



MUSCATINE

City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
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COMMUNITY DEVELOPMENT

MEMORANDUM

To: Mayor and City Council Members
Cc: Greg Jenkins, Interim City Administrator
From: Andrew Fangman, Assistant Community Development Director
Date: July 2, 2020
Re: Ordinance Vacating a Portion of the Cypress Street Right of Way Adjoining to 1001 2nd Street & Resolution Conveying Said Right of Way to the Adjoining Property Owner

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

INTRODUCTION: The City of Muscatine has filed for the vacation for of a portion of the Cypress Street right of way that is adjacent to 1001 2nd St. If this vacation request is approved, said ownership said vacated right of way would be transferred to the adjoining property owner.

BACKGROUND: The vacation of portion of the Cypress Street right-of-way adjacent to Warren Poole's property, 1001 2nd Street, is needed for the completion of property acquisition rights for the Park Avenue Project. An easement is needed for the construction and maintenance of the traffic signals for the intersection as well as an easement to construct a pedestrian ramp in front of the Poole building. The area of the easement is currently being used as parking. To ease the impact of losing this parking, it is request that the City vacate a 20' wide portion of the Cypress Street right of way and deed it to the Poole's to use as parking (see attached Vacation Plat).

RECOMMENDATION/RATIONALE Staff recommends approval of this request. The right of way being proposed for vacation serves no useful public purpose. The Planning and Zoning Commission has voted at their May meeting to recommend approval of this request.

BACKUP INFORMATION:

1. Vacation Plat
2. Ordinance
3. A Resolution Conveying Vacated Right-of-Way
4. Deed



"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain

INDEX LEGEND	
LOCATION	PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATINE, MUSCATINE COUNTY, IOWA
REQUESTOR	CITY OF MUSCATINE
PROPRIETOR	CITY OF MUSCATINE
SURVEYOR	GARY D. GROSS
SURVEY	SHIVE-HATTERY
COMPANY	1701 River Drive, Suite 200, Moline, Illinois 61265
RETURN TO	SHIVE-HATTERY

VACATION PLAT

LAND DESCRIPTION

A PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATINE, MUSCATINE COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF BEGINNING AT THE WESTERNMOST CORNER OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF A 20' ALLEY AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET;

THENCE SOUTH $38^{\circ}26'02''$ EAST 105.00 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET;

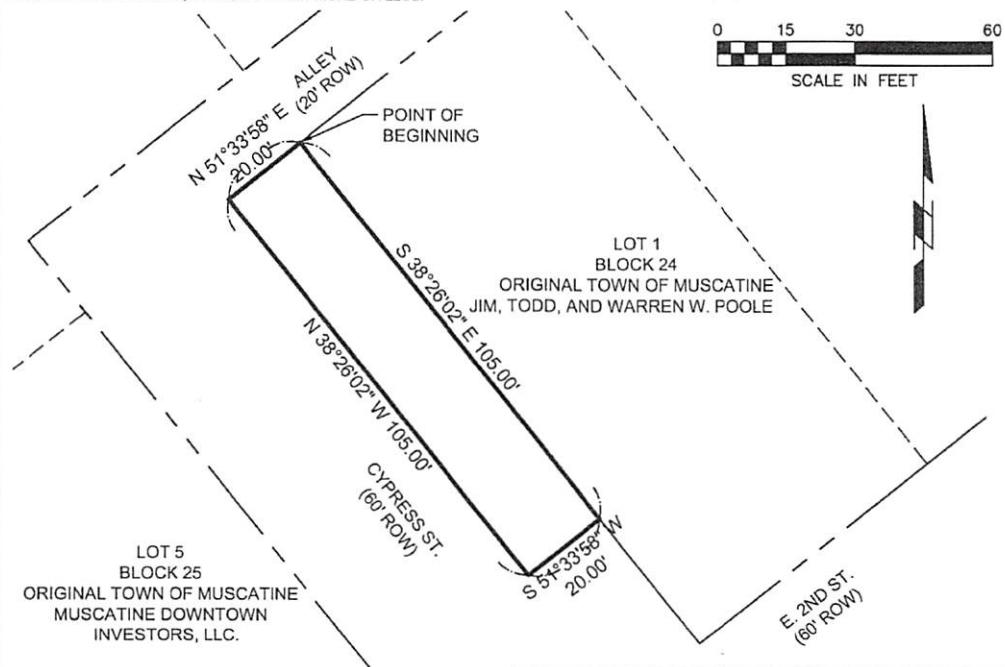
THENCE SOUTH $51^{\circ}33'58''$ WEST 20.00 FEET ALONG A LINE PERPENDICULAR TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET;

