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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: 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 14th 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 21st, 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 21st day of July, 2011.

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

Richard W. O'Brien, Mayor

Attest:

Gregg Mandsager, City Clerk

1st Reading _____

2nd Reading _____

3rd Reading _____

Publication _____

REV. 0	FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
MILL ADD, CITY #42	1"=40'	PM	GMW	6/2/2011	1716.11		
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.							



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

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.

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 TO THE POINT OF BEGINNING, 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

