



City of Muscatine



AGENDA ITEM SUMMARY

DATE:10-15-20

City Council

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT:

Resolution Setting a Public Hearing on a Request by McKee Button Company to vacate Undeveloped Right of Way Located Behind 1000 Hershey Avenue.

EXECUTIVE SUMMARY:

This resolution would set a public hearing on the vacation and sale of the vacate the undeveloped right of way located behind 1000 Hershey Avenue, for November 5, 2020.

STAFF RECOMMENDATION

Staff recommends approval.

BACKGROUND/DISCUSSION

McKee Button Co, has submitted a request to vacate, and then deed over, the portion of the unimproved Front Street (Mississippi Drive) right of way that directly adjoins the rear of their property at 1000 Hershey Avenue. The majority of the Front Street right of way being requested for vacation was subject to a resolution (Public Document No. 9892) passed by City Council 1905, see attached, which vacated and deeded over to the adjoining property owner, the majority of Front Street (Mississippi Drive) right of that adjoins 1000 Hershey Avenue. However, the property owner that received this deed from the City 1905, failed to record it and no copies of it can currently be found. This lack of a recorded deed makes impossible to document with 100% certainty the current owner of the specific portion of the Front Street (Mississippi Drive) right of way. Additionally, McKee Button is requesting that the City vacate and then deed over the small part of the Front Street (Mississippi Drive) right of way retained by the City in 1905. Currently this stretch of right of way is occupied by a gravel driveway, solely used by McKee Button.

CITY FINANCIAL IMPACT

A onetime payment to the City for sale of right of way. A small increase in annual revenue as this property and improvements made upon it would be subject to property taxes.

ATTACHMENTS

1. Memo
2. Resolution Setting Public Hearing
3. Public Notice

COMMUNITY DEVELOPMENT

MEMORANDUM

To: Mayor and City Council Members

Cc: Carol Webb, City Administrator
Jodi Royal-Goodwin, Community Development Director

From: Andrew Fangman, Assistant Community Development Director

Date: October 15, 2020

Re: Resolution Setting a Public Hearing on a Request by McKee Button Company to vacate Undeveloped Right of Way Located Behind 1000 Hershey Avenue

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

INTRODUCTION: McKee Button Co, has submitted a request to vacate, and then deed over, the portion of the unimproved Front Street (Mississippi Drive) right of way that directly adjoins the rear of their property at 1000 Hershey Avenue

BACKGROUND: The majority of the Front Street right of way being requested for vacation was subject to a resolution (*Public Document No. 9892*) passed by City Council 1905, see attached, which vacated and deeded over to the adjoining property owner, the majority of Front Street (Mississippi Drive) right of that adjoins 1000 Hershey Avenue. However, the property owner that received this deed from the City 1905, failed to record it and no copies of it can currently be found. This lack of a recorded deed makes impossible to document with 100% certainty the current owner of the specific portion of the Front Street (Mississippi Drive) right of way. If approved this request would allow for the City to issue a new deed, in the name of the current adjoining property, which would resolve this issue.

Additionally, McKee Button is requesting that the City vacate and then deed over the small part of the Front Street (Mississippi Drive) right of way retained by the City in 1905. Currently this stretch of right of way is occupied by a gravel driveway, solely used by McKee Button.

The subject right of way has not been developed as public streets or alleys, and contains no public infrastructure. In portion that was subject of the 1905 of City Council resolution numerous buildings and structures have been constructed since 1905. The adjoining property to south is owned by the Canadian Pacific Railroad.

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, to occur on November 5, 2020, in regards to the proposed right of way vacation.



PVROW-8 Proposed Vacation of Right of Way Behind 1000 Hershey Avenue

-  Front Street (Mississippi Dr) Right of Way Proposed for Vacation)
-  Right of Way Explicitly Retained by the City in 1905 as Front Street
-  Right of Way Subject Vacation Resolution in 1905
-  McKee Button Property - 1000 Hershey Ave
-  Parcel Lines

0 60 120 240 Feet



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

A STRIP OF LAND ADJACENT TO BLOCK 2 IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2; THENCE SOUTH 88°07'01" EAST 125.08 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF HERSHEY AVENUE EXTENDED TO THE APPARENT NORTHERLY RIGHT-OF-WAY OF THE IOWA CHICAGO & EASTERN RAILROAD; THENCE SOUTH 53°17'56" WEST 536.51 FEET ALONG SAID RIGHT-OF-WAY TO THE WEST LINE OF SAID BLOCK 2 EXTENDED; THENCE NORTH ALONG SAID LINE NORTH 01°34'52" EAST 96.09 FEET TO THE SOUTHWEST CORNER OF BLOCK 2; THENCE NORTH 52°54'32" EAST 379.22 FEET ALONG THE SOUTHERLY LINE OF BLOCK 2 TO THE POINT OF BEGINNING, CONTAINING 0.807 ACRES, MORE OR LESS.

