

## 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  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** August 13, 2019  
**Re:** Right of Way Vacation – (PZVROW-5) Brier Street and Adjoining Alley

**INTRODUCTION:** The City of Muscatine has filed for the vacation of the right of way comprising Brier Street and portions of adjoining alley.

**BACKGROUND:** The City of Muscatine has filed for the vacation of the right of way comprising Brier Street and portions of adjoining alley. It is the intent, if this request is approved by City Council, of the City of Muscatine to convey the vacated right of way to the adjoining property owner.

The forthcoming Grandview Avenue Corridor Project, by creating one defined driveways, will impact the parking that some business at the Grandview/Brier intersection. The vacation of Brier Street and conveyance of Brier Street to the adjoining property will allow the impact of this mitigated by the relocation of this parking. To avoid leaving right of way remnants all of Brier Street and small connecting alley is being proposed for vacation.

Brier Street no longer serves the interest of anyone beyond the adjoining property owners. There is no possibility of further extension of Brier Street to the southeast because, it currently terminates at the railroad tracks at location without a crossing. The northwest end of Brier Street terminates in 75.5 acres owned by GRIDCO, LLC. The northwesterly 170' of the Brier Street right of way is currently undeveloped, heavily wood and crossed by a small stream. In addition to 60' of frontage on an undeveloped portion of Brier Street, GRIDCO's acreage has 2,670' of frontage along Musser Street, 1,400' of frontage along Houser Street, and 390' along Grandview Avenue. As such the vacation of Brier Street does not impact the accessibility or developability of this acreage.

**RECOMMENDATION/RATIONALE:** Prior to City Council action on this request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed right of way vacation. The Planning and Zoning Commission has voted at their August meeting to recommend approval of this request.

