



## COMMUNITY DEVELOPMENT

### MEMORANDUM

Planning,  
Zoning,

Building Safety,

Construction Inspection Services,  
Public Health,

Housing Inspections,  
Code Enforcement

**To:** Planning and Zoning Commission  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** August 11, 2020  
**Re:** Right of Way Vacation – PZVROW-6 a Request by HNI Corporation • Spring Street  
between 2nd Street and 3rd Street • A portion of 3rd Street between Mad Creek  
and the Railroad Track • Alley in Block 26 • Alley Block 27

**INTRODUCTION:** HNI Corporation has filed for the vacation of four areas of right of way which are located in an area bound by Oak Street, Mad Creek, 3<sup>rd</sup> Street, and 2<sup>nd</sup> Street. These four areas are: Spring Street between 2nd Street and 3rd Street; a portion of 3rd Street between Mad Creek and the railroad track; the alley located in Block 26; the alley located in Block 27. Maps and legal description of the areas proposed for vacation can be found on the following pages. Upon vacation of this right of way, HNI requests that the deed the vacated right of way to HNI as the adjoining landowner.

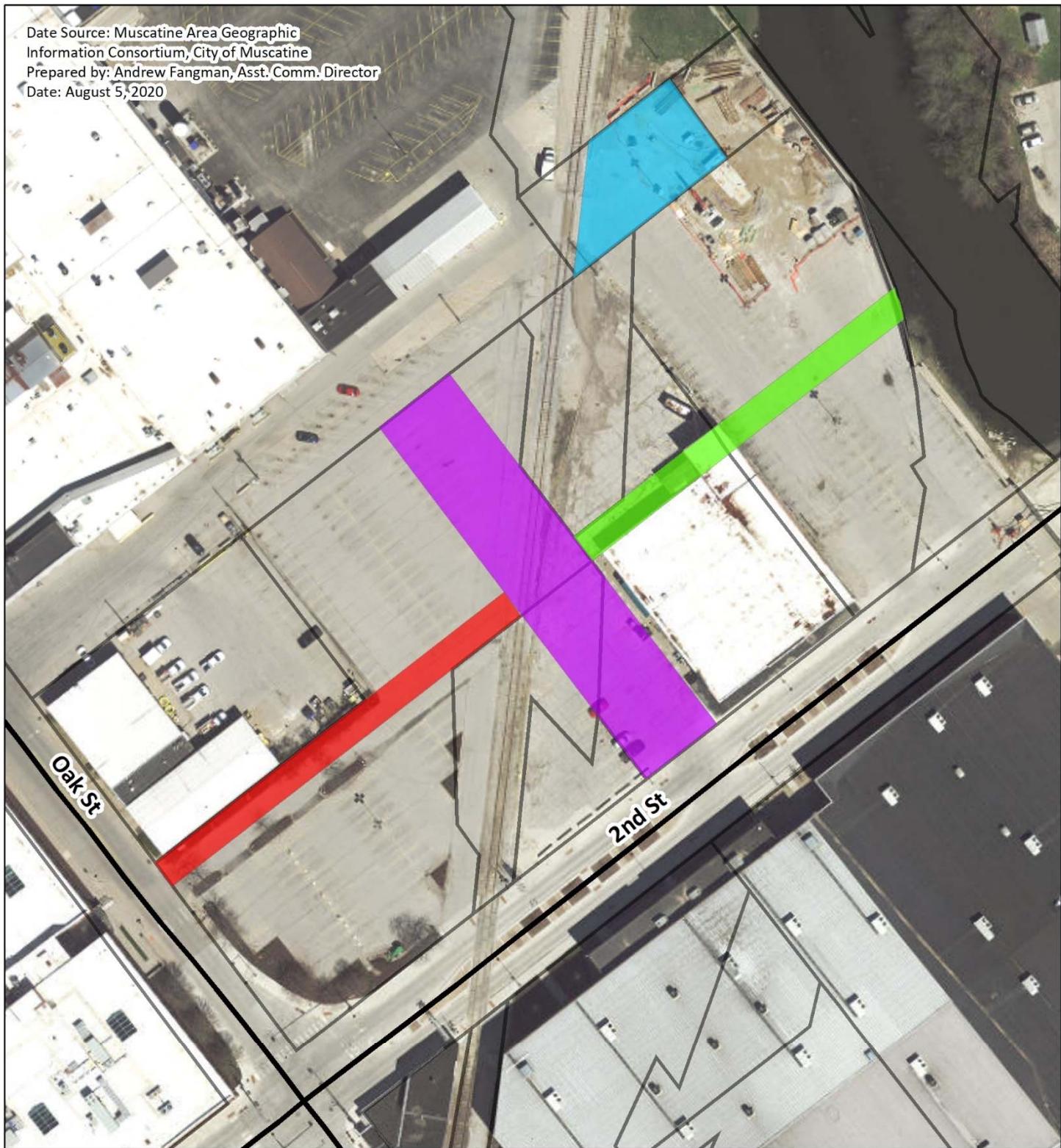
**BACKGROUND:** The subject right of way has long been functioning as privately owned vacated right of way, and were most likely vacated in the very beginning of the twentieth century. Examining Sanborn Fire Insurance Maps, which show in a very detailed way building footprints, building material, building use, lot lines, road widths and water facilities, show that private development began to occupy the subject right of way between 1899 and 1919 (*see relevant excerpts of these Sanborn maps on page 3*). The non-public use of the subject right of way has continued to present day. For decades the subject right of way has been incorporated into the legal descriptions found in the deeds to the adjoining lots, which are now owned by HNI. All this strongly indicates that this right of way vacated between 100 to 120 years ago.

