



City of Muscatine



AGENDA ITEM SUMMARY

DATE:11-19-20

City Council

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT

Ordinance Vacating a Portion of the Undeveloped Lombard Street Right-of-Way Adjoining 1009 East 6th Street &

Resolution Executing Deed to Convey the Vacated Right-of-way to the Adjoining Property Owner, Midwest Property Holdings LLC

EXECUTIVE SUMMARY

Midwest Property Holdings LLC is requesting that the City vacate and sell to them the portion of the undeveloped Lombard Street right-of-way that adjoins 1009 East 6th Street, which the company owns.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance, and the subsequent resolution to execute the deed to convey the vacated right-of-way to Midwest Property Holdings LLC.

BACKGROUND/DISCUSSION

In April 2020, Midwest Property Holdings LLC purchased 1009 East 6th Street from Weber and Sons Button Company and has since been renovating this property. As part of the project Midwest Property Holdings LLC desires to construct a canopy type structure to provide 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. In order for Midwest Property to erect the desired structure they will need to lease this right-of-way. The City previously leased this right-of-way to the former owner of 1009 East 6th Street, the existing improvements were made by the previous owner under the lease that expired in 1976.

The subject right-of-way has not been developed as a public street, 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 subject to this vacation request.

The proposed purchase price of \$250 is the standard amount used in recent disposal of right-of-way that only has value to the adjoining property owner. This price covers the City's costs to process the transaction and makes the purchase of unneeded right-of-way attractive to adjoining property owners, which benefits the City by adding such real estate and any subsequent improvements to the tax rolls.

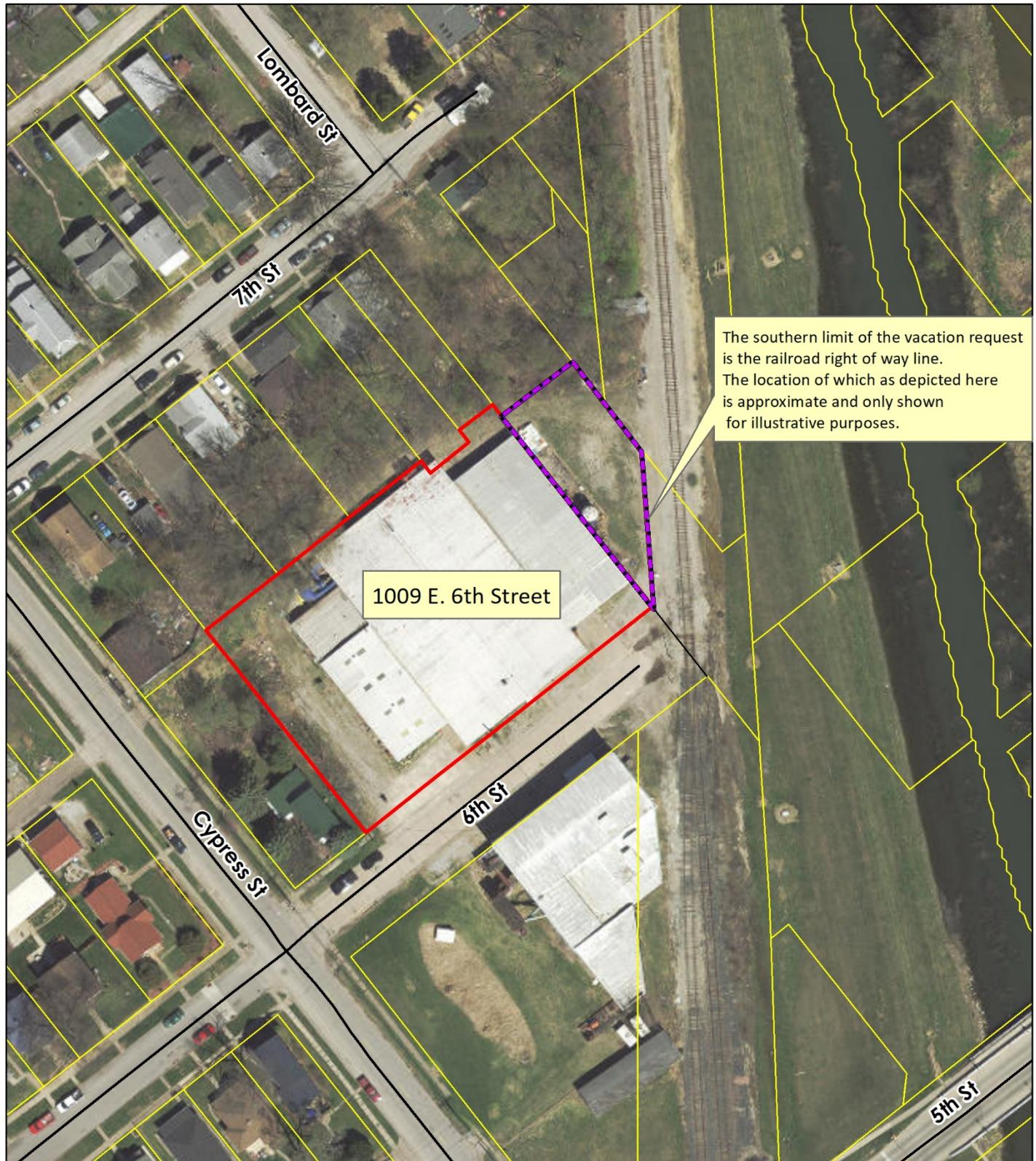
With approval of the final reading of the ordinance vacating this right-of-way, it is then necessary for council to approve a resolution directing for the Mayor and City Clerk to sign the deed conveying this right-of-way to Midwest Property Holdings LCC, the adjoining property owner

