

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

RESOLUTION NO. _____

RESOLUTION APPROVING AN EXECUTED DEED

WHEREAS, a Resolution was adopted by the City Council of Muscatine, Iowa, on April 21, 2011 approving the sale of certain real property to David A. Bauerbach; and

WHEREAS, the Resolution requires the City to execute and deliver a deed to the buyer; and

WHEREAS, the Mayor and city Clerk have duly executed such a deed pursuant to the Resolution;

IT IS THEREFORE RESOLVED, BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, that the executed deed, a copy of which is attached to the prior Resolution, is approved in accordance with Iowa Code Section 569.7.

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

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

Tax Statement Address: David A. Bauerbach – 966 Elm Street, Muscatine, Iowa 52761

EXHIBIT A

DEED

The City of Muscatine, Iowa, a municipal corporation situated in Muscatine County, Iowa, for valuable consideration, transfers and conveys to David A. Bauerbach, all rights, title, and interest in the following real property in the City of Muscatine, Iowa:

LAND DESCRIPTION PARCEL "H" –

A PART OF ELM STREET LOCATED IN THE CITY OF MUSCTINE, 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.

Exempt from transfer tax per Iowa Code Section 428A.2 (6).

The City covenants with the grantees, its successors and assigns, to warrant and defend the real property against the lawful claims of all persons claiming by, through, 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 Clerk and its seal to be affixed on April 21, 2011.

CITY OF MUSCATINE, IOWA

(SEAL)

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss:

On this 21st day of April, 2011, before me _____, a Notary Public in and for the State of Iowa, personally appeared Richard W. O'Brien and Gregg Mandsager, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Muscatine, Iowa; and that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council under Roll Call No. _____ of the City Council on the 21st day of April, 2011, and that Richard W. O'Brien and Gregg Mandsager acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for the State of Iowa

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.

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 "T" -

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 "T" 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.

**Martin & Whitacre
Surveyors & Engineers, Inc.**
P.O. BOX 413 (563)263-7691 MUSCATINE, IOWA

DAVID BAUERBACH VACATION PLAT IN BLOCK 42
AND A PART OF ELM STREET IN THE CITY OF MUSCATINE, IOWA

FILE O.T.	BOOK CITY #41	SCALE 1"=40'	DRN RS	CHK'D MK	DATE 11/21/11	JOB NO. 7388.IOW
REV. 0			7388 SURVEY DWG		SHEET 2 OF 2	

CERTIFICATE

I, Nancy Lueck, Director of Finance for the City of Muscatine, Iowa, certify that the attached hereto are true copies of the following:

1. Ordinance No. _____ vacating a portion of Elm Street Right-of-way Adjacent to Block 42 of Original Town and a portion of the alley right-of-way in Block 42 of Original Town.
2. Resolution No. _____ setting aside _____ and sale of the unimproved portion of Elm Street Right-of-way Adjacent to Block 42 of Original Town.
3. Affidavit of Published notice concerning the sale of real estate.
4. Affidavit of published Ordinance No. _____
5. Resolution No. _____ authorizing the sale of City property to David A. Bauerbach.
6. Resolution No. _____ approving the executed deed.
7. Warranty Deed (original).

All related to the sale of the real estate described in those documents, and that all were duly adopted and approved by the City Council for the City of Muscatine, Iowa, and the originals are on file in the City Hall, for the City of Muscatine, Iowa.

Nancy Lueck, Director of Finance

Subscribed and sworn to before me, the undersigned, Notary Public by Nancy Lueck, on this the _____ day of April, 2011.

Notary Public in and for the
State of Iowa

PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk

Public Notice

Vacation Of Certain Right-Of-Way

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

March 29, 2011

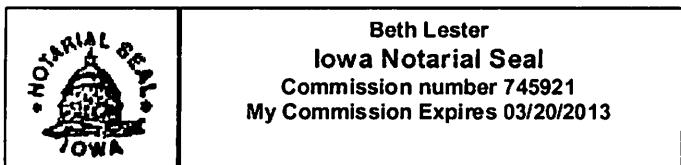
Jeff Lee



STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this
31st day of March 2011


Beth Lester, Notary Public



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.

More particularly described as follows:

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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 38034'06" EAST 140.00 FEET; THENCE SOUTH 51035'02" WEST 60.00 FEET; THENCE NORTH 38034'06" WEST 63.36 FEET; THENCE NORTH 00027'15" WEST 9721 FEET TO THE POINT OF BEGINNING. PARCEL "H" CONTAINS 0.140 ACRES.

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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.

Randy Hill, Acting City Administrator