However, there are no ordinances vacating this right of way, required step in conveying title to public right of way to a private party, on file with the Muscatine Recorder's Office. Nor was such ordinance located in search of records at City Hall, however City records covering this period time are organized in such a manner that searching for a record, without knowing exactly what year it occurred in, extremely difficult. While the most likely reason for the lack of such an ordinance not being on file at the recorder's office is that someone forgot to get it recorded, the lack of such a record means that it cannot be definitively said that these areas do not remain public right of way. For this reason, HNI is requesting that the City take action to vacate these areas of right of way.

The subject right of way has not been developed as public streets or alleys. HNI is the owner of the adjoining parcels, and no parcels owned by someone other than HNI can be accessed using the subject right of way.

**RECOMMENDATION/RATIONALE:** Staff recommends approval of this request. The right of way being proposed for vacation serve no useful public purpose, and was likely vacated over a century ago.

Date Source: Muscatine Area Geographic  
Information Consortium, City of Muscatine  
Prepared by: Andrew Fangman, Asst. Comm. Director  
Date: August 5, 2020



## MUSCATINE Right of Way Vacation PZROW-6

 Area A - Alley in Block 27

 Area B - Alley in Block 26

 Area C - A Portion of Spring St

 Area D - A Portion of 3rd Street

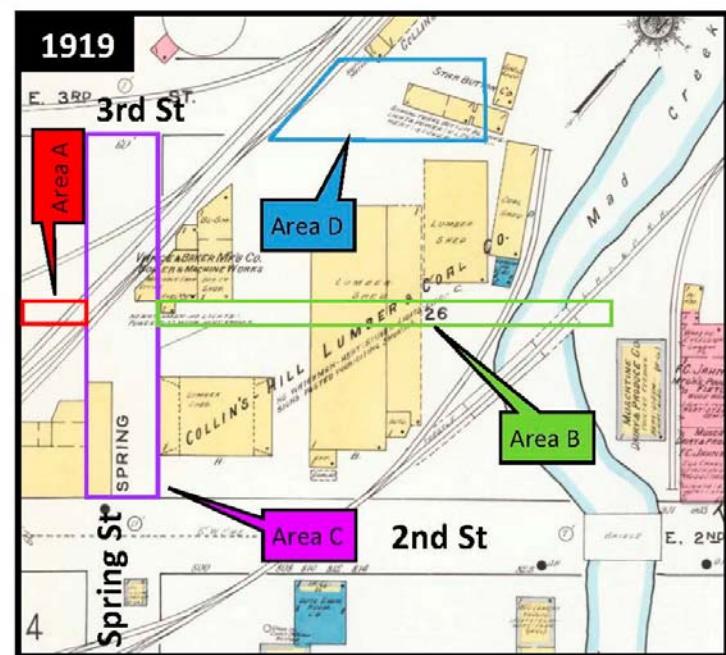
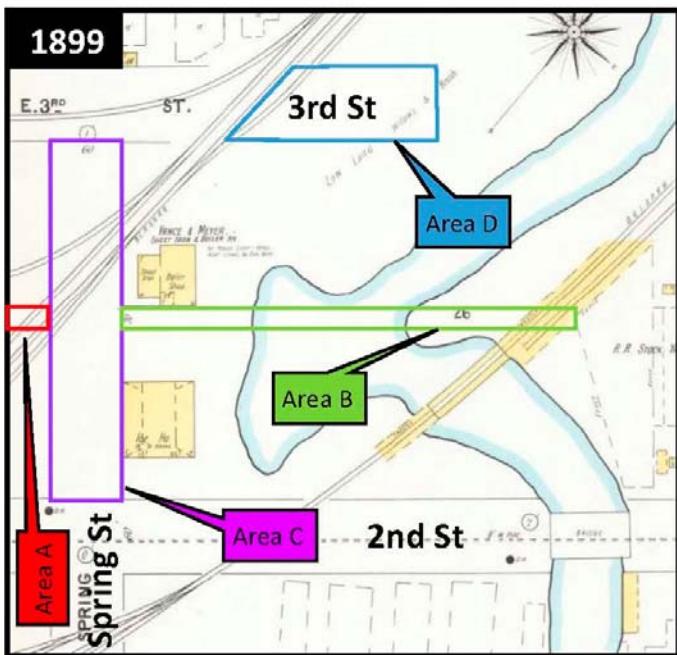
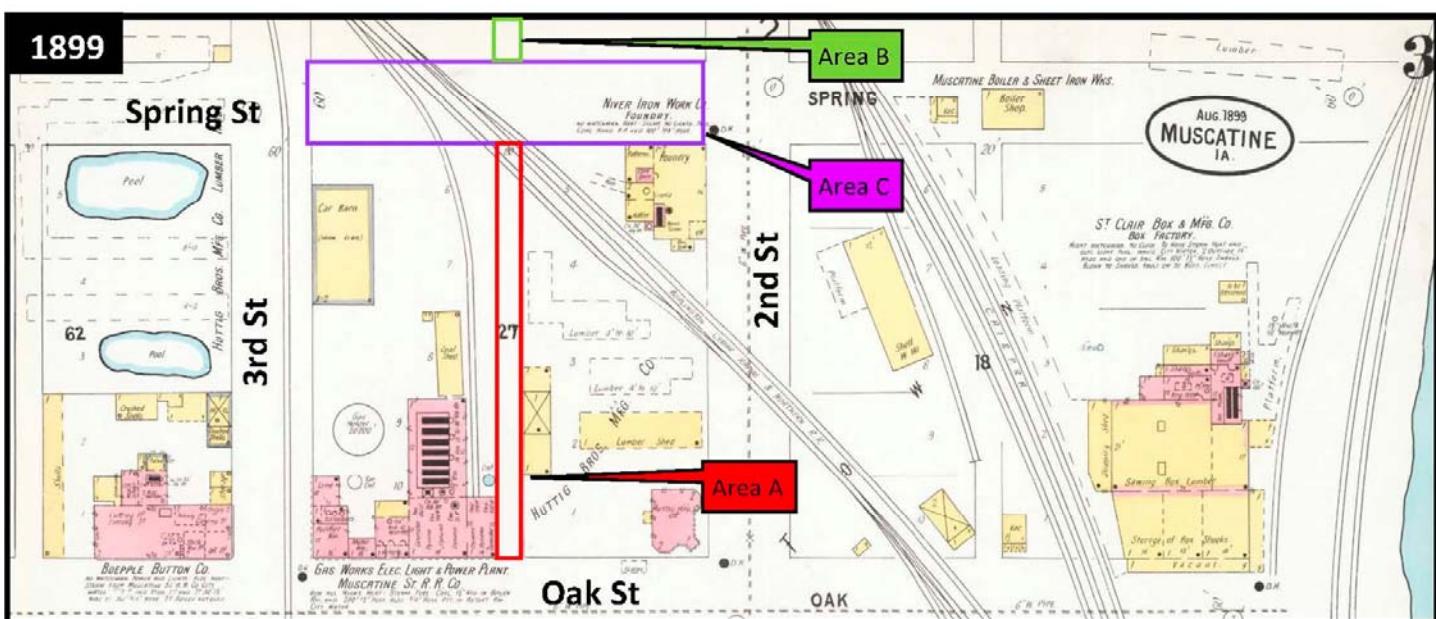
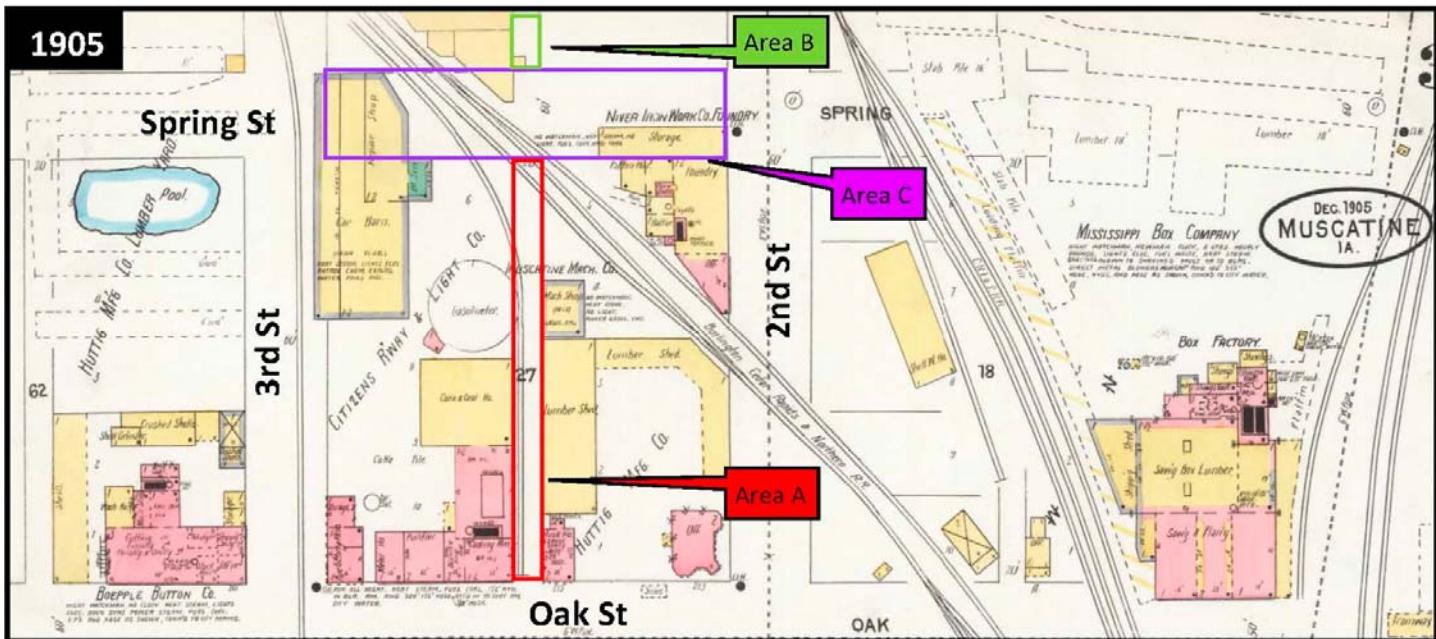
 Parcel Lines

