



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
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**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:** April 14, 2011

**Re:** Armstrong Request – Vacation the Alley R-O-W in Block 42 of OT

**INTRODUCTION:** A request has been submitted on behalf three separate property owners interested in the vacation and purchase of unused city alley right-of-way located in Block 42 of Original Town.

**BACKGROUND:** 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 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. During the March 17<sup>th</sup> meeting, City Council took action approving a resolution to set a public hearing for Thursday, April 7, 2011 regarding this matter. The Public Hearing was conducted and the Ordinance vacating this property was approved by City Council on April 7<sup>th</sup> and April 21, 2011. Mr. Armstrong is requesting the City Council to waive the third reading and approve the ordinance on second and final reading during the April 21, 2011 meeting. Following final action on the Ordinance on April 21st, the City Council must take action by resolution to authorize the sale of the alley right-of-way and act on the resolution approving the executed deed. The fair market value of this property is \$2,012.47 (1,916.64 sq. ft. @ \$1.05/sq.ft.).

**RECOMMENDATION/RATIONALE:** It is recommended that City Council take action to waive the final reading of the ordinance and approve the resolution authorizing the sale and transfer of a portion of the platted but unimproved alley right-of-way in Block 42 of Original Town as attached hereto.

**BACKUP INFORMATION:**

1. Resolution authorizing the sale of city property
2. Resolution approving the executed deed
3. Deed

RON STYCH  
1952 Hale St  
Muscatine, IA 52761

April 11, 2011

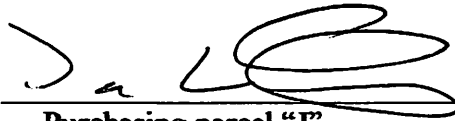
Re; Waiver of final reading to transfer ownership of certain parcels of real estate to adjacent property owners.

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

Dear Mr. Boka,

The undersigned property owner will be purchasing the parcel of property which is described in attached copy of earlier correspondence of intent to purchase. The property owner is in accord with the property transfer as outlined in the attached "e-mail" from Steve Boka dated 4/8/2011. Please waive the final reading of the vacation, and proceed with transfer of ownership.

Property owner David Armstrong

  
Purchasing parcel "J"

Date 4-13-11

Prepared by Steven Boka, 215 Sycamore Street, Muscatine, Iowa 52761 563.262.4141

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

**A RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY**

**WHEREAS**, a Resolution was adopted by the City Council of Muscatine, Iowa, on March 17, 2011, concerning the proposed sale of the City's rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution and incorporated by reference; and

**WHEREAS**, the Resolution provided that notice of intention to vacate and transfer the real property should be given by publication of a Public Notice as required by law; and

**WHEREAS**, the Resolution provided for a public hearing on the proposed sale of real property, and such public hearing has been held; and

**WHEREAS**, the City Council finds the sale of the real property will serve the public interest and has approved the sale of the real property;

**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 described in the copy of the deed attached to this Resolution marked Exhibit A to David A. Bauerbach for \$9,193.34.
2. The City of Muscatine, Iowa, will sell and convey its rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution marked Exhibit B to David A. Armstrong for \$2,012.47.
3. The City of Muscatine, Iowa, will sell and convey its rights, title, and interest in and to the real property described in the copy of the deed attached to this Resolution marked Exhibit C to Bill G. Stephens and Marci A. Stephens, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, for \$1,234.93.
4. The deeds 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 substantially the same form as the copy of the deed attached to this Resolution.

5. The deeds will be delivered to the Buyers upon full payment of the purchase price.
6. Any Resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

**PASSED, APPROVED, AND ADOPTED** this 21st day of April, 2011.

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

(SEAL)

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Richard W. O'Brien, Mayor

**ATTEST:**

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Gregg Mandsager, City Clerk