



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Mayor and City Council Members

Cc: Greg Jenkins, Interim City Administrator
Jodi Royal-Godwin, Community Development Director

Date: August 20, 2020

Re: Resolution Setting a Public Hearing on 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, located in an area bound by Oak Street, Mad Creek, 3rd Street, and 2nd Street. Specifically, 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 is requesting that the vacated right of way be deeded to HNI as the adjoining landowner.

BACKGROUND: The subject right of way has long been functioning as vacated and privately owned right of way. It was most likely vacated in the very beginning of the twentieth century. Examining Sanborn Fire Insurance Maps, 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 4*). 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. Additionally, in 1957, as part of a levee improvement project, the City reacquired a small portion of the alley right of way in Block 26, the deed to this transaction describing this alley having been previously vacated. All this strongly indicates that the right of way that is subject to this request was vacated between 100 to 120 years ago.

However, there are no ordinances vacating these areas right of way on file with the Muscatine Recorder's. An ordinance vacating public right of way is a required step in conveying title to public right of way to a private party, Office. Nor were any such ordinances 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. 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 recorded ordinance means that it cannot be definitively said that these areas do not remain public right of way to this day. To remove any potential doubt to their title to the subject area, HNI is requesting that the City take action to vacate these are of right of way and deed them to HNI as the adjoining landowner.

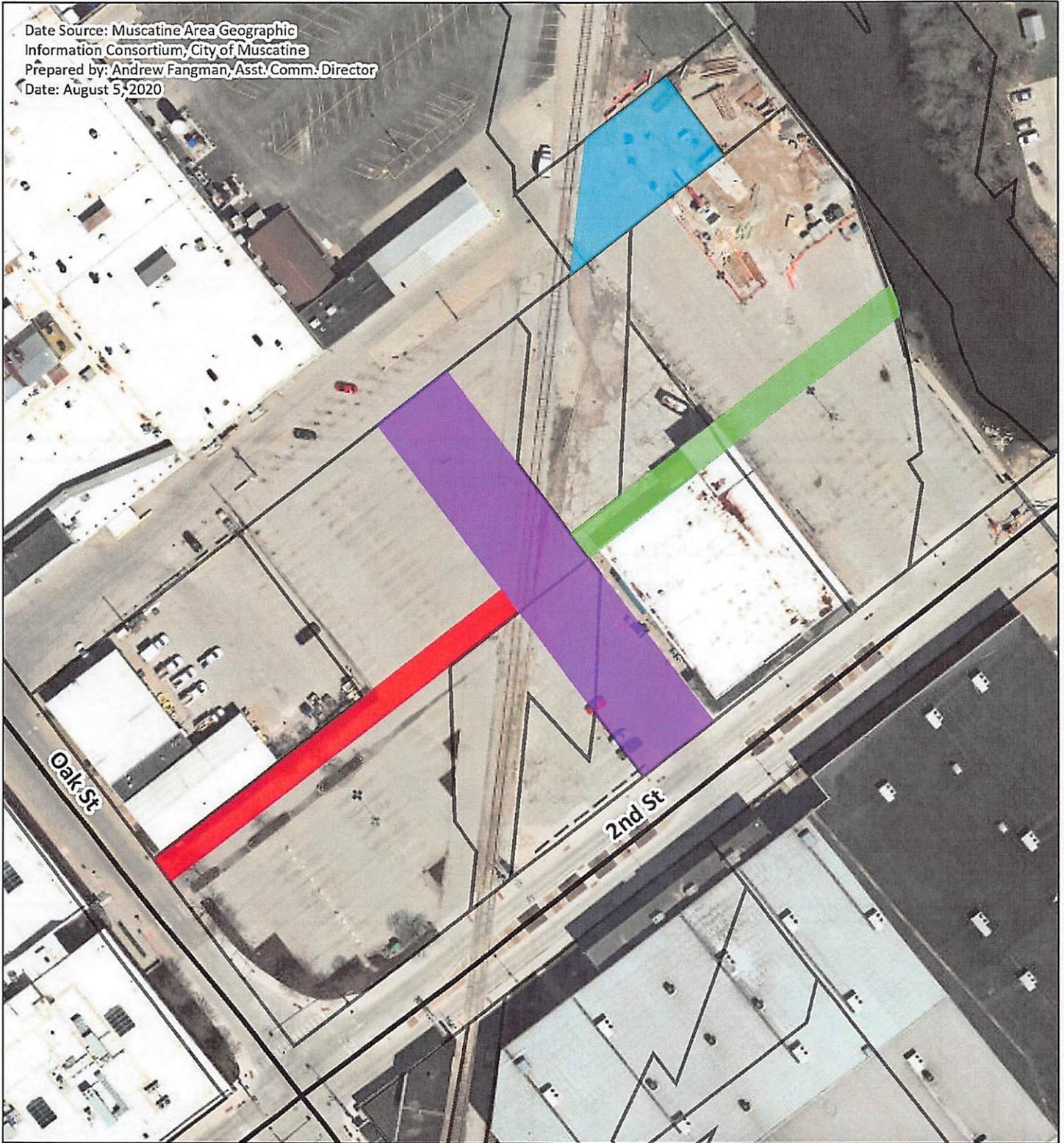
The subject right of way has not been developed as public streets or alleys. HNI is the owner of the adjoining parcels, and no parcels owned by someone other than HNI can be accessed using the subject right of way.