#### **BACKUP INFORMATION:**

1. Resolution
2. Public Hearing Notice

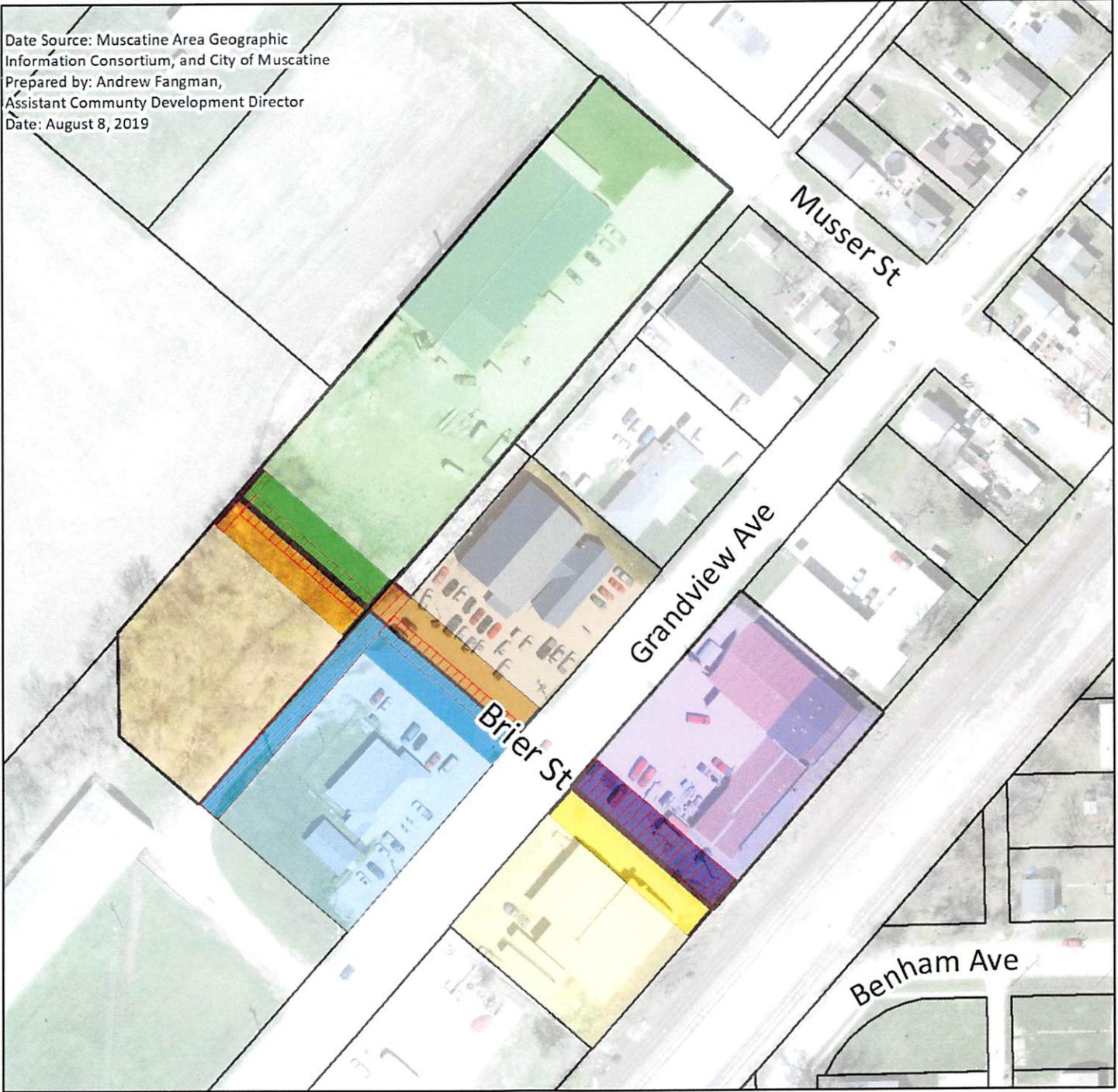


Brier Street Looking South from Grandview Ave



Brier Street Looking North from Grandview Ave

Date Source: Muscatine Area Geographic Information Consortium, and City of Muscatine  
 Prepared by: Andrew Fangman,  
 Assistant Community Development Director  
 Date: August 8, 2019

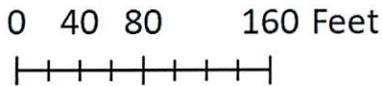


# Right of Way Vaction (PZVROW-5)

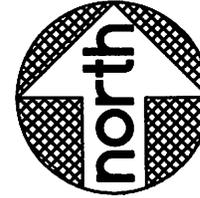


## Legend

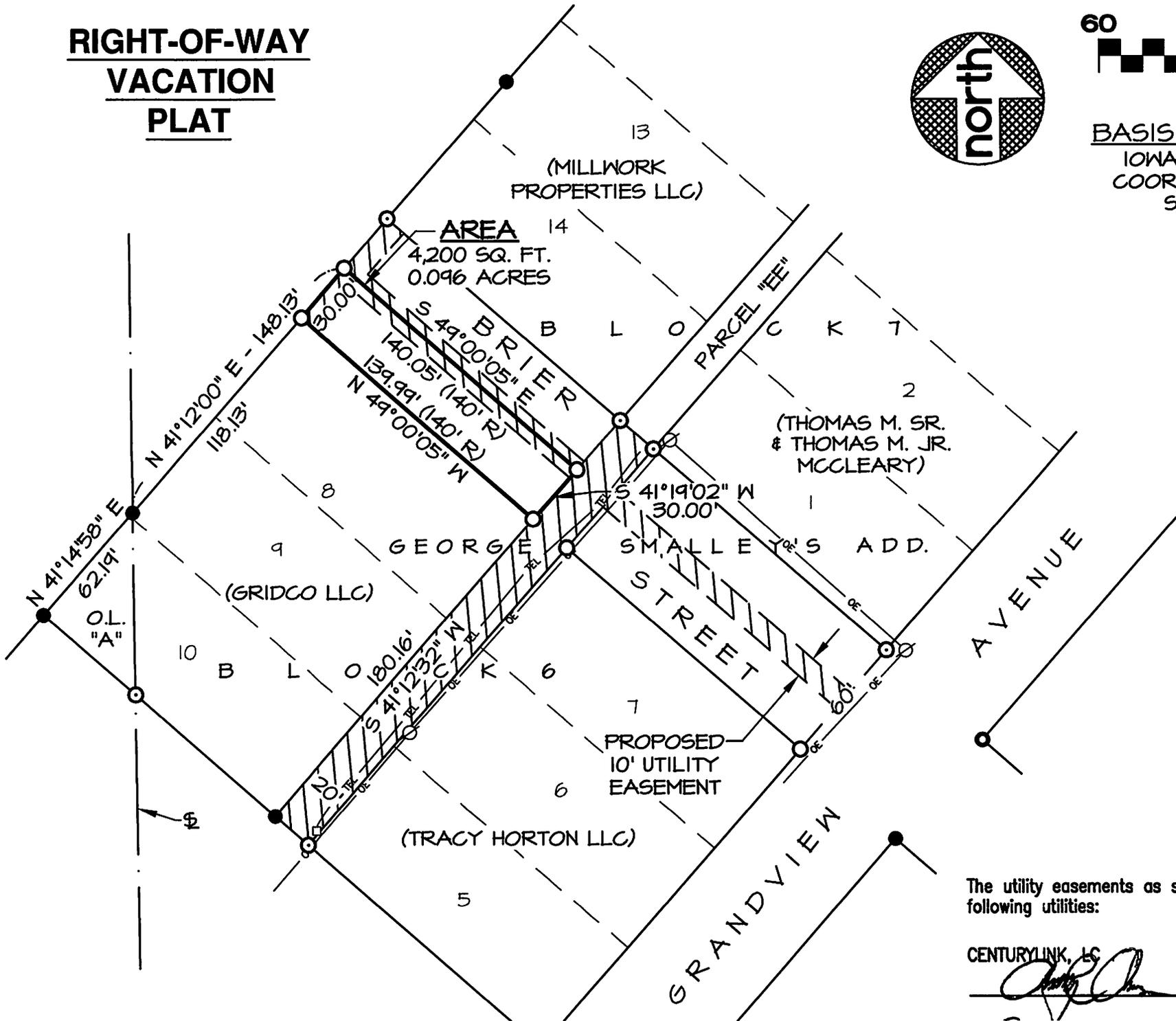
- |   |   |  |
|---|---|--|
|  New Utility Easements               |  RoW to Muscatine Used Parts |  Current Millwork Properties LCC Parcel |
|  Current Chamberlin Parcel           |  Current McCleary Parcel     |  RoW to Millwork Properties LLC         |
|  Right of Way to Chamberlin          |  RoW to McCleary             |  Current Horton Parcel                  |
|  Current Muscatine Used Parts Parcel |  Current GRIDCO Parcel       |  RoW to Horton                          |
|   |  RoW to GRIDCO               |  Current Parcels                        |



