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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: June 30, 2011
Re: Vacation Request – Alley ROW Remnant in

INTRODUCTION: A request has been submitted by Attorney Nathan Mather on behalf of T.L.W. Corporation, to vacate, sell and transfer an alley remnant located adjacent to the property they own that is generally bounded by Main, Pearl, Liberty and Mill Streets.

BACKGROUND: T.L.W. Corporation owns all of the real estate that borders the remainder of the alley right-of-way located within the property shown on the attached Vacation Plat. The Owners are now requesting that the remaining alley right-of-way be vacated, sold and transferred to the Corporation for their future use.

RECOMMENDATION/RATIONALE: The Planning Commission reviewed this request during their June 14th meeting and unanimously recommended approval of the request, as submitted, since the property has no future value to the City. 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, July 21, 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

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING TO CONSIDER THE VACATION OF AN
ALLEY RIGHT-OF-WAY (ROW) REMNANT
WITHIN THE CITY OF MUSCATINE, IOWA**

WHEREAS, a request has been filed to vacate a portion of existing alley right-of-way situated within the City of Muscatine, Iowa; and

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

THAT PORTION OF THE 20 FOOT WIDE ALLEY RIGHT OF WAY BETWEEN AND ADJACENT TO LOT 22 OF MILL STREET ADDITION AND LOT 1 IN BLOCK 29 OF SOUTH MUSCTINE, IN THE CITY OF MUSCATINE, IOWA.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 OF MILL STREET ADDITION; THENCE NORTH 41°13'26" EAST 60.15 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 22; THENCE SOUTH 48°46'34" EAST 20 FEET TO THE NORTHWESTERLY LINE OF LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE; THENCE SOUTH 41°13'26" WEST 60.15 FEET ALONG THE NORTHWESTERLY LINE OF LOT 1 TO THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET; THENCE NORTH 48°46'34" WEST 20.00 FEET ALONG THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET TO THE POINT OF BEGINNING, CONTAINING 1203 SQUARE FEET OR 0.028 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, July 21, 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 7th day of July 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 AN ALLEY 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, July 21, 2011.

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

THAT PORTION OF THE 20 FOOT WIDE ALLEY RIGHT OF WAY BETWEEN AND ADJACENT TO LOT 22 OF MILL STREET ADDITION AND LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE, IN THE CITY OF MUSCATINE, IOWA.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 OF MILL STREET ADDITION; THENCE NORTH 41°13'26" EAST 60.15 FEET ALONG THE SOUTHEASTERLY LINE OF LOT 22; THENCE SOUTH 48°46'34" EAST 20 FEET TO THE NORTHWESTERLY LINE OF LOT 1 IN BLOCK 29 OF SOUTH MUSCATINE; THENCE SOUTH 41°13'26" WEST 60.15 FEET ALONG THE NORTHWESTERLY LINE OF LOT 1 TO THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET; THENCE NORTH 48°46'34" WEST 20.00 FEET ALONG THE NORTHEASTERLY RIGHT OF WAY OF PEARL STREET TO THE POINT OF BEGINNING, CONTAINING 1203 SQUARE FEET OR 0.028 ACRES.

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