RECOMMENDATION/RATIONALE: 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

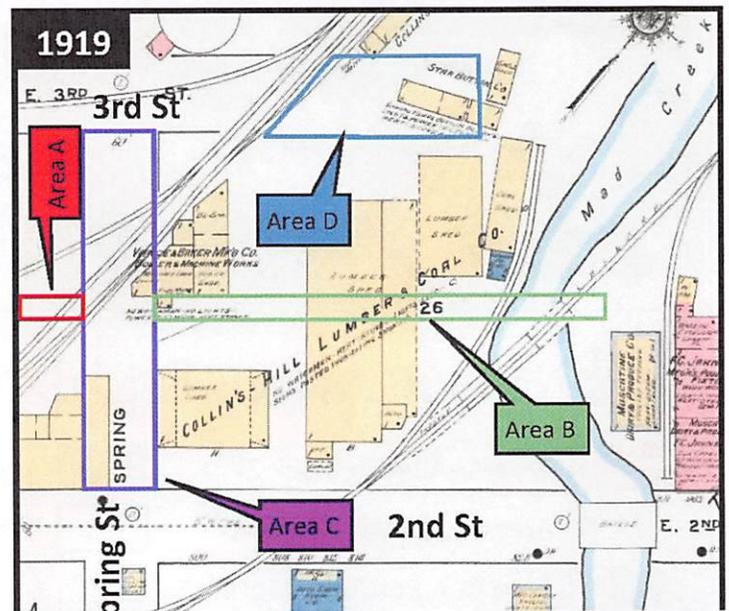
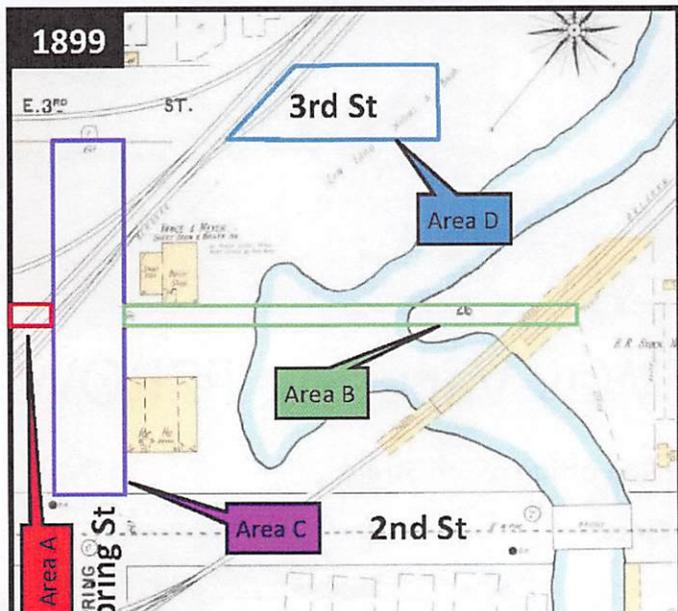
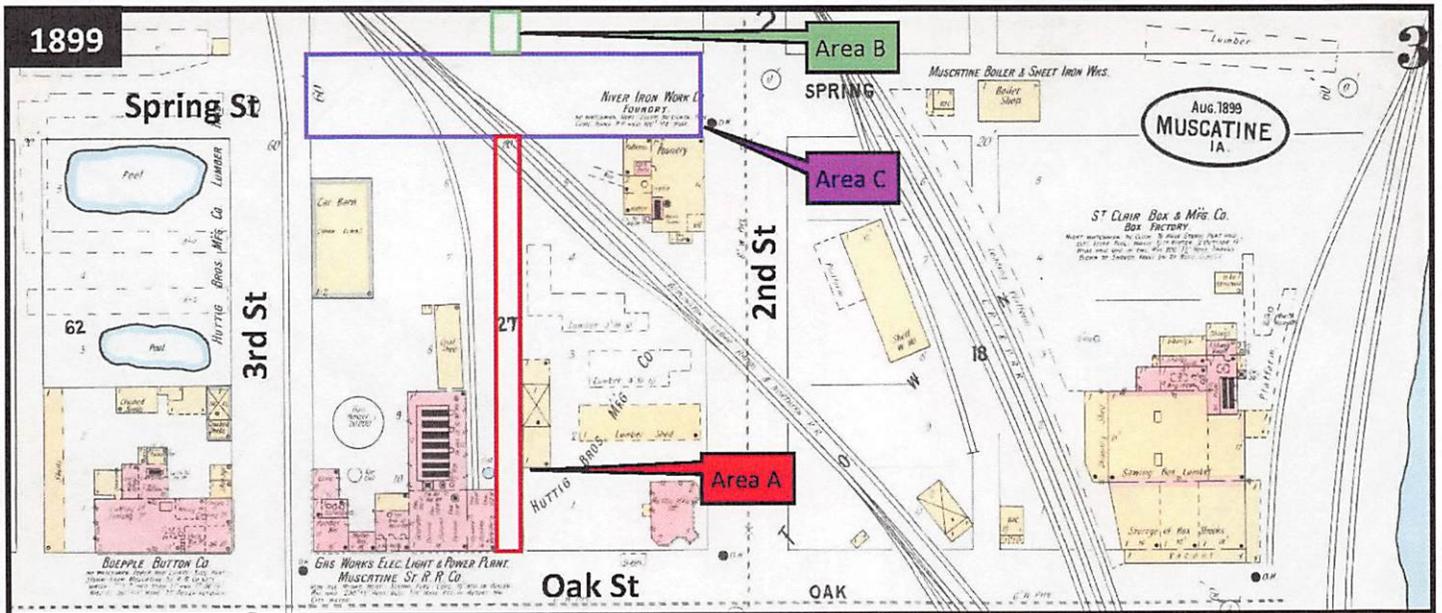
