



City of Muscatine



AGENDA ITEM SUMMARY

DATE: July 15, 2021

City Council

STAFF

April Limburg, Planner

SUBJECT:

A Resolution Deeding Vacated Right of Way to an Adjacent Property Owner

EXECUTIVE SUMMARY:

The owner of 204 Mulberry Avenue has requested the City deed over 3,339 square feet of the Mulberry Avenue right-of-way that is no longer necessary for City operations now that the roundabout is complete.

STAFF RECOMMENDATION

Staff recommends Council approve the attached resolution deeding part of the Mulberry Avenue to Littleton Land Holdings LLC, the adjacent property owner.

BACKGROUND/DISCUSSION

The reconstruction of the Mulberry Avenue-2nd Street intersection as a roundabout has shifted the intersection to the northeast. The shifting of this intersection away from 204 Mulberry Ave. has created an area between the back of the sidewalk and the parcel containing 204 Mulberry Avenue for which there is not a current or future public use and which has been declared surplus right of way. The adjoining property owner, Littleton Land Holdings LLC, expressed interest in this property since the original design of the roundabout was presented to the community. A utility easement must also be created to accommodate existing and future utilities running through the portion of right of way being conveyed.

CITY FINANCIAL IMPACT

There is no financial impact of this action on the general fund. The applicant will cover the transactional costs, and private ownership will make it subject to property taxes.

ATTACHMENTS

1. A Resolution Deeding Vacated Right of Way to Littleton Land Holdings LLC
2. Deed to Littleton Land Holdings LLC

RESOLUTION NO. 2021-0241

**A RESOLUTION DEEDING PART OF THE MULBERRY AVENUE ROW
ADJACENT TO LOT 5 IN BLOCK 30 OF THE ORIGINAL TOWN IN THE CITY OF
MUSCATINE, IOWA**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine, on April 13, 2020 recommended approval of the vacation and deeding over 3,339 sq. ft. of the Mulberry Avenue right of way adjoining the 204 Mulberry Avenue property in the City of Muscatine, Iowa; and

WHEREAS, due notice setting forth the time and place for hearing on the proposal to vacate 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; and

WHEREAS, in accordance with said notice, those interested in said proposal vacation on deeding, 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 May 20, 2021 and

WHEREAS, the said right of way was vacated by Ordinance on June 17, 2021; and

WHEREAS, Littleton Land Holdings LLC is the adjoining property for the portion said vacated right of way described as follows:

PART OF MULBERRY AVENUE ADJACNET TO LOT 5 IN BLOCK 30 OF THE ORIGINAL TOWN IN TE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT NORTHEASTERLY CORNER OF LOT 5 OF BLOCK 30; THENCE NORTH 53°14'37" EAST 8.59FEET; THENCE SOUTH 51°35'04"EAST 50.69 FEET; THENCE SOUTH 61°16'15" EAST 31.23 FEET TO THE BEGINNING OF THE 46.01 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WHOSE 38.08 FOOT CHORDS BEARS SOUTH 31°00'29" EAST THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 39.26 FEET; THENCE SOUTH 03°16'50" EAST 5.27 FEET TO THE BEGINNING OF A 37.94 FOOT RADIUS CURVE CONCAVE WESTERLY WHOSE 32.97 FOOT CHORDS BEARS SOUTH 20°58'45" WEST THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 34.11 FEET TO THE WESTERLY RIGHT OF WAY OF MULBERRY AVENUE; THENCE NORHT 36°43'26" WEST 137.30 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING. PARCEL "V" CONTAINS 3,339 SQUARE FEET AND IS SUBJECT TO EASEMENTS OF RECORD

WHEREAS, it is the intent of the City to convey said vacated right of way to Littleton Land 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 has vacated and deeded its rights, title, and interest in and to the real property, described in the copy of the deed attached to this Resolution and marked as Exhibit A, to Littleton Land Holdings LLC
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 15th day of July, 2021.

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

Diana Broderson, Mayor

Attest:

Carol Webb, City Clerk

Exhibit A

Prepared by: April Limburg, 215 Sycamore Street, Muscatine, IA 52761; 563.262.4141
Return and Tax Statement to: Littleton Land Holdings LLC, 204 Mulberry Ave Muscatine IA 52761-0071

WARRANTY DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and deeds to Littleton Land Holdings LLC, all its right, title, and interest in the following real property in Muscatine County, Iowa:

**PART OF MULBERRY AVENUE ADJACNET TO LOT 5 IN BLOCK 30
OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY,
IOWA. BEGINNING AT NORTHEASTERLY CORNER OF LOT 5 OF BLOCK 30;
THENCE NORTH 53°14'37" EAST 8.59 FEET; THENCE SOUTH 51°35'04" EAST 50.69
FEET; THENCE SOUTH 61°16'15" EAST 31.23 FEET TO THE BEGINNING OF THE
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36°43'26" WEST 137.30 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF
BEGINNING. PARCEL "V" CONTAINS 3,339 SQUARE FEET AND IS SUBJECT TO
EASEMENTS OF RECORD**

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 Administrator and its seal to be affixed on February 4, 2021.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By _____
Diana L. Broderson, Mayor

ATTEST:

Carol Webb, City Clerk

Exhibit A

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on _____, 2021, 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