# RIGHT-OF-WAY VACATION PLAT



BASIS OF BEARING  
IOWA STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE

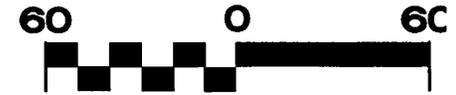
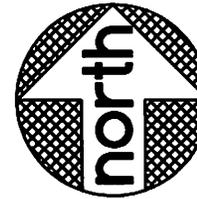


The utility easements as shown are acceptable following utilities:

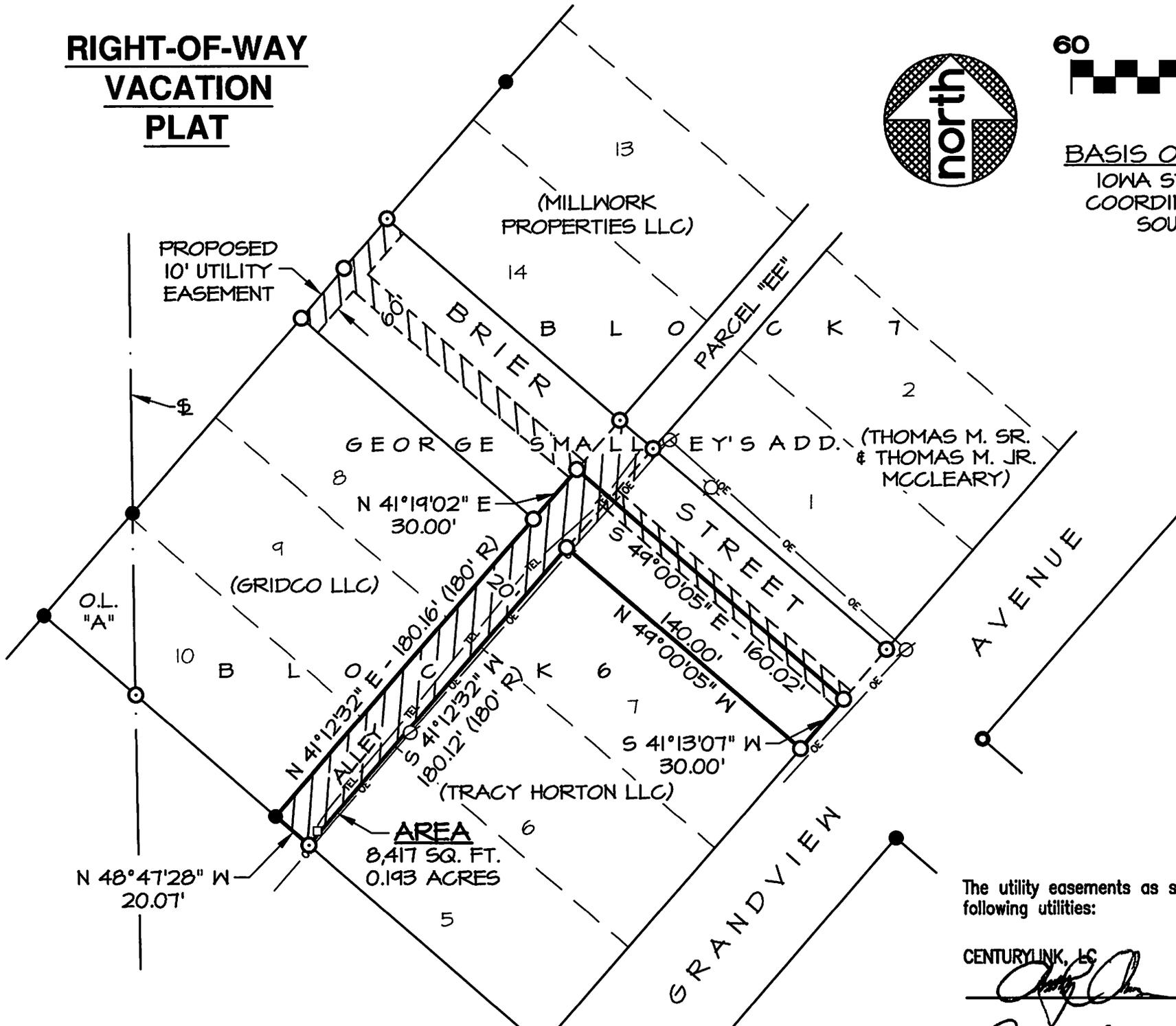
CENTURYLINK, LS

*[Signature]*  
OSP PR. ENG  
Title

# RIGHT-OF-WAY VACATION PLAT



BASIS OF BEARINGS  
IOWA STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE

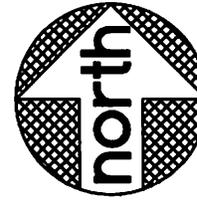


The utility easements as shown are acceptable following utilities:

