



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

## COMMUNITY DEVELOPMENT

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

## MEMORANDUM

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Steven Boka, Director of Community Development  
**Date:** July 10, 2013  
**Re:** Vacation of Alley Remnant - Request to Set Public Hearing

**INTRODUCTION:** A request has been submitted by Daniel B. and Cynthia L. Clark to vacate, sell and transfer a twenty-foot (20') wide unimproved alley remnant located behind their home located at 305 Burnside.

**BACKGROUND:** Daniel and Cynthia Clark own Lots 3 & 5 of the Burnside 2<sup>nd</sup> Addition to the City of Muscatine. The Clark's would like to construct a detached garage on the Lot 5 but are not permitted to construct a garage on a vacant lot. However, if the alley remnant is vacated and sold to the Clark's, they could proceed with their plan to construct a detached garage on Lot 5 as it would adjoin Lot 3 via the vacated alley. The adjacent property owners have been contacted by the Clark's and have indicated their support for the Clark request and have also expressed interest in acquiring the remnants located behind their homes located at 301 (Schroeder) & 303 (Castillo) Burnside. However, during a discussion with the Planning Commission, Schroeder and Castillo both requested that the property be given to them at no cost. Since Lot 5, adjoins the entire alley remnant on the north, the Clark's have agreed to purchase all of the property if the other owners do not agree to the sale price set by the city.

**RECOMMENDATION/RATIONALE:** The Planning Commission unanimously approved the request during their July 9, 2013 meeting provided the entire unimproved alley remnant is sold and does not leave the city with any land-locked property when the process is concluded. Before City Council consideration of a proposed sale and transfer of public property, a public hearing is required. It is recommended that the City Council adopt the attached resolution setting a public hearing for August 1, 2013 to consider the sale and transfer of public property.

### BACKUP INFORMATION:

1. Resolution Setting the Public Hearing
2. Public Notice
3. Proposed Vacation Plat
4. Clark Letter

"I remember Muscatine for its sunsets. I have never seen any  
on either side of the ocean that equaled them" — Mark Twain

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SETTING THE TIME AND PLACE OF A  
PUBLIC HEARING TO CONSIDER THE VACATION OF A  
PUBLIC RIGHT OF WAY REMNANT  
WITHIN THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, a request has been filed to vacate an unimproved alley right-of-way remnant situated within the City of Muscatine, Iowa; and

**WHEREAS**, the Planning & Zoning Commission has recommended the vacation of said alley right-of-way located as follows:

**LAND DESCRIPTION - CLARK**

**A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 55.17 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 55.17 FEET TO THE POINT OF BEGINNING; CONTAINING 1103 SQUARE FEET.**

**LAND DESCRIPTION - CASTILLO**

**A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 49.86 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 49.86 FEET TO THE POINT OF BEGINNING; CONTAINING 997 SQUARE FEET.**

**LAND DESCRIPTION - SCHROEDER**

**A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 50.00 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 50.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1000 SQUARE FEET.**

**WHEREAS**, the City Council should now set a time and place for a public hearing upon said vacation of the above-mentioned public right-of-way,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, IOWA**, that a public hearing be held on Thursday, August 1, 2013, at 7:00 p.m., in the City Hall Council Chambers in City Hall, and that the public notice of the time and place of said hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of July 2013.

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

\_\_\_\_\_  
DeWayne Hopkins, Mayor

Attest:

\_\_\_\_\_  
Gregg Mandsager, City Clerk

## **PUBLIC NOTICE**

### **NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING ON THE VACATION OF AN PUBLIC RIGHT-OF-WAY REMNANT WITHIN THE CITY OF MUSCATINE, IOWA.**

Public Notice is hereby given that the City Council of the City of Muscatine, Iowa will hold a public hearing on the vacation of certain right-of-way within the City. This public hearing will be conducted in the City Hall Council Chambers at 7:00 p.m. on Thursday, August 1, 2013.

The real estate being considered for vacation is located as follows:

#### **LAND DESCRIPTION - CLARK**

**A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 55.17 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 55.17 FEET TO THE POINT OF BEGINNING; CONTAINING 1103 SQUARE FEET.**

#### **LAND DESCRIPTION - CASTILLO**

**A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 49.86 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 49.86 FEET TO THE POINT OF BEGINNING; CONTAINING 997 SQUARE FEET.**

#### **LAND DESCRIPTION - SCHROEDER**

**A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 2 OF BURNSIDE'S 2<sup>ND</sup> ADDITION; THENCE NORTH 41°05'16" WEST 20.00 FEET; THENCE NORTH 48°46'39" EAST 50.00 FEET; THENCE SOUTH 41°05'16" EAST 20.00 FEET; THENCE SOUTH 48°46'39" WEST 50.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1000 SQUARE FEET.**

All parties present will be given the opportunity to comment on this proposed vacation of public right-of-way at the public hearing.

Gregg Mandsager, City Clerk

Daniel & Cynthia Clark  
305 Burnside Avenue  
Muscatine, IA 52761

May 20, 2013

Mr. Steve Boka  
Director of Community Development  
City Hall  
215 Sycamore Street  
Muscatine, IA 52761

Re: Purchase of Alley

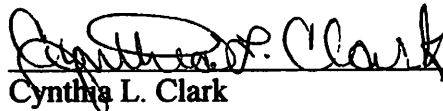
Dear Mr. Boka,

This letter is to inform you of our intent to purchase the alley located between the two portions of our property located at 305 Burnside Avenue. We understand the alley extends down two properties past ours. We have been told by the owners of those properties that they also will purchase their portion of the alley. If they do not we will purchase said property.

