



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

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:** July 15, 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 Vacation Plat, a copy of which is attached hereto. 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 14<sup>th</sup> meeting and unanimously recommended approval of the request, as submitted, since the property has no future value to the City. Therefore, following the required public hearing on July 21<sup>st</sup>, it is recommended that the City Council take action to approve the ordinance authorizing the vacation, transfer and sale of the property, on first reading.

**BACKUP INFORMATION:**

1. Ordinance
2. Vacation Plat

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING CERTAIN RIGHT-OF-WAY  
IN THE CITY OF MUSCATINE, IOWA.**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine has recommended the vacation of the alley right-of-way remnant located between and adjacent to Lot 22 of Mill Street Addition and Lot 1 in Block 29 of South Muscatine; and

**WHEREAS**, the City Council of the City of Muscatine has conducted a public hearing on said vacation request;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA** as follows:

Section I. The following described real estate be vacated by the City of Muscatine, Iowa, 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.**

Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July, 2011.

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

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

Attest:

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

1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

Publication \_\_\_\_\_

REV. 0	1376 SURVEY DWS	SHEET 1 OF 1
FILE	BOOK	SCALE
MILL ADD. CITY #42	1"=40'	
DATE	CHK'D	DRN
6/2/2011	GMW	PM
JOB NO.		
137611		
T. L. M. CORP		
VACATION PLAT		
OF A PORTION OF AN ALLEY IN THE CITY OF MUSCATINE, IOWA		
P.O. BOX 413		
(563)263-7681		
MUSCATINE, IOWA		
Martin & Whitacre		
Surveyors & Engineers, Inc.		



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.

GARY W. WHITACRE  
Date: June 2, 2011  
Reg. No. 10316  
My license renewal date is December 31, 2011

Pages or sheets covered by this seal: 1

LAND DESCRIPTION -

MILL 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 ADDITION, THENCE NORTH 41°13'26" EAST 60.15 FEET ALONG THE SOUTHEASTLY LINE OF LOT 22, THENCE SOUTH 48°46'34" EAST 20.00 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, CONTAINING 1203 SQUARE FEET OR 0.028 ACRES.

- LEGEND
- SET 1/2" X 3/8" REBAR W/ YELLOW CAP #10316
  - SET MAG. NAIL W/ W/ASHER
  - SET MAG. NAIL
  - ⊗ SET "X" IN CONCRETE
  - (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT
- BASIS OF BEARINGS  
IOWA STATE PLANE COORDINATE SYSTEM  
SOUTH ZONE