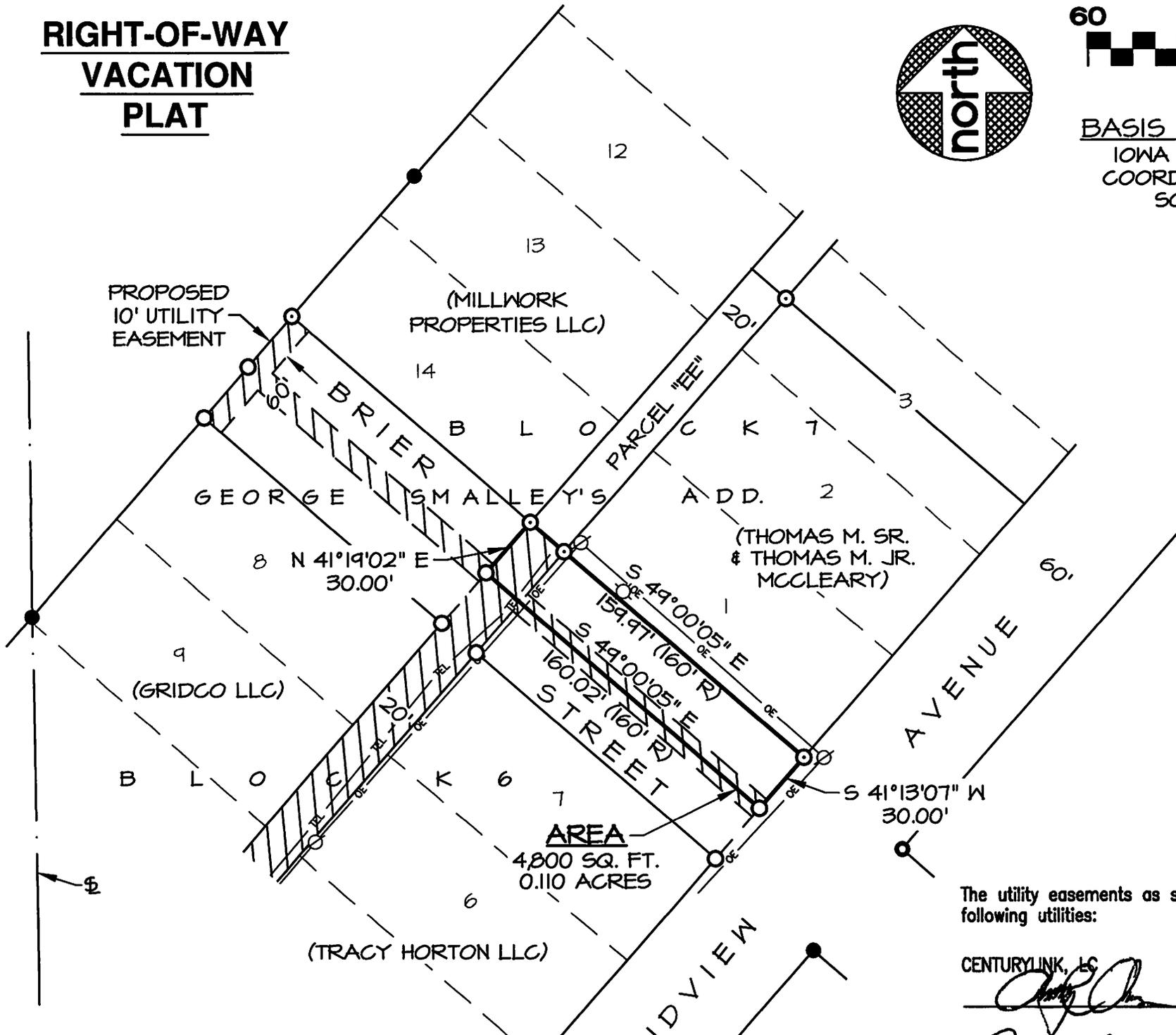
CENTURYLINK, LC  
  
 Title

OSP FAC. ENG  
  
 Title

# RIGHT-OF-WAY VACATION PLAT



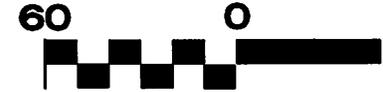
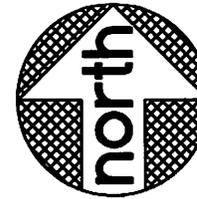
BASIS OF BEARING:  
IOWA STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE



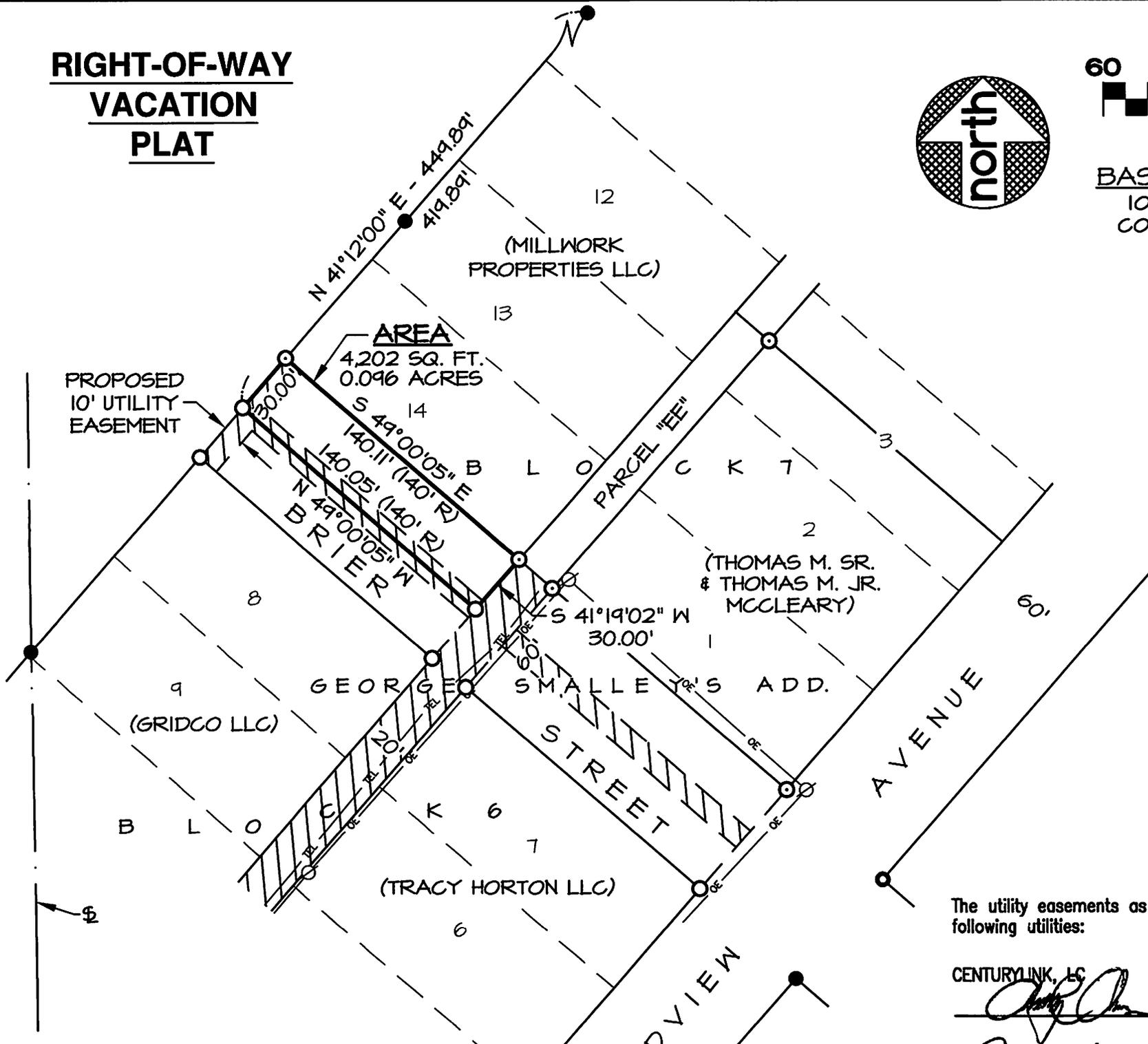
The utility easements as shown are acceptable following utilities:

