



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

**PLANNING, ZONING AND BUILDING SAFETY**

**Public Health,  
Housing Inspections &  
Inspection Services**

**MEMORANDUM**

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Steven Boka, Director of Community Development  
**Date:** March 9, 2011  
**Re:** Vacation Request – A Portion of Elm Street and Alley ROW in Block 42

**INTRODUCTION:** A request has been submitted on behalf three separate property owners interested in the vacation and purchase of unused city right-of-way located in Block 42 of Original Town. The first request involves a portion of the platted but unimproved portion of Elm Street located adjacent to Block 42 of Original Town. The second request is associated with the three property owners that abut the platted but unimproved alley right-of-way in Block 42 of Original Town.

**BACKGROUND:** Staff has been working with Mr. Ron Stych on behalf of David Bauerbach, owner of the property at 966 & 968 Elm Street to vacate a portion of the unimproved right-of-way on Elm Street to allow sufficient area for the construction of a new home. Mr. Bauerbach is also interested in acquiring the unimproved alley right-of-way located immediately adjacent to his lot. During a preliminary review of the request, staff suggested that a joint petition be filed involving the remaining property owners that abut the unimproved alley right-of-way in an effort to dispose of this entire unused city property. As a result, the other two adjacent property owners have joined in a request to vacate and purchase a portion of the alley right-of-way that adjoins their property.

**RECOMMENDATION/RATIONALE:** The Planning Commission conducted an on-site viewing of the property on March 2<sup>nd</sup> and reviewed the request during their regular meeting on March 8<sup>th</sup>. The Commission has unanimously recommended that the City Council take action to approve the vacation and transfer of this real estate since it has no future value to the City and would create a building lot for a new home. Prior to any action on the disposal of city property, a public hearing is required. Therefore, it is recommended that the City Council take action to set the required public hearing for Thursday, April 7, 2011 to consider the vacation, sale & transfer of the real estate as set out in the attachments provided with this memorandum.

**BACKUP INFORMATION:**

1. Resolution scheduling a Public Hearing
2. Public Notice
3. Vacation Plat

**"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 CERTAIN  
RIGHTS-OF-WAY (ROW)  
WITHIN THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, a request has been filed to vacate certain public rights-of-way situated within the City of Muscatine, Iowa; and

**WHEREAS**, the Planning & Zoning Commission has recommended the vacation of said public rights-of-way (ROW) located as follows:

Being that part of Elm Street lying west of Block 42 and north of the south line of Block 42 extended; and also the alley in Block 42, all in the City of Muscatine, according to the Original Plat thereof, Muscatine County, Iowa.

More particularly described as follows:

**LAND DESCRIPTION PARCEL "H" –**

A PART OF ELM STREET LOCATED IN THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
THAT PART OF ELM STREET LYING WEST OF BLOCK 42 AND NORTH OF THE SOUTH LINE OF BLOCK 42 EXTENDED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 140.00 FEET; THENCE SOUTH 51°35'02" WEST 60.00 FEET; THENCE NORTH 38°34'06" WEST 63.36 FEET; THENCE NORTH 00°27'16" WEST 97.21 FEET TO THE POINT OF BEGINNING. PARCEL "H" CONTAINS 0.140 ACRES.

**LAND DESCRIPTION PARCEL "I" –**

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE NORTH 00°27'16" WEST 25.37 FEET; THENCE NORTH 51°35'02" EAST 162.84 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 74.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 104.00 FEET TO THE POINT OF BEGINNING. PARCEL "I" CONTAINS 0.061 ACRES.

**LAND DESCRIPTION PARCEL "J" –**

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHEAST CORNER OF LOT 5, IN BLOCK 42; THENCE SOUTH 51°35'02" WEST 193.50 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 193.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET TO THE POINT OF BEGINNING. PARCEL "J" CONTAINS 0.044 ACRES.

LAND DESCRIPTION PARCEL "K" –

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 119.00 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 119.00 FEET TO THE POINT OF BEGINNING. PARCEL "K" CONTAINS 0.027 ACRES.

**WHEREAS**, the City Council should now set a time and place for a public hearing upon said vacation of the above-mentioned public rights-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, April 7, 2011, 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 17<sup>th</sup> day of March 2011.