THENCE NORTH $38^{\circ}26'02''$ WEST 105.00' PARALLEL TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET TO THE SOUTHERLY LINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY;

THENCE NORTH $51^{\circ}33'58''$ EAST 20.00 FEET ALONG THE SAID SOUTHERLY LINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY TO THE SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET AND THE POINT OF BEGINNING.

(FOR PURPOSES OF THIS DESCRIPTION THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE IS ASSUMED TO BEAR SOUTH $38^{\circ}26'02''$ EAST)

THIS PARCEL CONTAINS 2,100 SQUARE FEET MORE OR LESS.



LEGEND	
SURVEY	
PLAN MARK	DESCRIPTION
00	BEARING/DISTANCE

	<small>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.</small>	
	<small>NAME: GARY D. GROSS DATE: 3/6/2020 LICENSE NUMBER: 16850 MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2030 PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1.12</small>	

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
1701 River Drive, Suite 200 | Moline, Illinois 61265
309.764.7650 | www.shive-hattery.com
Iowa | Illinois | Indiana Illinois Firm Number: 184-000214

VACATION PLAT CYPRESS STREET CITY OF MUSCATINE MUSCATINE, IOWA			PROJECT NO. 317247-0
DATE	SCALE	AS SHOWN	SHEET NO.
3/6/2020	JJB	FIELD BOOK	644
APPROVED	GDG	REVISION	-

B1.12

RESOLUTION NO. 2020-0234

**A RESOLUTION CONVEYING VACATED RIGHT-OF-WAY (A PORTION
CYPRESS STREET RIGHT OF WAY ADJOINING LOT 1 OF BLOCK 24 OF
ORIGINAL TOWN) IN THE CITY OF MUSCATINE, IOWA TO THE
ADJOINING PROPERTY OWNER**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on May 12, 2020, recommended approval of the vacation and conveyance a portion Cypress Street right of way adjoining Lot 1 of Block 24 of Original Town to the adjoining property owner, said right of way described as follows:

**A PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATINE,
MUSCATINE COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS
FOLLOWS: COMMENCING AS A POINT OF BEGINNING AT THE
WESTERNMOST CORNER OF LOT 1, BLOCK 24, ORIGINAL TOWN OF
MUSCATINE, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY
OF A 20' ALLEY AND THE EASTERLY RIGHT-OF-WAY LINE OF CYPRESS
STREET; THENCE SOUTH 38°26'02" EAST 105.00 FEET ALONG THE
SOUTHWESTERLY LINE OF SAID LOT 1 AND THE EASTERLY RIGHT-OF-
WAY LINE OF CYPRESS STREET; THENCE SOUTH 51°33'58" WEST 20.00
FEET ALONG A LINE PERPENDICULAR TO THE SAID SOUTHWESTERLY
LINE OF LOT 1 AND THE EASTERLY RIGHT OF WAY LINE OF CYPRESS
STREET; THENCE NORTH 38°26'02" WEST 105.00' PARALLEL TO THE SAID
SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERLY RIGHT-OF-WAY
LINE OF CYPRESS STREET TO THE SOUTHERLY LINE OF A 20' ALLEY
EXTENDED SOUTHWESTERLY; THENCE NORTH 51°33'58" EAST 20.00
FEET ALONG THE SAID SOUTHERLY LINE OF A 20' ALLEY EXTENDED
SOUTHWESTERLY TO THE SOUTHWESTERLY LINE OF LOT 1 AND THE
EASTERLY RIGHT-OF-WAY LINE OF CYPRESS STREET AND THE POINT
OF BEGINNING. (FOR PURPOSES OF THIS DESCRIPTION THE
SOUTHWESTERLY LINE OF LOT 1, BLOCK 24, ORIGINAL TOWN OF
MUSCATINE IS ASSUMED TO BEAR SOUTH 38°26'02" EAST) THIS PARCEL
CONTAINS 2,100 SQUARE FEET MORE OR LESS.;**

