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

1. The City of Muscatine, Iowa, will sell and convey all its right, title, and interest in and to the real property described in the copy of the Deed attached to this Resolution to HNI Corporation in exchange for HNI Corporation's conveyance Tax Parcels 0836107010, 0836152005, 0836154001, and 0836156010 to the City.
2. The Deed will be in the name of the City of Muscatine, Iowa; will be signed by the Mayor and attested by the City Clerk; and will be in substantially the same form as the copy of the Deed attached to this Resolution.
3. The deed will be delivered to HNI Corporation on receipt of a recordable deed for such four tax parcels.
4. Any resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED, AND ADOPTED on March 16, 2017.

(CITY SEAL)

\_\_\_\_\_  
Diana L. Broderson, Mayor

ATTEST:

\_\_\_\_\_  
Gregg Mandsager, City Clerk



Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141  
Return and Tax Statement to: HNI Corporation, 408 Second Street, Muscatine, IA 52761

## **DEED**

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to HNI Corporation, all its right, title, and interest in the following real property in 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 5<sup>th</sup> Street and the Northerly line of 4<sup>th</sup> Street and all of 4<sup>th</sup> 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.

Exempt from transfer tax per Iowa Code Section 428A.2(6).

The City covenants with the grantee, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, through, or under the City.

IN WITNESS WHEREOF, the City of Muscatine, Iowa, has caused this instrument to be executed in its corporate name by its Mayor and City Clerk and its seal to be affixed on March 16, 2017.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By \_\_\_\_\_  
Diana L. Broderson  
Mayor

ATTEST:

\_\_\_\_\_  
Gregg Mandsager  
City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on \_\_\_\_\_, 2017, by Diana L. Broderon and Gregg Mandsager as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

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Notary Public in and for the State of Iowa

Prepared by/Return to: Charles R. Coulter, Suite 400, 301 Iowa Avenue, Muscatine, IA 52761; (563)264-5000

STATE OF IOWA                    )  
  ) ss:  
MUSCATINE COUNTY            )

CERTIFICATE

I, Nancy Lueck, Director of Finance of the City of Muscatine, Iowa, certify that true copies of the following documents are attached to this Certificate:

- a. Ordinance No. 93327-0216 vacating portions of Spring Street, East 4<sup>th</sup> Street, and Poplar Street.
- b. Affidavit of Published Ordinance.
- c. Resolution No. \_\_\_\_\_ concerning a proposed sale of City property, with Public Notice attached.
- d. Affidavit of Published Notice.
- e. Resolution No. \_\_\_\_\_ authorizing the sale of City property, with Deed attached.
- f. Resolution No. \_\_\_\_\_ approving an executed Deed.
- g. Original Deed.

These documents relate to the vacation and sale of property in the City of Muscatine, Iowa; the Ordinance and Resolutions were duly adopted and approved by the City Council of Muscatine, Iowa; and the originals are on file at City Hall in Muscatine, Iowa.

(CITY SEAL)

\_\_\_\_\_  
Nancy Lueck, Director of Finance

Signed and sworn to before me on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public in and for the  
State of Iowa