CENTURYLINK, LS  
  
 OSP FAC. ENG  
 Title

# RIGHT-OF-WAY VACATION PLAT



BASIS OF BEARING  
IOWA STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE



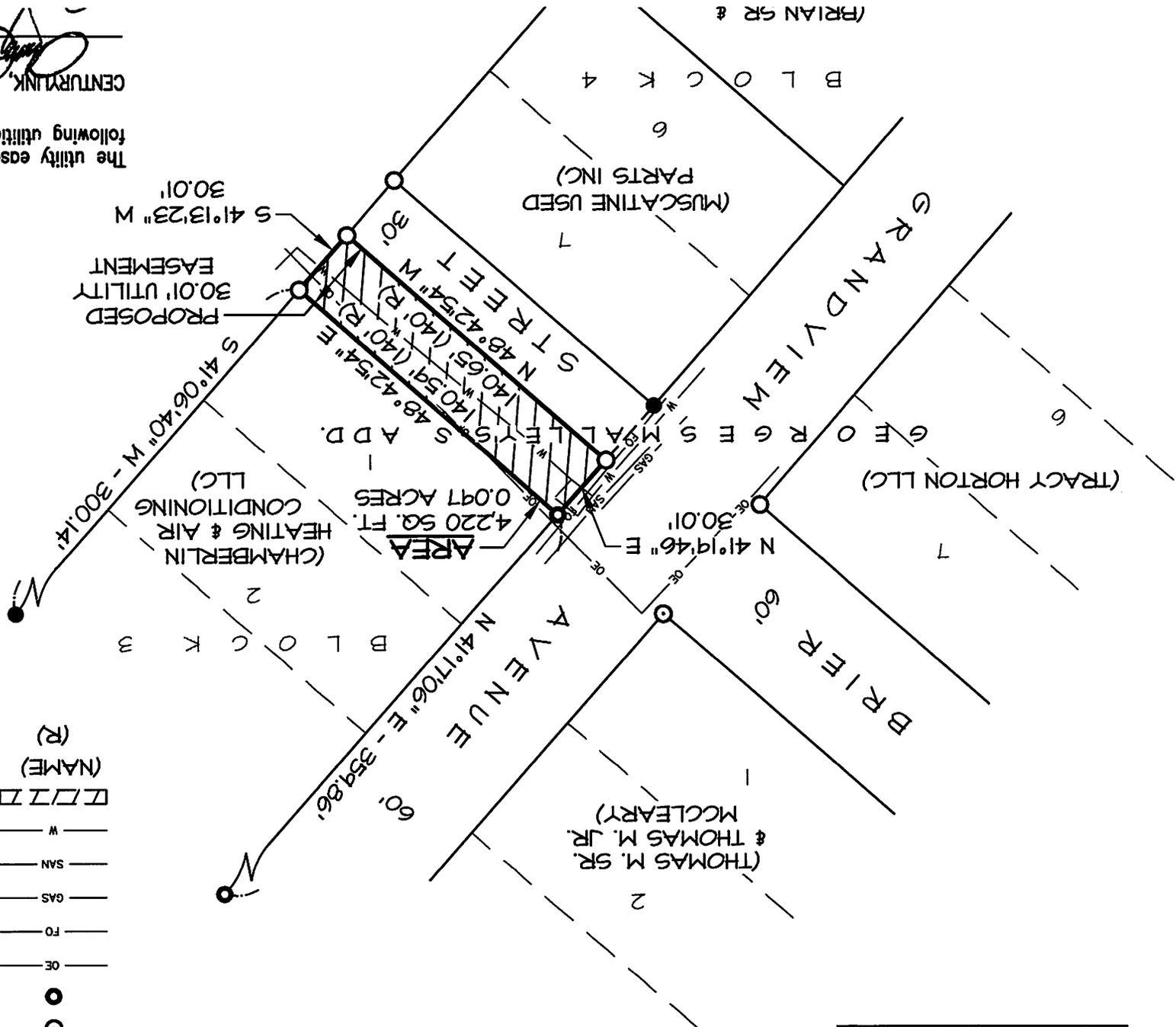
|||  
Z

The utility easements as shown are acceptable following utilities:

CENTURYLINK, LC  
  
 Title  
 OSP PAC. ENG

# RIGHT-OF-WAY VACATION PLAT

- LEGEND**
- SET 1/2" X 36" REBAR W/
  - FOUND 1/2" REBAR
  - ◐ FOUND 1/2" REBAR WITH C
  - FOUND PIPE
  - oe — OVERHEAD ELECTRIC
  - fo — UNDERGROUND FIBER OF
  - gas — UNDERGROUND GAS
  - san — SANITARY SEWER MAIN
  - w — WATER MAIN
  - ▤▤▤▤ PROPOSED UTILITY EASI
  - (NAME) PROPERTY OWNERS
  - (R) R DENOTES RECORD DA



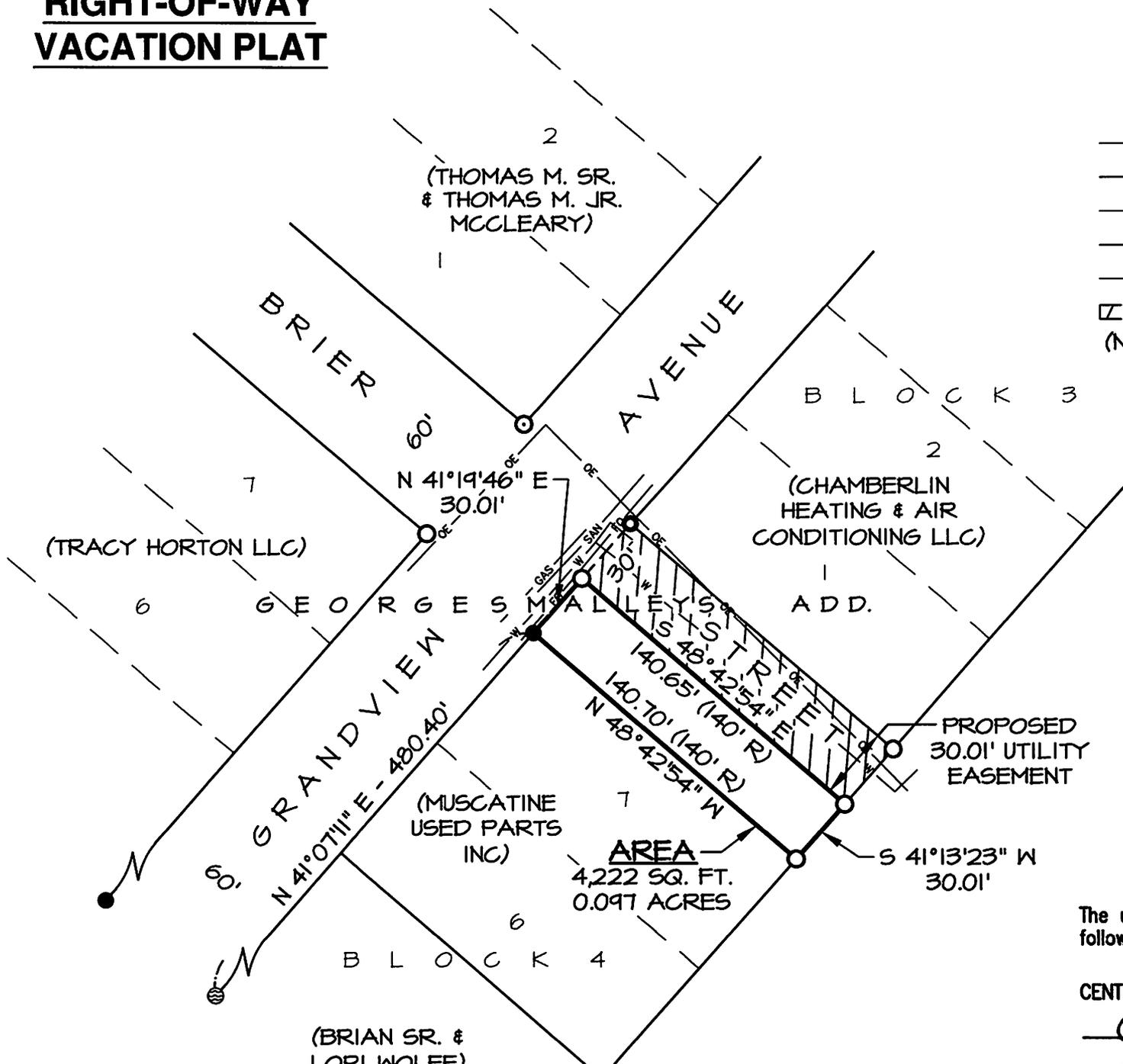
The utility easements as shown are acceptable.  
The following utilities:

