

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
Jodi Royal-Godwin, Community Development Director

From: Andrew Fangman, Assistant Community Development Director

Date: April 4, 2019

Re: Resolution Accepting the Dedication of Right of Way and a Grant of Easement for a Public Sidewalk

INTRODUCTION: In accordance with the approved development plan, the developer of the Oak Park Apartments has submitted a dedication of right of way along Isett Avenue and a grant of easement for a portion public sidewalk along Blaine Street.

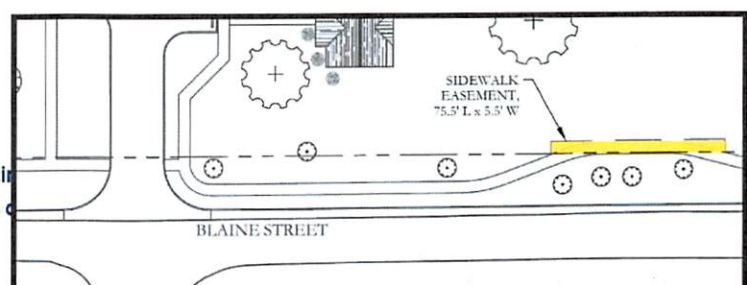
BACKGROUND:

On July 10, 2018 the Muscatine City Council approved the development plan for ten acres located at the northwest corner of Blaine Street and Isett Avenue. This development plan approved the construction of the Oak Park Apartments, a 48-unit multi-family development that will consist of 16 tri-plexes. One condition of this development plan is for a right of way dedication to the City of Muscatine of the portion of Isett Avenue that currently exists on an easement. The approved development plan also requires the granting of an easement for a small stretch of public sidewalk, which will be constructed along Blaine Street as part of this project, and which will be located outside the existing Blaine Street right of way.

Currently, the segment Isett Avenue that adjoins the subject parcel, exists on an easement and not on dedicated right of way. This arrangement is typical for roads found in unincorporated Muscatine County. The construction of Isett Avenue on such an easement rather than in dedicated right-of-way likely occurred prior to this area being annexed into the City of Muscatine. City policy is that public street must be on dedicated right of way. As such the developer of the Oak Park Apartments was required, as condition of the approved development plan, to make a right-of-way dedication to the City of Muscatine. This dedication will bring this portion of Isett Avenue that currently exists on an easement on the subject property into the public right of way. A right of way dedication plat has now been delivered to the City.

A public sidewalk will be constructed by the developer along Blaine Street. A portion (75.5') of the new Blaine Street

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on either side of the d



sidewalk, will be located outside the Blaine Street right of way. This is being done to preserve some existing mature trees. A grant of easement for this sidewalk, as required by the approved development plan, has now been delivered to the City.

RECOMMENDATION/RATIONALE: Staff recommends approval the attached resolution accepting the dedication of right of way and an easement for sidewalk, in accordance with development plan previously approved by City Council.

BACKUP INFORMATION:

1. Resolution
2. Dedication and Grant of Easement
3. Plat

RESOLUTION NO. _____

ACCEPTANCE OF DEDICATION OF ROAD RIGHT OF WAY AND GRANT OF SIDEWALK EASEMENT

WHEREAS, JNB Oak Park, LP, has presented to the City Council of Muscatine, Iowa a dedication & easement plat, concerning part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 77 North, Range 2 West, 5th Principal Meridian, in the City of Muscatine, Muscatine County, Iowa,

WHEREAS, said plat dedicates of Right-of-Way for Isett Avenue; to wit:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA. COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26; THENCE SOUTH 00°26'12" EAST 146.04 FEET; THENCE NORTH 89°33'14" EAST 104.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°33'14" EAST 799.54 FEET TO THE CENTERLINE OF ISETT AVENUE; THENCE SOUTH 05°49'58" WEST 607.54 FEET ALONG THE CENTERLINE OF ISETT AVENUE; THENCE SOUTH 89°43'25" WEST 729.65 FEET ALONG THE NORTH LINE OF BLAINE STREET; THENCE NORTH 00°46'28" WEST 601.74 FEET TO THE POINT OF BEGINNING.

WHEREAS, said plat grants a permanent sidewalk easement; to wit:

THE SOUTH 6 FEET OF THE EAST 76 FEET OF THE WEST 444 FEET OF THE PROPERTY CURRENTLY DESCRIBED AT INSTRUMENT # 2018-00749, RECORDED IN THE MUSCATINE COUNTY RECORDERS OFFICE. CONTAINING 456 SQUARE FEET OR 0.01 ACRES.

WHEREAS, the development plan, for the Oak Park Apartment, approved by the Muscatine City Council on July 10, 2018, requires JNB Oak Park, LP to make a dedication of right of way along Isett Avenue and a grant of easement for a portion public sidewalk along Blaine Street.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that the City of Muscatine, Iowa approve the dedication plat and easement plat attached hereto as "Exhibit A".

PASSED, APPROVED AND ADOPTED this 4th day of April, 2019.

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

Diana L. Broderson, Mayor

Attest:

Gregg Mandsager, City Clerk

Exhibit A

Prepared by/Return to Stanley, Lande & Hunter, Suite 200, 119 Sycamore Street, Muscatine, IA 52761 563.264.5000

DEDICATION AND GRANT OF EASEMENT

JNB Oak Park, LP, ("Grantor") an Iowa limited partnership, dedicates to public use forever the right-of-way of the Western half of Isett Avenue that lies within the easterly thirty (30) feet of the following described real estate in the City and County of Muscatine, Iowa:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA. COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26; THENCE SOUTH 00°26'12" EAST 146.04 FEET; THENCE NORTH 89°33'14" EAST 104.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°33'14" EAST 799.54 FEET TO THE CENTERLINE OF ISETT AVENUE; THENCE SOUTH 05°49'58" WEST 607.54 FEET ALONG THE CENTERLINE OF ISETT AVENUE; THENCE SOUTH 89°43'25" WEST 729.65 FEET ALONG THE NORTH LINE OF BLAINE STREET; THENCE NORTH 00°46'28" WEST 601.74 FEET TO THE POINT OF BEGINNING.

Grantor also grants a perpetual easement for a pedestrian walkway over the South 6.0 feet the East 76 feet of the West 444 feet of the above tract.

Signed on March 4, 2019.

JNB OAK PARK, LP, an Iowa limited partnership

By: Oak Park, LLC, an Iowa limited liability company, its general partner

By: Iceberg Development Group, LLC, an Illinois limited liability company, its managing member

By: 

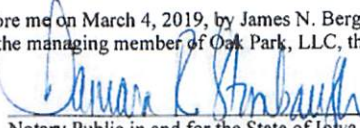
Name: James N. Bergman

Title: Sole Member

Exhibit A

STATE OF IOWA, SCOTT COUNTY, ss.

This instrument was acknowledged before me on March 4, 2019, by James N. Bergman as Sole Member of Iceberg Development Group, LLC, the managing member of Oak Park, LLC, the general partner of JNB Oak Park, LP.


Notary Public in and for the State of Iowa

M010590\02\Dedication and Easement



