



City of Muscatine



AGENDA ITEM SUMMARY

DATE:11-5-20

City Council

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT:

An ordinance vacating undeveloped right of way located behind 1000 Hershey Avenue.

EXECUTIVE SUMMARY:

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

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

BACKGROUND/DISCUSSION

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 in 1905, see attached. This resolution vacated and deeded over to the adjoining property owner the majority of Front Street (Mississippi Drive) right-of-way that adjoins 1000 Hershey Avenue. However, the property owner that received this deed from the City in 1905, failed to record it and no copies of it can currently be found. This lack of a recorded deed makes it 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 resolving 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 that is solely used by McKee Button.

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

The proposed purchase price of \$250 is the standard amount used in the recent disposal of right of way that only has value to the adjoining property owner. This price covers the City's costs of processing the transaction, and makes the purchase of unneeded right-of-way

attractive to adjoining property, which benefits the City by adding such real estate and any subsequent improvements to the tax rolls.

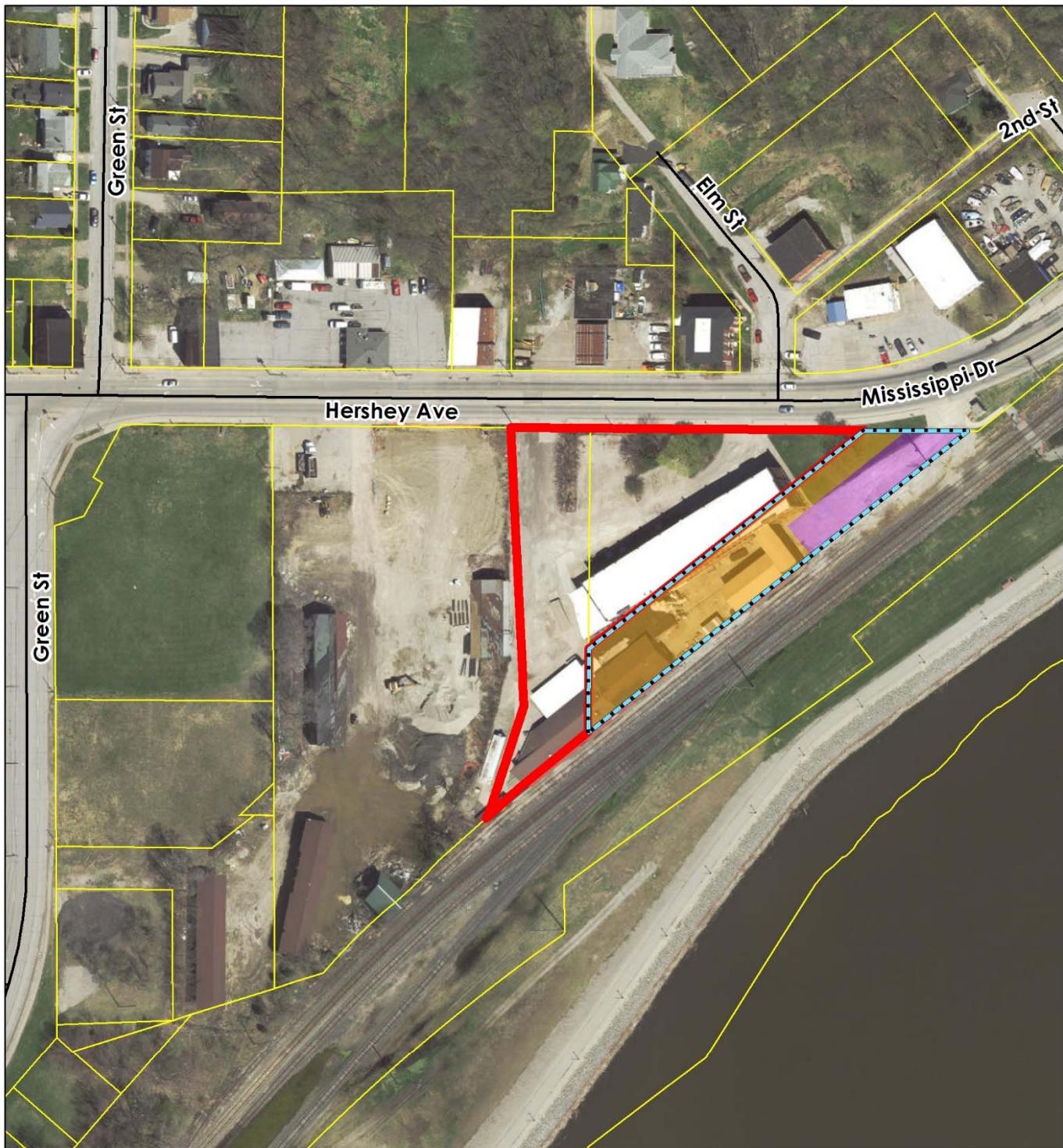
Easements to accommodate existing public infrastructure will be created as part of this vacation if it is approved.

CITY FINANCIAL IMPACT

The financial impact of this action will be positive. The applicant will cover transactional costs. The vacation will make the property and any future improvements upon it subject to property tax.

ATTACHMENTS

1. Map
2. Ordinance



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



RESOLUTION

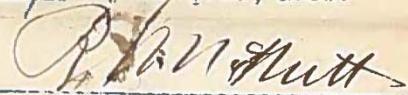
Directing the Mayor and City Recorder to Execute, Seal and Deliver a Certain Quit Claim Deed to the Hershey Lumber Company.

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.

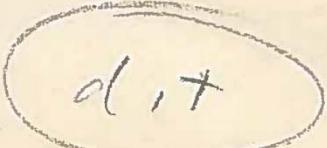


Mayor.

Attest:


G. L. Clark

City Recorder.


A. L. T.

Public Document
Index No. 989
CITY RECORDER'S OFFICE,
Muscatine, Iowa.

MOTION

ORDINANCE NO. 2020-0362

**AN ORDINANCE VACATING RIGHT-OF-WAY (LOCATED BEHIND 1000
HERSHEY AVENUE, MCKEE BUTTON)**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on October 13, 2020 and recommended approval of the vacation of a certain right of way located behind 1000 Hershey Avenue in the City of Muscatine, Iowa; and

WHEREAS, the City Council of the City of Muscatine, on November 5, 2020, conducted a public hearing on said vacation request.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA, AS FOLLOWS:**

Section I. The following described real estate be vacated by the City of Muscatine, 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 HERSEY 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.

Vacation and Easement Plats are hereto attached as Exhibits A & B

Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

PASSED, APPROVED AND ADOPTED this 5th day of November, 2020.

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

Diana Brodersen, Mayor

Attest:

Carol Webb, City Clerk

1st Reading _____
2nd Reading _____
3rd Reading _____

R2W

SANITARY SEWER **FORCE MAIN EASEMENT**

ELEM
STREFE

TEN

HERSHEY AVENUE

B T K

(M C K E E
B U T T O N

C O.

LEGEND

- SET 1/2" X 36" REBAR WITH
YELLOW CAP #10316
- FOUND 1" PIPE
- (SAN) SANITARY SEWER MANHOLE
- // FENCE
- SAN-FM — SANITARY FORCE MAIN
- SAN-G — ABANDONED SANITARY MAIN
- (NAME) ADJACENT PROPERTY OWNER

SANITARY SEWER EASEMENT DESCRIPTION -

A PART OF THE VACATED FRONT STREET RIGHT-OF-WAY, ADJACENT TO BLOCK 2 IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF HERSHY AVENUE AND THE APPARENT NORTHERLY RIGHT-OF-WAY OF THE IOWA CHICAGO & EASTERN RAILROAD; THENCE SOUTH $53^{\circ}17'56''$ WEST 20.52 FEET ALONG SAID RIGHT-OF-WAY; THENCE NORTH $37^{\circ}38'39''$ WEST 16.59 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HERSHY AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH $88^{\circ}07'01''$ EAST 26.60 FEET TO THE POINT OF BEGINNING, CONTAINING 170 SQUARE FEET.

PROPOSED SANITARY EASEMENT
AREA = 170 SQ. FT.

S 88°07'01" E 98.48'

N 37°38'39" W 16.59'

W. MISSISSIPPI DRIVE (FRONT STREET)

PUMP HOUSE

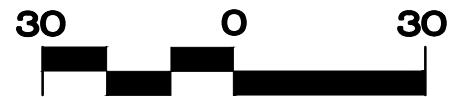
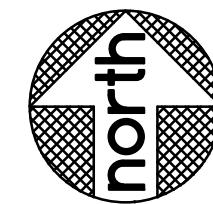
P.O.B.

EASTERN CORPORATION

IOWA CHICAGO RAILROAD

SANITARY SEWER EASEMENT DESCRIPTION

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BASIS OF BEARINGS
IOWA REGIONAL COORDINATE SYSTEM
ZONE 14

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.

under the laws of the State of Iowa.

Gary W. Whitacre

Date 10/28/20 Reg. No. 10316

My license renewal date is December 31, 2021

Pages or sheets covered by this seal: 1

**SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, Inc.**

Surveyors & Engineers, Inc.
P.O. BOX 413 MUSCATINE IOWA 52761

INFO@MARTIN-WHITACRE.COM

SURVEYOR: GARY W. WHITACRE

PROPRIETOR(S): MCKEE BUTTON CO.

REQUESTOR: CITY OF MUSCATINE

LOCATION: BLOCK 3 OF 21 IN THE

FILE BOOK SCALE DRN CHKD DATE JOB NO.
 SUBD. CITY #49 1"=30' JRM GWM 10/28/20 8540.20
 REV. 0 8540 EASEMENT.DWG SHEET OF 1

