



City of Muscatine



AGENDA ITEM SUMMARY

DATE:12-17-20

City Council

STAFF

April Limburg, Planner 1

SUBJECT:

A Resolution Setting a Public Hearing to Consider Vacating and Deeding Unimproved Alley Right of Way to an Adjacent Property Owner

EXECUTIVE SUMMARY:

Millwork Properties, LLC has submitted a request to vacate, and then deed over, the unimproved alley right of way that directly adjoins the rear of their property at 1103 Musser Street. A public hearing is required before City Council may act on this request.

STAFF RECOMMENDATION

The Planning and Zoning Commission recommended approval of vacating the undeveloped alley right of way at there meeting on November 9, 2020. Staff recommends the attached resolution setting a public hearing for January 7, 2021 at 7:00 pm during the regular meeting of City Council.

BACKGROUND/DISCUSSION

Jeff Sorenson, Managing Partner of Millwork Properties, LLC filed a right of way vacation for all of the alley between Brier and Musser Street (see attached map). The alley is currently unimproved. Upon approval of vacation, Millwork Properties would like to purchase the property from the City of Muscatine. The property owners to the South have indicated, they do not wish to acquire any of the right of way.

CITY FINANCIAL IMPACT

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

ATTACHMENTS

1. Resolution
2. Public Notice
3. Map

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE TO
CONDUCT A PUBLIC HEARING TO CONSIDER THE VACATION AND SALE
OF THE ALLEY RIGHT OF WAY IN BLOCK 7 OF GEORGE SMALLEY'S
ADDITION OF THE CITY OF MUSCATINE, IOWA**

WHEREAS, a request to vacate and then sell unimproved alley right-of-way adjoining 1103 Musser St which is situated within in the City of Muscatine, Iowa has been submitted; and

WHEREAS, at their November 10, 2020 the Planning and Zoning Commission of the City of Muscatine recommended approval of; the vacation of alley right of way that is described as follows:

ALL OF THE 20' ALLEYWAY LYING NORTHWESTERLY AND ADJACENT TO LOTS 1, 2, 3, 4, 5, 6 & 7 AND SOUTHEASTERLY AND ADJACENT TO LOTS 8, 9, 10, 11, 12, 13 & 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDTION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY IOWA. SAID PARCEL CONTAINS A PUBLIC UTILITY EASEMENT AND INCLUDES PARCEL "EE" AS SHOWN ON A SURVEY RECORDED AS DOCUMENT 2012-02246 IN THE OFFICE OF THE MUSCATINE COUNTY RECORDER.

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, January 7, 2021, during the regular City Council meeting. Public participation will be electronic. 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 17th day of December, 2020.

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

Diana L. Broderson, Mayor

Attest:

Carol Webb, City Clerk

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA:

You are notified that the City of Muscatine will hold a public hearing on the 7th day of January, 2021 at 7:00 pm on a proposal to vacate and then sell the following unimproved alley right of way in the City of Muscatine, Muscatine County, Iowa, to adjoining property owner, said right of way adjoining 1103 Musser Street more particularly described as;

ALL OF THE 20' ALLEYWAY LYING NORTHWESTERLY AND ADJACENT TO LOTS 1, 2, 3, 4, 5, 6 & 7 AND SOUTHEASTERLY AND ADJACENT TO LOTS 8, 9, 10, 11, 12, 13 & 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY IOWA. SAID PARCEL CONTAINS A PUBLIC UTILITY EASEMENT AND INCLUDES PARCEL "EE" AS SHOWN ON A SURVEY RECORDED AS DOCUMENT 2012-02246 IN THE OFFICE OF THE MUSCATINE COUNTY RECORDER.

You are further notified that oral or written statements in support of or opposition to the proposed vacation and sale of real property may be made during a public hearing. The hearing will be held during the regular Muscatine City Council meeting. Public participation will be electronic. The GoToMeeting link and call in information will be published on the official agenda at the City's website no later than January 4, 2021. Following such hearing, the Muscatine City Council may take action on said proposal without further notice or opportunity for hearing.

If you are a person requiring a special accommodation for a disability or language barrier, please contact the City at 563-262-4141 at least three (3) business days in advance of the meeting date.

Carol Webb
City Clerk



Right of Way Vacation (PZVROW-9)

Legend

- BrierMusserAlleyRoW
- Parcels



Proposed legal description

ALL OF THE 20' ALLEYWAY LYING NORTHWESTERLY AND ADJACENT TO LOTS 1, 2, 3, 4, 5, 6 & 7 AND SOUTHEASTERLY AND ADJACENT TO LOTS 8, 9, 10, 11, 12, 13 & 14 IN BLOCK 7 OF GEORGE SMALLEY'S ADDITION TO SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY IOWA. SAID PARCEL CONTAINS A PUBLIC UTILITY EASEMENT AND INCLUDES PARCEL "EE" AS SHOWN ON A SURVEY RECORDED AS DOCUMENT 2012-02246 IN THE OFFICE OF THE MUSCATINE COUNTY RECORDER.