0 20 40 80 120 160

 Feet

N

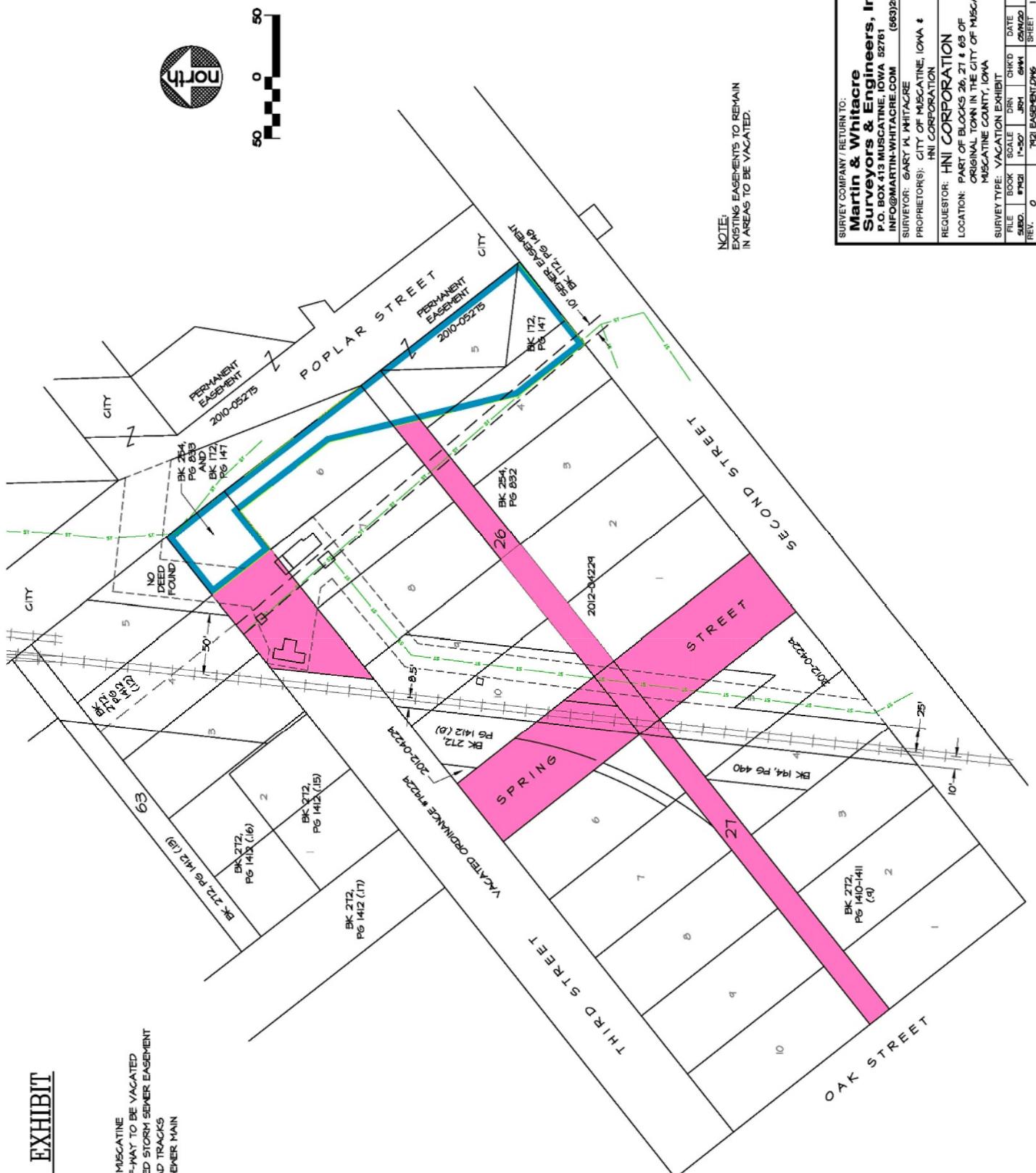




VACATION EXHIBIT

## LEGEND

**CITY OF MUSCATINE**      **RIGHT-OF-WAY TO BE VACATED**  
**PROPOSED STORM SEWER EASEMENT**  
**RAILROAD TRACKS**  
**STORM SEWER MAIN**



NOTE: EXISTING EASEMENTS TO REMAIN IN AREAS TO BE VACATED.

SURVEY COMPANY RETURN TO:						
<b>Martin &amp; Whitacre</b>						
<b>Surveyors &amp; Engineers, Inc.</b>						
P.O. BOX 413 MUSCATINE, IOWA 52761						
INFO@MARTIN-WHITACRE.COM						
PROPRIETOR(S): GARY W. WHITACRE						
SURVEYOR(S): CITY OF MUSCATINE, IOWA *						
HNI CORPORATION						
REQUESTOR: <b>HNI CORPORATION</b>						
LOCATION: PART OF BLOCKS 26-27 & 63 OF ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA						
SURVEY TYPE: VACATION EXHIBIT						
FILE #	BOOK	SCALE	DIST	CHKD	DATE	JOB NO.
SUBD.	SPC#	1"=30'	FEET	MM	05/20/04	742115
REV.						

DESCRIPTIONS TO BE VACATED FOR HNI –

BLOCK 27

ALL OF THE ALLEY IN BLOCK 27 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

BLOCK 26

ALL OF THE ALLEY IN BLOCK 26 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, EXCEPT FOR THAT PART CONVEYED TO THE CITY OF MUSCATINE AS DESCRIBED AT BOOK 172 PAGE 147, OFFICE OF THE RECORDER, MUSCATINE COUNTY, IOWA.

SPRING STREET

ALL OF SPRING STREET BETWEEN SECOND STREET AND THIRD STREET ADJACENT TO BLOCKS 26 AND 27 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

3<sup>RD</sup> STREET

ALL OF THIRD STREET ADJACENT TO BLOCKS 26 AND 63 OF THE ORIGINAL TOWN, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, EAST OF THAT PART PREVIOUSLY VACATED AND DESCRIBED AT ORDINANCE #79229 AND WEST OF THAT PART DESCRIBED AT BOOK 254 PAGE 833.