RESOLUTION

Directing the Mayor and City Recorder to Execute, Seal and Deliver a Certain Quit Claim Deed to the Hershey Lumber Company.

Whereas, A certain deed of release and conveyance has been tendered to the City by the Hershey Lumber Company, conveying to said City certain ground necessary to widen Green Street, also for an extension of Busch and Pearl Streets, Bismark Avenue and the alley in Block Thirty (30), and as a part of Mill Street, and as a part of Front Street, for loading purposes:

And, Whereas, Said grant by said company was upon the condition that the City release and quit claim to the said Hershey Lumber Company, certain grounds which were formerly in the bed of Muscatine Slough, and also a portion of the ground lying South of Block Two (2) in the City of Muscatine, Iowa.

Therefore, be it resolved by the City Council of the City of Muscatine, that the Mayor and City Recorder be, and they are hereby directed to execute in behalf of said City, the certain deed of release herewith presented; the same to be delivered to said Hershey Lumber Company on receipt of the deed from said Hershey Lumber Company to the City, properly executed and acknowledged.

Adopted and approved this 17th day of April, 1905.

P. H. Mutt

Mayor.

Attest:

Charles W. W.

City Recorder.

d. t.

and attached to same
which have been so binding
recorder's copy

Public Document
Index No.
9893
CITY RECORDER'S OFFICE,
Muskegon, Iowa.

RESOLUTION

RESOLUTION NO. 2020-0345

**A RESOLUTION SETTING THE TIME AND PLACE TO
CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE
OF STREET RIGHT-OF-WAY (STREET RIGHT OF WAY LOCATED BEHIND
1000 HERSHEY AVENUE, MCKEE BUTTON)**

WHEREAS, a request has been to vacate and then sell a portion of street 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 portion of the right of way that is described as follows:

A STRIP OF LAND ADJACENT TO BLOCK 2 IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2, THENCE SOUTH 88°07'01" EAST 125.08 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF HERSHEY AVENUE EXTENDED TO THE APPARENT NORTHERLY RIGHT OF WAY OF THE IOWA CHICAGO & EASTERN RAILROAD; THENCE SOUTH 53°17'56" WEST 536.51 FEET ALONG SAID RIGHT-OF WAY TO THE WEST LINE OF SAID BLOCK 2 EXTENDED; THENCE NORTH ALONG SAID LINE NORTH 01°34'52" EAST 96.09 FEET TO THE SOUTHWEST CORNER OF BLOCK 2; THENCE NORTH 52°54'32" EAST 379.22 FEET ALONG THE SOUTHERLY LINE OF BLOCK 2 TO THE POINT OF BEGINNING, CONTAINING 0.807 ACRES, MORE OR LESS.

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 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, November 5, 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 15th day of October, 2020.

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

Diana L. Broderon, Mayor

Attest:

Carol Webb, City Clerk

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:

A STRIP OF LAND ADJACENT TO BLOCK 2 IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2, THENCE SOUTH 88°07'01" EAST 125.08 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF HERSHEY AVENUE EXTENDED TO THE APPARENT NORTHERLY RIGHT OF WAY OF THE IOWA CHICAGO & EASTERN RAILROAD; THENCE SOUTH 53°17'56" WEST 536.51 FEET ALONG SAID RIGHT-OF WAY TO THE WEST LINE OR SAID BLOCK 2 EXTENDED; THENCE NORTH ALONG SAID LINE NORTH 01°34'52" EAST 96.09 FEET TO THE SOUTHWEST CORNER OF BLOCK 2; THENCE NORTH 52°54'32" EAST 379.22 FEET ALONG THE SOUTHERLY LINE OF BLOCK 2 TO THE POINT OF BEGINNING, CONTAINING 0.807 ACRES, MORE OR LESS..

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, November 5, 2020, in the City Council Chambers in City Hall, Muscatine, Iowa.

Carol Webb
City Clerk

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