

RESOLUTION NO. _____

A RESOLUTION CONVEYING VACATED RIGHT-OF-WAY (A PORTION OF BRIER STREET AND AN ADJOINING ALLEY) IN THE CITY OF MUSCATINE, IOWA TO TRACY HORTON LLC

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended approval of the vacation and conveyance of the Brier Street right of way and a portion of an adjoining alley right of way to the adjoining property owners and; and

WHEREAS, due notice of said proposal to vacate and convey said right-of-way and to further convey said vacated right to the adjoining property owners was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Muscatine, Iowa at public hearing held on September 19, 2019; and

WHEREAS, the said right-of-way was vacated by Ordinance, on October 18, 2019; and

WHEREAS, Tracy Horton LLC is the adjoining property for the portion said vacated right of way identified in the Right of Way Vacation Plat attached hereto as Exhibit A and is described as follows:

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, it the intent of the City to convey said vacated right of way to Tracy Horton LLC.

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 B to Tracy Horton LLC. for \$10.00, the receipt of which is hereto acknowledged.
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 as Exhibit B to this Resolution.
3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED AND ADOPTED this 18th day of October, 2019.

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

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: Tracy Horton LLC, 2916 Mulberry Ave, Muscatine, IA 52761

WARRANTY DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to Tracy Horton LLC all its right, title, and interest in the following real property in Muscatine County, Iowa:

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

Exempt from transfer tax per Iowa Code Section 428A.2(21).

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 October 18, 2019.

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 _____, 2019, by Diana L. Broderson and Gregg Mandsager as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

Notary Public in and for the State of Iowa

**RIGHT-OF-WAY
VACATION
PLAT**



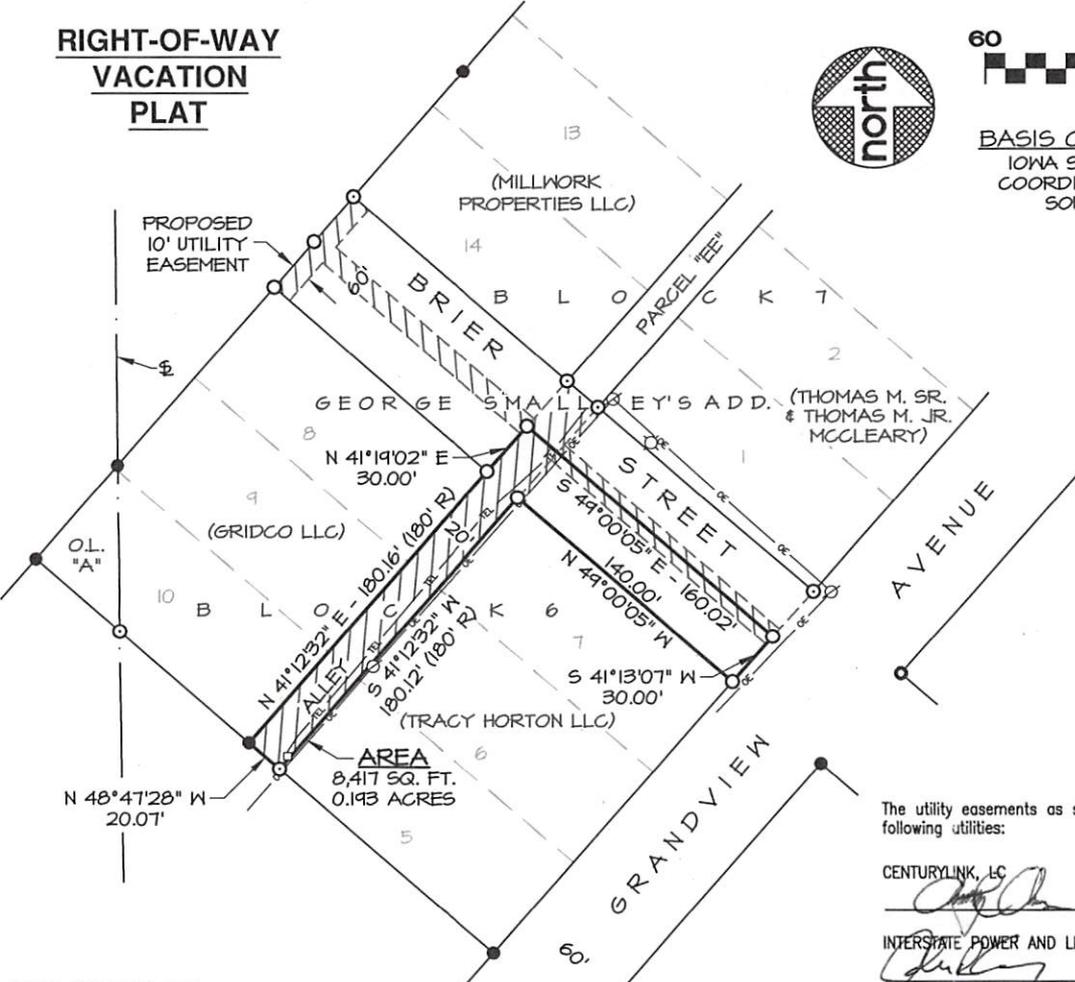
BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

LEGEND

- SET 1/2" X 36" REBAR W/YELLOW CAP #10316
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR WITH CAP
- FOUND 2" PIPE
- ⊗ LIGHT POLE
- ⊗ POWER POLE
- TELEPHONE RISER
- OVERHEAD ELECTRIC
- TEL— UNDERGROUND TELEPHONE
- ▨▨▨▨ PROPOSED UTILITY EASEMENT
- (NAME) PROPERTY OWNERS
- (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Gary W. Whitacre
 Gary W. Whitacre
 Date 08/23/19 Reg. No. 10316
 My license renewal date is December 31, 2019
 Pages or sheets covered by this seal: 1



LAND DESCRIPTION -

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 8 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.

The utility easements as shown are acceptable to the following utilities:

CENTURYLINK, LC	<i>[Signature]</i>	CSP REC. ENG	8/1/2019
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	<i>[Signature]</i>	Field Eng II	7/30/19
MUSCATINE POWER & WATER	<i>[Signature]</i>	Manager T&D	5/2/19
Transmission & Distribution	<i>[Signature]</i>	W/Power	3/5/19
Water Production & Distribution	<i>[Signature]</i>	Mgr Comm	8/2/19
Communications			

SURVEY COMPANY / RETURN TO:					
Martin & Whitacre					
Surveyors & Engineers, Inc.					
P.O. BOX 413 MUSCATINE, IOWA 52761					
INFO@MARTIN-WHITACRE.COM (563)263-7691					
SURVEYOR: GARY W. WHITACRE					
PROPRIETOR(S): CITY OF MUSCATINE, IOWA					
REQUESTOR: CITY OF MUSCATINE					
LOCATION: PART OF BRIER STREET RIGHT OF WAY & ALLEY IN THE CITY OF MUSCATINE, IOWA					
SURVEY TYPE: VACATION PLAT					
FILE	BOOK	SCALE	DRN	CHK'D	DATE
SUBD.	8225	1"=60'	JRM	GWW	07/19/19
REV.	0	8352 HORTONDWS			SHEET 1 OF 1