



City Hall, 215 Sycamore St.
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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: Bauerbach Request – Vacation of a Portion of Elm Street and Alley R-O-W

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: The Planning Commission conducted an on-site viewing of the property on March 2nd and reviewed the request during their regular meeting on March 8th. 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 and would create a building lot for a new home. On March 17th meeting, the City Council took action approving a resolution setting 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 7th and April 21, 2011. Mr. Bauerbach 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 City property and act on the resolution approving the executed deed. The fair market value of this property is \$9,193.34. (8,755.56 sq. ft. @ \$1.05/sq.ft.)

RECOMMENDATION/RATIONALE: It is recommended that City Council take action to approve the resolution authorizing the sale and transfer of a portion of the unimproved Elm Street right-of-way and 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

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

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 Bauerbach


Purchasing parcels "H and I"

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)

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Clerk