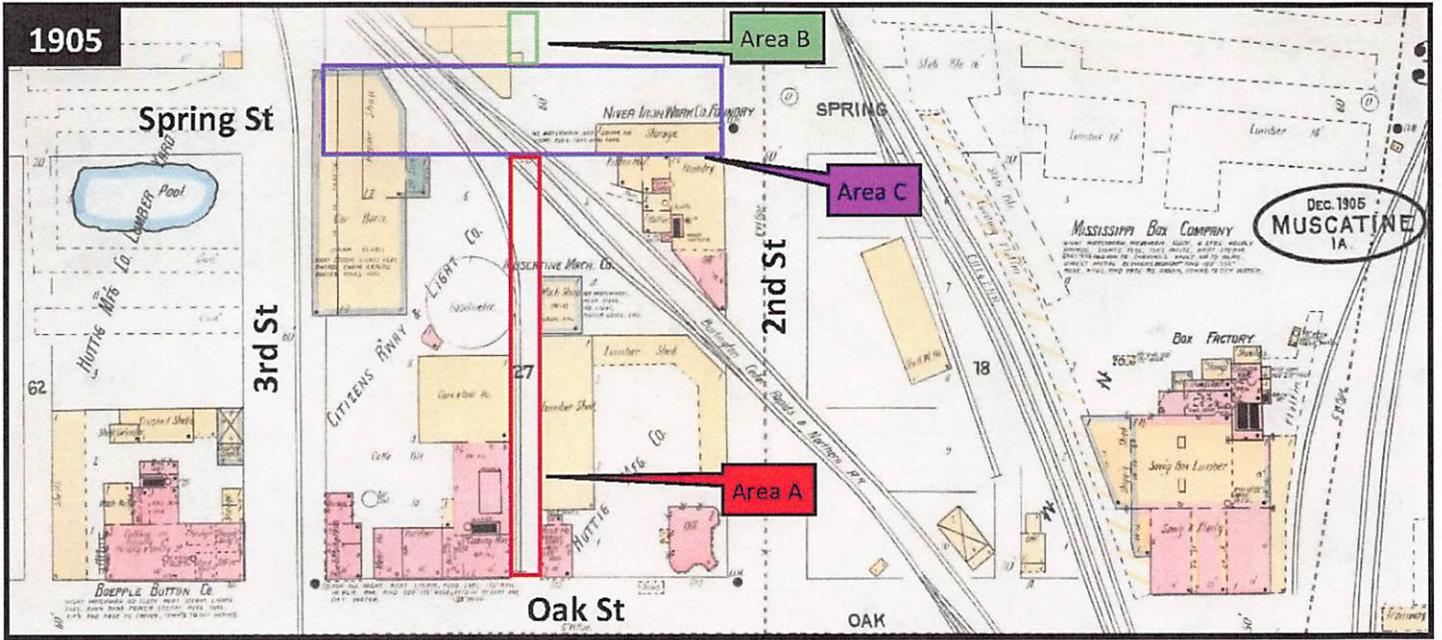
Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
Prepared by: Andrew Fangman, Asst. Comm. Director
Date: August 5, 2020



