



COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator
Dave Gobin, Director of Community Development

From: Adam Thompson, Community Development Coordinator

Date: April 2, 2018

Re: Resolution Authorizing the Sale of City Property and Executing the Deed

INTRODUCTION: The City is reviewing all city owned properties and disposing of those for there is no use to the City.

BACKGROUND: As a part of the Mad Creek Levee Improvement Project, the City of Muscatine acquired a permanent easement from the property owner of the apartment building located adjacent to mad creek and City owned real estate. The property owner lost several parking sport due to the easement and to make the property own whole the City Paved a portion of City owned property and allowed the apartment complex to use the area for parking. The City no longer has a use for the city owned property and it is recommended that the property be sold to the adjacent property owner at a price to cover expenses. The new property owner will pay taxes on the property going forward.

RECOMMENDATION/RATIONALE: It is recommended that City Council sell the city owned property to the adjacent property owner for \$500. The price covers expenses associated with selling the property.

ADDITIONAL INFORMATION:

Resolution Authorizing the Sale of City Property
Deed
Certificate
Aerial Images

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY

WHEREAS, a Resolution was adopted by the City Council of Muscatine, Iowa, on March 15, 2018, concerning the proposed sale of the City's rights, 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 vacate and transfer the real property should be given by publication of a Public Notice 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 finds the sale of the real property will serve the public interest and has approved the sale of the real property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

1. The City of Muscatine, Iowa, will sell and convey its rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution marked Exhibit A to Riverfront Property LLC for \$500.00.
2. The Deed will be delivered to the Buyers upon full payment of the purchase price.
3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.
4. The Mayor is authorized and directed to sign the Quit Claim Deed, attached as Exhibit A, for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

PASSED, APPROVED, AND ADOPTED this 5th day of, 2018.

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

(SEAL)

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Clerk

Prepared by / Return to: Adam Thompson, 215 Sycamore Street, Muscatine, Iowa 52761 563.262.4141

Tax Statement Address: Riverfront Property LLC, 101 W Mississippi Dr Ste 220, Muscatine, IA 52761

EXHIBIT A

DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to Riverfront Property LLC, 101 W Mississippi Dr Ste 220 in the City of Muscatine, Muscatine County, Iowa, all rights, title, and interest in the following real property in the City of Muscatine, Iowa:

A PART OF LOTS 10 AND 9 IN BLOCK 25 ORIGINAL PLAT, CITY OF MUSCATINE, IOWA, FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 10 BLOCK 25, SAID ORIGINAL PLAT; THENCE N 38°03'03" W, 20.00 FEET ALONG THE WESTERLY LINE OF SAID LOT 10; THENCE N 09°04'12" E, 82.38 FEET ACROSS SAID LOT 10 TO THE EASTERLY LINE OF SAID LOT 10; THENCE N 38°03'03" W, 66.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 10 TO THE NORTHEASTERLY CORNER OF SAID LOT 10; THENCE N 51°24'03" E, 60.37 FEET ALONG THE NORTHERLY LINE OF SAID LOT 9 TO THE NORTHEASTERLY CORNER OF SAID LOT 9; THENCE S 38°03'03" E, 60.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 9; THENCE ACROSS SAID LOT 9 94.71 FEET ALONG A 270.00 FOOT RAIDUS CURVE CONCAVE EASTERLY WHOSE 94.22 FOOT CHORD BEARS S 08°34'16" E TO THE SOUTHERLY LINE OF SAID LOT 9; THENCE S 51°28'36" W, 74.37 FEET ALONG THE SOUTHERLY LINE OF SAID LOTS 9 AND 10 TO THE SOUTHWESTERLY CORNER OF SAID LOT 10 AND THE POINT OF BEGINNING, CONTAINING 0.21 ACRES (9,279 SQ.FT.). SAID PARCEL IS SUBJECT TO EXISTING EASEMENTS AND RESTRICTIONS OF RECORD. FOR PURPOSES OF THIS DESCRIPTION THE WESTERLY LINE OF SAID LOT 10 BLOCK 2518 ASSUMED TO BEAR N 38°03'03" W.

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

The City covenants with the grantees, 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 April 5, 2018.

Prepared by / Return to: Adam Thompson, 215 Sycamore Street, Muscatine, Iowa 52761 563.262.4141

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. Resolution No. _____ concerning a proposed sale of City property, with Public Notice attached.
- b. Affidavit of Published Notice.
- c. Resolution No. _____ authorizing the sale of City property and approving the attached Deed.
- e. Original Deed.

All related to the sale of the real estate described in those documents, and that all were duly adopted and approved by the City Council for the City of Muscatine, Iowa, and the originals are on file in the City Hall, for the City of Muscatine, Iowa.

Nancy Lueck, Director of Finance

Subscribed and sworn to before me, the undersigned, Notary Public by Nancy Lueck, on this the ____ day of April 2018.

**Notary Public in and for the
State of Iowa**

CITY OF MUSCATINE, IOWA

(SEAL)

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss:

On this _____ day of April, before me _____, a Notary Public in and for the State of Iowa, personally appeared Diana Broderson and Gregg Mandsager, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Muscatine, Iowa; and that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council under Roll Call No. _____ of the City Council on the _____ day of April, 2018, and that Diana Broderson and Gregg Mandsager acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for the State of Iowa