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

\_\_\_\_\_  
Richard W. O'Brien, Mayor

Attest:

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

## PUBLIC NOTICE

### NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING ON THE VACATION OF CERTAIN RIGHTS-OF-WAY 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 rights-of-way within the City. This public hearing will be conducted in the City Hall Council Chambers at 7:00 p.m. on Thursday, April 7, 2011.

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

Being that part of Elm Street lying west of Block 42 and north of the south line of Block 42 extended; and also the alley in Block 42, all in the City of Muscatine, according to the Original Plat thereof, Muscatine County, Iowa.

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**LAND DESCRIPTION PARCEL "J" –**

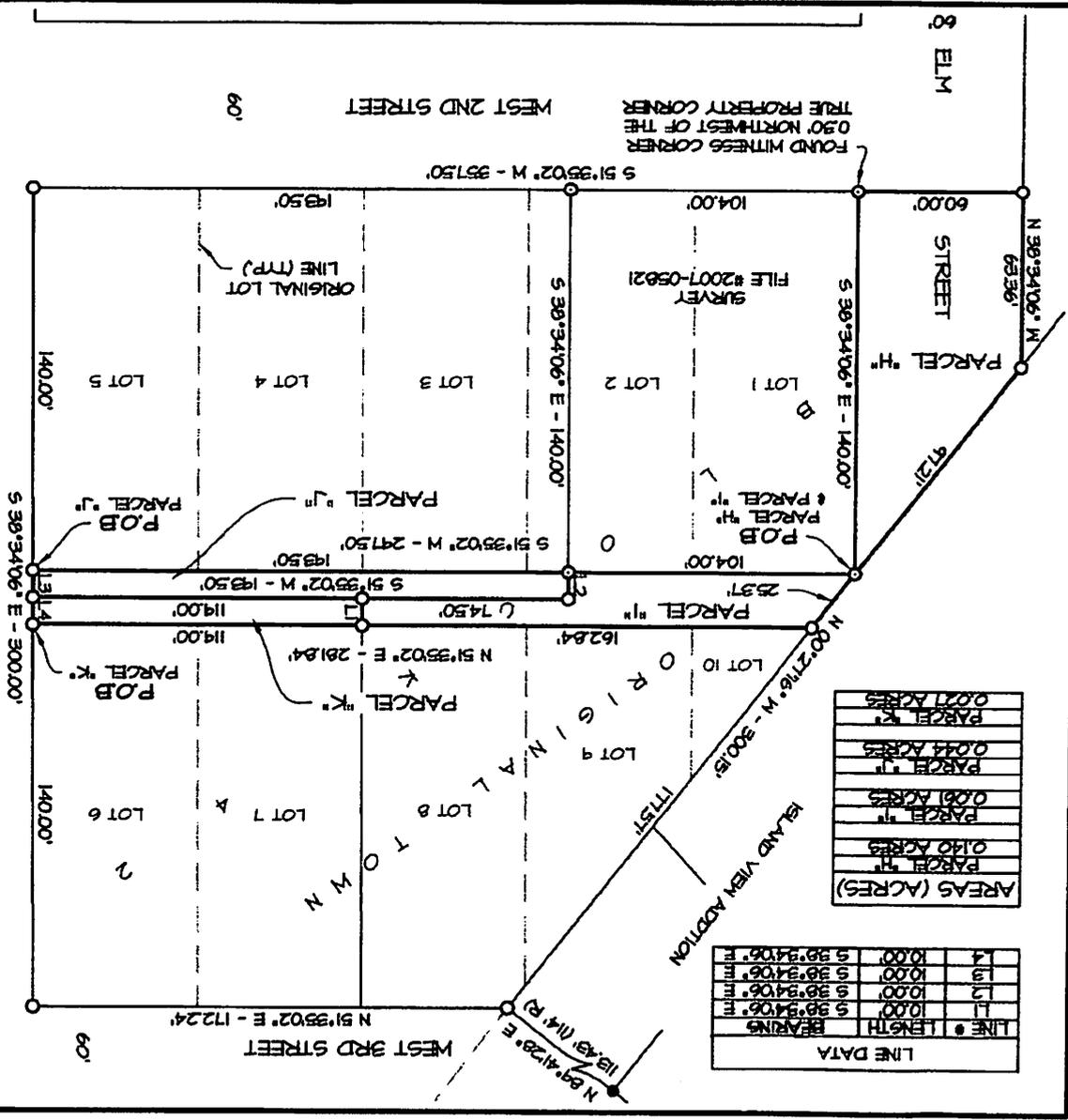
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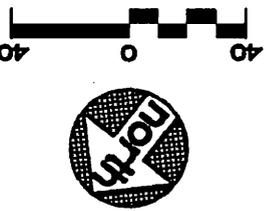
All parties present will be given the opportunity to comment on this proposed vacation of easements and rights-of-way at the public hearing.