CITY FINANCIAL IMPACT

Approval of this action would result in small increase in revenue. The applicant will cover transactional costs. The vacation will make the property and any future improvements made upon it subject to property tax.

ATTACHMENTS

1. Map
2. Ordinance vacating right-of-way
3. A Resolution Conveying Vacated Right-of-Way to Midwest Property Holdings LLC
4. Deed to Midwest Property Holdings LLC



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

Legend

Lombard Street Right of Way Proposed for Vacation

Parcel Lines

0 40 80 160 Feet



ORDINANCE NO. 2020-0361

**AN ORDINANCE VACATING THE PORTION OF LOMBARD STREET RIGHT
OF WAY THAT ADJOINS 1009 EAST 6TH STREET**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on October 13, 2020 recommended approval of the vacation of a portion of the Lombard street right-of-way by 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:

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.

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 19th day of November, 2020.

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

Diana Brodersen, Mayor

Attest:

Carol Webb, City Clerk

1st Reading: November 5, 2020

2nd Reading: November 12, 2020

3rd Reading: November 19, 2020

RESOLUTION NO. 2020- 0389

**A RESOLUTION CONVEYING A VACATED PORTION OF THE LOMBARD
STREET RIGH-OF-WAY WHICH ADJOINS 1009 EAST 6TH STREET TO
MIDWEST PROPERTY HOLDINGS LLC**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on October 13, 2020, recommended approval of the vacation and conveyance of the Lombard Street right-of way, as specifically describe elsewhere in this resolution, to the adjoining property owner, Midwest Property Holdings LLC; and

WHEREAS, due notice of said proposal to vacate and convey said right-of-way and to further convey said vacated right-of-way to the adjoining property owner was given as provided for by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Muscatine, Iowa at public hearing held on November 5, 2020; and

WHEREAS, said right-of-way was vacated by Ordinance on November 19, 2020; and

WHEREAS, Midwest Property Holdings LLC is the adjoining property for the portion said vacated right-of-way described as follows:

**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.**

WHEREAS, it the intent of the City to convey said vacated right-of-way to Midwest Property Holdings LLC.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA, as follows:**

1. The City of Muscatine, Iowa, will sell and convey its rights, title, and interest in and to the real property as described in the copy of the deed attached to this Resolution marked Exhibit A to Midwest Property Holdings LLC for \$250.00.
2. The deed will be in the name of the City of Muscatine, Iowa; will be signed by the Mayor and attested by the City Clerk; and will be in substantially the same form as the copy of the deed attached as Exhibit A to this Resolution.
3. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2020.

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

Diana L. Broderson, Mayor

Attest:

Carol Webb, City Clerk

Prepared by: Andrew Fangman, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: McKee Button Co., PO Box 230, Muscatine, IA 52761-0004

WARRANTY DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to McKee Button Co. all its right, title, and interest in the following real property in 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 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.

Exempt from transfer tax per Iowa Code Section 428A.2(21).

The City covenants with the grantee, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, though, or under the City.

IN WITNESS WHEREOF, the City of Muscatine, Iowa, has caused this instrument to be executed in its corporate name by its Mayor and City Clerk and its seal to be affixed on November 19, 2020.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____

Diana L. Broderson
Mayor

ATTEST:

Carol Webb
City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2020, by Diana L. Broderson and Carol Webb as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

Cinda Hilger, Notary Public in and for the State of Iowa