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

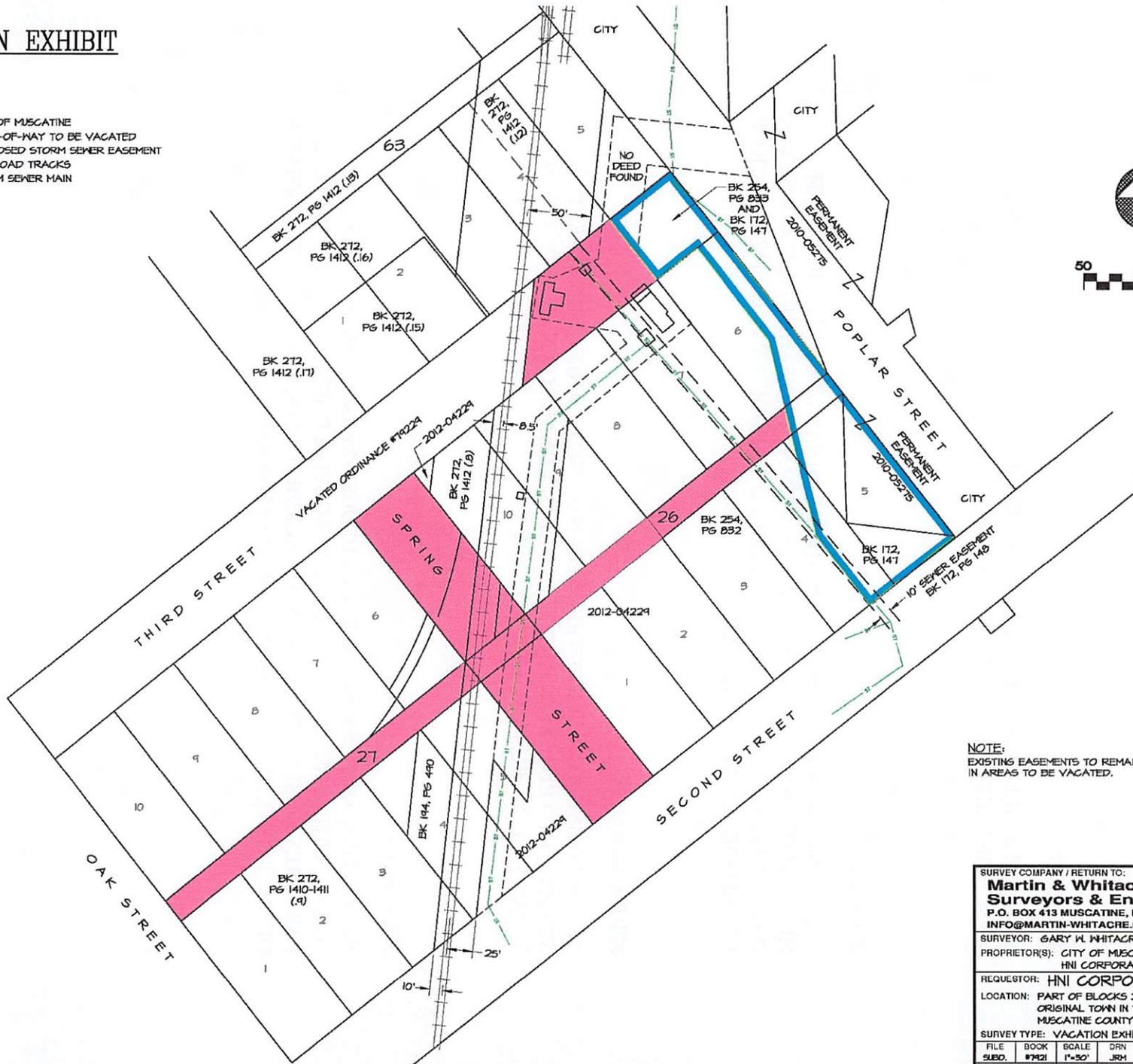




VACATION EXHIBIT

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:						
Martin & Whitacre						
Surveyors & Engineers, Inc.						
P.O. BOX 413 MUSCATINE, IOWA 52761						
INFO@MARTIN-WHITACRE.COM (563)283-7691						
SURVEYOR: GARY W. WHITACRE						
PROPRIETOR(S): CITY OF MUSCATINE, IOWA & HNI CORPORATION						
REQUESTOR: HNI CORPORATION						
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	DRN	CHK'D	DATE	JOB NO.
SUBD.	#7421	1"=30'	JRM	GHW	05/14/20	7421.05
REV.	0	7421 EASEMENT.DWG				SHEET 1 OF 1

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.

3RD 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.

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:

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.

and

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.

and

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

and

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

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 3, 2020, in the City Council Chambers in City Hall, Muscatine, Iowa.

Greg Jenkins
Interim City Clerk

M00003\2965\EXHIBIT A - Public Notice

RESOLUTION NO. 2020-0290

A RESOLUTION SETTING THE TIME AND PLACE TO CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE OF STREET AND ALLEY RIGHT-OF-WAY (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 IN BLOCK 27) 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:

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.

and

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.

and

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

and

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

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 3, 2020, 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 20th day of August, 2020.

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

Diana L. Broderson, Mayor

Attest:

Greg Jenkins, Interim City Clerk