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

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 June 4, 2020;

WHEREAS, the said right-of-way was vacated by Ordinance on July 2, 2020; and

WHEREAS, Warren W. Poole (an undivided 448/1280ths interest), Todd Poole (an undivided 416/1280ths interest), and Jim Poole (an undivided 416/1280ths interest) are collectively the adjoining property owner to said vacated right of way; and

WHEREAS, it the intent of the City to convey said vacated right of way to Warren W. Poole (an undivided 448/1280ths interest), Todd Poole (an undivided 416/1280ths interest), and Jim Poole (an undivided 416/1280ths interest).

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 Warren W. Poole (an undivided 448/1280ths interest), Todd Poole (an undivided 416/1280ths interest), and Jim Poole (an undivided 416/1280ths interest) 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 A to this Resolution.
3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED AND ADOPTED this 2nd day of July, 2020.

BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

Mayor Pro Tem Kelcey Brackett

Attest:

Greg Jenkins, Interim City Clerk

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: Warren W. Poole, 3208 Mulberry, Muscatine IA 52761-0071

WARRANTY DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to:

WARREN W. POOLE, as to an undivided 448/1280ths interest,

TODD POOLE, as to an undivided 416/1280ths interest,

and

JIM POOLE, as to an undivided 416/1280ths interest

all its right, title, and interest in the following real property in Muscatine County, Iowa:

A PART OF CYPRESS STREET IN THE ORIGINAL TOWN OF MUSCATNIE, MUSCATINE COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF BEGINNING AT THE WESTERNMOST CORNER OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF A 20' ALLEY AND THE EASTERNLY RIGHT-OF-WAY LINE OF CYPRESS STREET; THENCE SOUTH 38°26'02"EAST 105.00 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 AND THE EASTERNLY RIGHT-OF-WAY LINE OF CYPRESS STREET; THENCE SOUTH 51°33'58"WEST 20.00 FEET ALONG A LINE PERPENDICULAR TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERNLY RIGHT OF WAY LINE OF CYPRESS STREET; THENCE NORTH 38°26'02"WEST 105.00' PARALLEL TO THE SAID SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERNLY RIGHT-OF-WAY LINE OF CYPRESS STREET TO THE SOUTHERLY LINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY; THENCE NORTH 51°33'58" EAST 20.00 FEET ALONG THE SAID SOUTHERLY LINE OF A 20' ALLEY EXTENDED SOUTHWESTERLY TO THE SOUTHWESTERLY LINE OF LOT 1 AND THE EASTERNLY RIGHT-OF-WAY LINE OF CYPRESS STREET AND THE POINT OF BEGINNING. (FOR PURPOSES OF THIS DESCRIPTION THE SOUTHWESTERLY LINE OF LOT 1, BLOCK 24, ORIGINAL TOWN OF MUSCATINE IS ASSUMED TO BEAR SOUTH 38°26'02" EAST) THIS PARCEL CONTAINS 2,100 SQUARE FEET MORE OR LESS.

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, though, 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 July 2, 2020.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____

Kelcey Brackett
Mayor Pro Tem

ATTEST:

Greg Jenkins
Interim City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2020, by Diana L. Broderson
and Greg Jenkins as Mayor and Interim City Clerk, respectively, of the City of Muscatine, Iowa.

Notary Public in and for the State of Iowa