

COMMUNITY DEVELOPMENT

MEMORANDUM

To: Planning and Zoning Commission
From: Andrew Fangman, Assistant Community Development Director
Date: October 13, 2020
Re: Right of Way Vacation – PZVROW-7 a Request by Midwest Property Holdings LLC to vacate the Undeveloped Lombard Street Right of Way Adjoining 1009 E. 6th Street

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

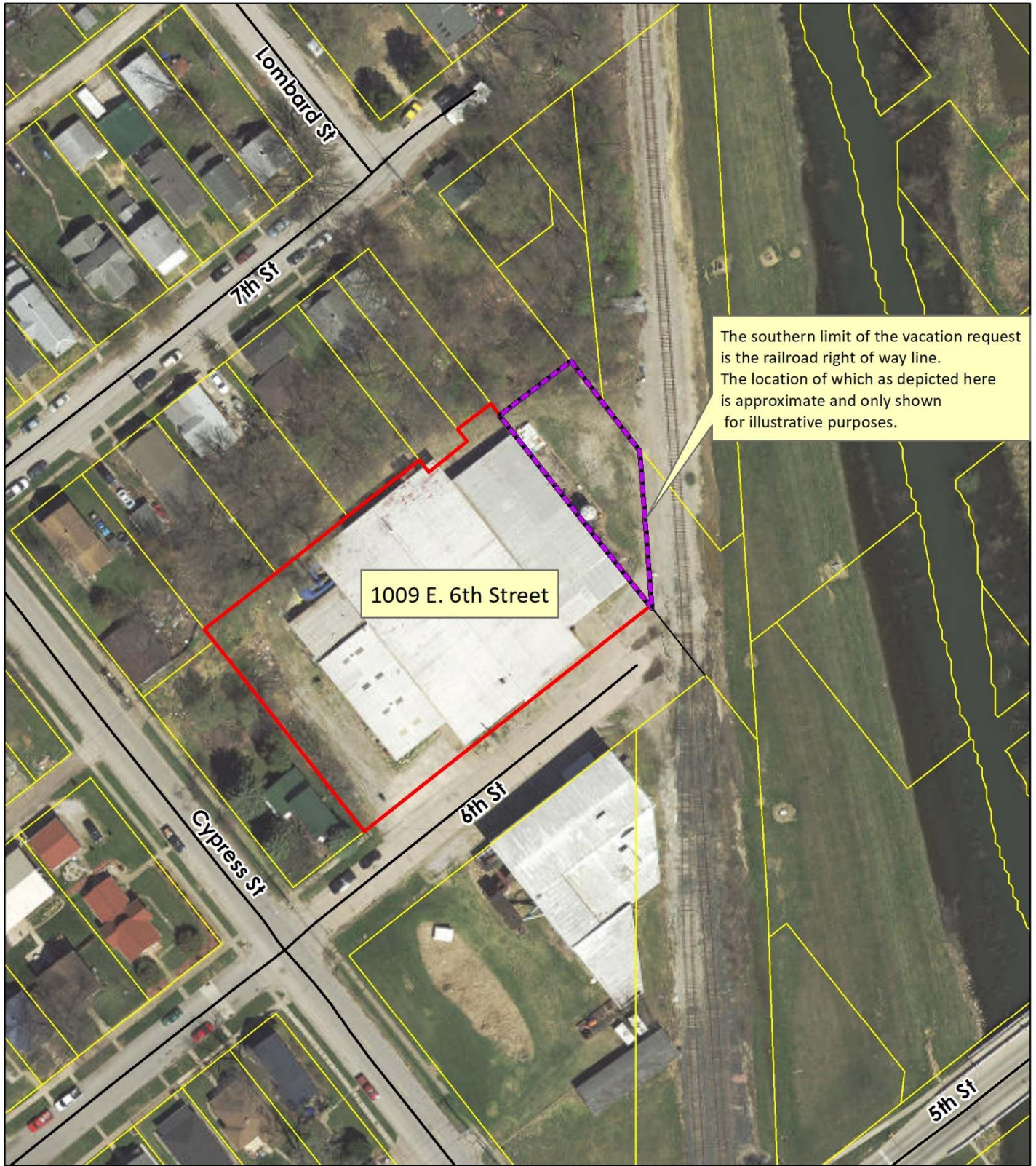
INTRODUCTION: Midwest Property Holdings LLC, whom recently purchased 1009 E. 6th Street, (the old Weber Button) is requesting that they City vacate then sell to them the portion of the undeveloped Lombard Street Right of Way that adjoins 1009 E. 6th Street.

BACKGROUND: In April of 2020, Midwest Property Holdings LLC, purchased 1009 E. 6th St from Weber and Sons Button Company, and has since been renovating this property. As part of this renovation Midwest Property Holdings LLC, desires to construct a canopy type structure, in order to provide for a protected storage area for snow removal equipment, on an existing concrete pad that adjoins the east side of the existing building.

However, the east wall of the existing building is concurrent with the property line, and the concrete slab in question is located within the Lombard Street right of way. This concrete slab was installed by the previous owner. Installation of a private improvement on public right of way was permitted by a lease by the City of this portion of the Lombard Street right of way. This lease was approved in 1951, and was for a 25-year term which expired in 1976. As this lease has expired the only way for Midwest Property Holdings LLC, to make their desired improvements to this right of way, is to either enter into a new lease with the City or to purchase it after it has been vacated. As such they are requesting that City vacate then sell this right of way.

The subject right of way has not been developed as public streets or alleys, and contains no public infrastructure. The adjoining property owner to the east is the Canadian Pacific Railroad. Improvements made by the prior property owner as part of the now expired lease remain on the right of way comprises this vacation request.

RECOMMENDATION/RATIONALE: Staff recommends approval of this request. The right of way being proposed for vacation serve no useful public purpose; the property owner of 1009 East 6th Street is only entity likely to ever have a use for this area. The sale of the right of way to Midwest Property Holdings LLC, will benefit the community by allowing for the continued redevelopment of 1009 E. 6th Street, which enhances the appearance of the area and grows the tax base.

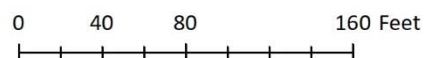


The southern limit of the vacation request is the railroad right of way line. The location of which as depicted here is approximate and only shown for illustrative purposes.

PZROWV-7 Lomabrd St Right of Way Adjacent to 1009 E. 6th Street

Legend

-  Lombard Street Right of Way Proposed for Vacation
-  Parcel Lines



Legal description of the right of way being requested to be vacated:

That portion of Lombard Street in the City of Muscatine, Iowa, between the north line of Sixth Street and the north alley line of Blocks One Hundred Eleven and One Hundred Twelve (111 & 112) of the Original Town, lying north of the Chicago, Rock Island and Pacific Railroad right-of-way