Gregg Mandsager, City Clerk



| LINE # | LENGTH | BEARING       |
|--------|--------|---------------|
| L1     | 10.00' | S 99°34'06" E |
| L2     | 10.00' | S 36°34'06" E |
| L3     | 10.00' | S 36°34'06" E |
| L4     | 10.00' | S 36°34'06" E |

| AREAS (ACRES) |
|---------------|
| PARCEL #1     |
| 0.180 ACRES   |
| PARCEL #2     |
| 0.081 ACRES   |
| PARCEL #3     |
| 0.044 ACRES   |
| PARCEL #4     |
| 0.071 ACRES   |



**BASIS OF BEARINGS**  
IOWA STATE PLANE  
COORDINATE SYSTEM  
SOUTH ZONE

- LEGEND**
- SET 1/2" X 3/8" REBAR W/RANGE CAP #1941
  - FOUND 1/2" REBAR
  - FOUND 1/2" REBAR
  - (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

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.

Matthew W. Reuben  
Reg. No. 15981  
Date \_\_\_\_\_  
My license renewal date is December 31, 2011



|         |          |                |              |
|---------|----------|----------------|--------------|
| REV.    | 0        | 1236 SURVEYING | SHEET 1 OF 2 |
| FILE    | BOOK     | SCALE          | DRN          |
| O.T.    | CITY #41 | 1"=40'         | R3           |
| DATE    | CHK'D    | MWK            | MVI          |
| JOB NO. | 125610   |                |              |

DAVID BAUERBACH VACATION PLAT OF THE ALLEY IN BLOCK 42 AND A PART OF ELM STREET IN THE CITY OF MUSCATINE, IA  
P.O. BOX 413 (563)263-7691 MUSCATINE, IOWA  
Martin & Whitacre Surveyors & Engineers, Inc.

PREPARED BY: MATTHEW M. KRANKE, MARTIN & WHITACRE SURVEYORS & ENGINEERS, INC., P.O. BOX 413, MUSCATINE, IOWA 52641 / PHONE: 563-263-7681

**LAND DESCRIPTION TO BE VACATED -**

THAT PART OF ELM STREET LYING WEST OF BLOCK 42 AND NORTH OF THE SOUTH LINE OF BLOCK 42 EXTENDED; AND ALSO THE ALLEY IN BLOCK 42, ALL IN THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.

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|   |          |                 |     |                 |       |         |
|---|----------|-----------------|-----|-----------------|-------|---------|
| <b>Martin &amp; Whitacre</b>                            |          |                 |     |                 |       |         |
| <b>Surveyors &amp; Engineers, Inc.</b>                  |          |                 |     |                 |       |         |
| P.O. BOX 413  |          | (563)263-7681   |     | MUSCATINE, IOWA |       |         |
| DAVID BAUERBACH VACATION PLAT IN BLOCK 42               |          |                 |     |                 |       |         |
| AND A PART OF ELM STREET IN THE CITY OF MUSCATINE, IOWA |          |                 |     |                 |       |         |
| FILE  | BOOK     | SCALE           | DRN | CHK'D           | DATE  | JOB NO. |
| O.T.  | CITY #41 | 1"=40'          | RS  | MWK             | 11/11 | 7886.10 |
| REV.  | 0        | 7886 SURVEY.DWG |     |                 | SHEET | 2 OF 2  |