CENTURYLINK, LC  
  
 DSP Inc. Eng.  
 Title

# RIGHT-OF-WAY VACATION PLAT

## LEGEND

- SET ½" X 36" REBAR W
- FOUND ½" REBAR
- ⊙ FOUND ½" REBAR WITH C
- FOUND PIPE
- ⊗ FOUND FENCE POST
- OE — OVERHEAD ELECTRIC
- FO — UNDERGROUND FIBER OF
- GAS — UNDERGROUND GAS
- SAN — SANITARY SEWER MAIN
- W — WATER MAIN
- ▭▭▭▭ PROPOSED UTILITY EASEMENT (NAME)
- PROPERTY OWNERS
- (R) R DENOTES RECORD DRAWING NOT THAN ACTUAL FIELD MEASUREMENT



The utility easements as shown are acceptable following utilities:

CENTURYLINK, LC

*[Signature]*  
OSP FAC. ENG  
Title

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SETTING THE TIME AND PLACE TO  
CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE  
OF STREET AND ALLEY (BRIER STREET) RIGHT-OF-WAY IN THE CITY  
OF MUSCATINE, IOWA**

**WHEREAS**, a request has been to vacate and then sell a portion of street and alley right-of-way situated within in the City of Muscatine, Iowa; and

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine has recommended approval; the vacation of the following portions of street and alley right-of-way that is described as follows:

THE SOUTHWESTERLY ONE HALF OF BRIER STREET ADJACENT TO LOT 7 IN BLOCK 4 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,222 SQUARE FEET OR 0.097 ACRES.

and

THE NORTHEASTERLY ONE HALF OF BRIER STREET ADJACENT TO LOT 1 IN BLOCK 3 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,220 SQUARE FEET OR 0.097 ACRES.

and

THE NORTHEASTERLY HALF OF BRIER STREET ADJACENT TO LOT 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,202 SQUARE FEET OR 0.096 ACRES.

and

THE NORTHEASTERLY HALF OF BRIER STREET ADJACENT TO LOT 1 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,800 SQUARE FEET OR 0.110 ACRES.

and

THE SOUTHWESTERLY HALF OF BRIER STREET ADJACENT TO LOT 8 IN BLOCK 6 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,200 SQUARE FEET OR 0.096 ACRES.

and

THE SOUTHWESTERLY HALF OF BRIER STREET ADJACENT TO LOT 7 AND THE ALLEY AND ALL OF THE ALLEY ADJACENT TO LOTS 5 THROUGH 10, ALL IN BLOCK 6 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE,

IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING  
8,417 SQUARE FEET OR 0.193 ACRES.

**WHEREAS**, the City Council should now set a time and place for a public hearing upon  
said vacation and subsequent sale of the above-mentioned alley right-of way.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of  
Muscatine, that a Public Hearing is hereby established. Said hearing to be conducted at  
7:00 p.m. on Thursday, September 19, 2019, in the City Hall Council Chambers and the  
attached public notice of the time and place of said public hearing shall be given by  
publication in the Muscatine Journal as required by the Code of Iowa

**PASSED, APPROVED AND ADOPTED this 5th day of September, 2019.**

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

---

**Diana L. Broderson, Mayor**

**Attest:**

---

**Gregg Mandsager, City Clerk**

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA:

You are notified that the City of Muscatine, Iowa, proposes vacate and then sell to adjoining property owners the following right of way in the City of Muscatine, Muscatine County, Iowa:

THE SOUTHWESTERLY ONE HALF OF BRIER STREET ADJACENT TO LOT 7 IN BLOCK 4 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,222 SQUARE FEET OR 0.097 ACRES.

and

THE NORTHEASTERLY ONE HALF OF BRIER STREET ADJACENT TO LOT 1 IN BLOCK 3 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,220 SQUARE FEET OR 0.097 ACRES.

and

THE NORTHEASTERLY HALF OF BRIER STREET ADJACENT TO LOT 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,202 SQUARE FEET OR 0.096 ACRES.

and

THE NORTHEASTERLY HALF OF BRIER STREET ADJACENT TO LOT 1 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,800 SQUARE FEET OR 0.110 ACRES.

and

THE SOUTHWESTERLY HALF OF BRIER STREET ADJACENT TO LOT 8 IN BLOCK 6 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 4,200 SQUARE FEET OR 0.096 ACRES.

and

THE SOUTHWESTERLY HALF OF BRIER STREET ADJACENT TO LOT 7 AND THE ALLEY AND ALL OF THE ALLEY ADJACENT TO LOTS 5 THROUGH 10, ALL IN BLOCK 6 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; CONTAINING 8,417 SQUARE FEET OR 0.193 ACRES.

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, September 19, 2019, in the City Council Chambers in City Hall, Muscatine, Iowa.

Gregg Mandsager  
City Clerk