If you have any questions please call 563/260-1222. Thanks you for your assistance.

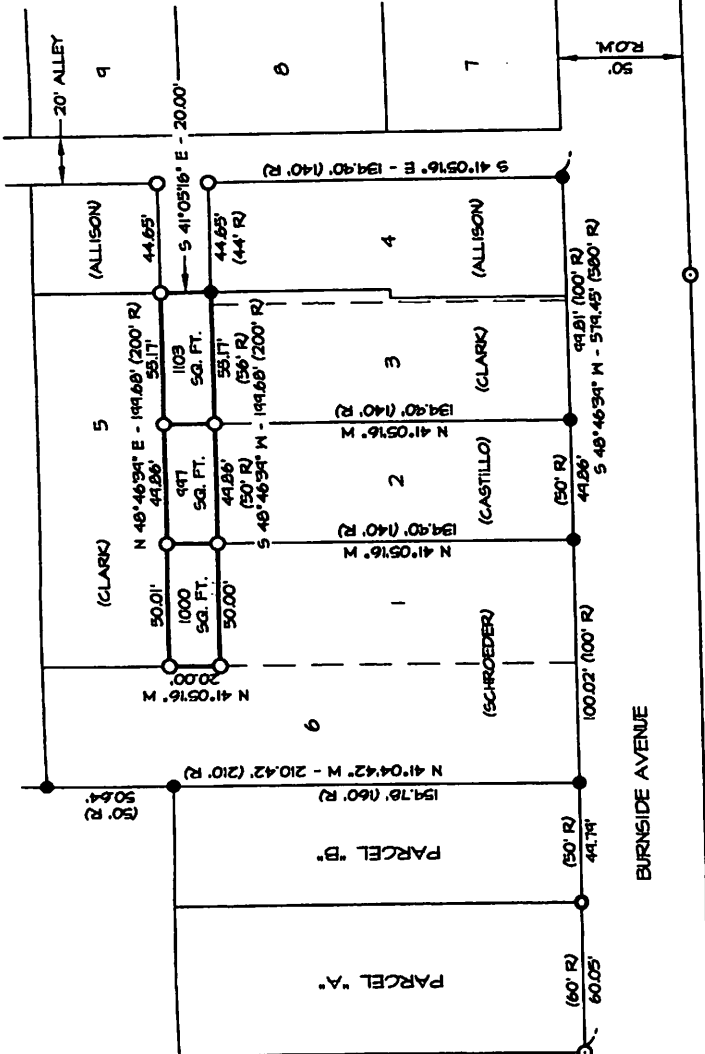
Very truly yours,

  
Daniel B. Clark

  
Cynthia L. Clark

R2W

777N



BASIS OF BEARINGS  
IOWA STATE PLANE COORDINATE SYSTEM  
SOUTH ZONE

PROPRIETORS,

LOTS 1 & 6, DENNIS E. & P. DIANE SCHROEDER

LOT 2, JANIOR CASTILLO

LOT 3, & PART OF LOTS 4 & 5, DAN & CYNTHIA L. CLARK

LAND DESCRIPTION - SCHROEDER

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION, THENCE NORTH 41°05'16" WEST 20.00 FEET, THENCE NORTH 48°46'35" EAST 50.00 FEET, THENCE SOUTH 41°05'16" EAST 50.00 FEET, THENCE SOUTH 48°46'35" WEST 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000 SQUARE FEET.

LAND DESCRIPTION - CASTILLO

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, BEGINNING AT THE NORTHWEST CORNER OF LOT 2 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION, THENCE NORTH 41°05'16" WEST 20.00 FEET, THENCE NORTH 48°46'35" EAST 50.00 FEET, THENCE SOUTH 41°05'16" EAST 50.00 FEET, THENCE SOUTH 48°46'35" WEST 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 997 SQUARE FEET.

LAND DESCRIPTION - CLARK

A PART OF THE TWENTY FOOT ALLEY LOCATED IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, BEGINNING AT THE NORTHWEST CORNER OF LOT 3 IN BLOCK 2 OF BURNSIDE'S 2ND ADDITION, THENCE NORTH 41°05'16" WEST 20.00 FEET, THENCE NORTH 48°46'35" EAST 50.00 FEET, THENCE SOUTH 41°05'16" EAST 50.00 FEET, THENCE SOUTH 48°46'35" WEST 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1103 SQUARE FEET.

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 Land Surveyor under the laws of the State of Iowa.

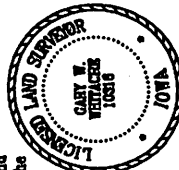
Gary W. Whitacre

Reg. No. 10316

Date

My license renewal date is December 31, 2013

Pages or sheets covered by this seal: 1



**Martin & Whitacre**  
**Surveyors & Engineers, Inc.**

P.O. BOX 413 (563)263-7691 MUSCATINE, IOWA

**DAN & CINDY CLARK**  
VACATION FLAT

PART OF BURNSIDE'S 2ND ADD. IN THE CITY OF MUSCATINE, IA

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
BURNSIDE'S 2ND ADD.	1	1"=50'	PM	GM	6/25/13	765713
REV.	0					

LEGEND

- SET 1/2" X 36" REBAR W/ YELLOW CAP #10316
- FOUND REBAR
- FOUND 1/2" REBAR W/ YELLOW CAP #10316
- FOUND IRON PIPE
- (NAME) PROPERTY OWNER
- (R) DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT