

**COMMUNITY DEVELOPMENT
MEMORANDUM**

Planning,
Zoning,
Building Safety,
Construction Inspection
Services,
Public Health

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director
From: Andrew Fangman, City Planner
Date: December 1, 2016
Re: Resolution to Accept a Dedication of Right-of-Way

INTRODUCTION: Charles A. Oldfield and Diana J. Oldfield have presented to the City Council of Muscatine, Iowa a dedication of right of way.

BACKGROUND: During the design of the Mulberry Avenue improvements, this ownership of this property could not be confirmed. Some records showed it was private, some records showed it as Public ROW. The city felt if was private and the private owners were very convinced it was public. No resolution was possible. So the city negotiated with the owners to sign a quit claim deed for the property so that the future records would show that the land was clearly Public ROW because it appeared to staff that this was the intent, for this to be public ROW.

This right of way is intended to serve future development on, and provided access to a currently undeveloped 4.77 acres of land adjoining the proposed right of way dedication.

This agreement with the Oldfield's was reached prior to the commencement of the Mulberry Avenue project, however the City just recently received the signed dedication document.

RECOMMENDATION/RATIONALE: To approve the request to accept the proposed dedication of right of way.

BACKUP INFORMATION:

1. Resolution
2. Dedication Form



RESOLUTION NO. _____

ACCEPTANCE OF A DEDICATION OF RIGHT OF WAY TO THE CITY OF MUSCATINE,

WHEREAS, Charles A. Oldfield and Diana J. Oldfield have presented to the City Council of Muscatine, Iowa a dedication of right of way, of all the real estate embraced within the limits of the Acquisition Plat — Auditor's Parcel "H", recorded as instrument number 2016-02427 in the Muscatine County Recorder's Office, in the City of Muscatine, Muscatine County, Iowa, which Plat is hereto attached as Exhibit B,

WHEREAS, Said dedication of right of way by Charles A. Oldfield and Diana J., LLC is made by a signed Dedication of Right of Way attached hereto as Exhibit B;

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that the City of Muscatine, Iowa to accept said right-of-way dedication.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2016.

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

Diana L. Broderson, Mayor

Attest:

Gregg Mandsager, City Clerk

Prepared by and return to Andrew Fangman, 215 Sycamore St., Muscatine, IA 52761 – (563) 264-1554

DEDICATION OF RIGHT OF WAY

STATE OF IOWA, MUSCATINE COUNTY, ss:

The undersigned Charles A. Oldfield and Diana J. Oldfield, husband and wife, of the City of Muscatine and County of Muscatine, State of Iowa; do hereby certify they are the owners in fee simple of all the real estate embraced within the limits of the Acquisition Plat – Auditor's Parcel "H", recorded as instrument number 2016-02427 in the Muscatine County Recorder's Office, in the City of Muscatine, Muscatine County, Iowa, which Plat is hereto attached and by this reference made a part of this dedication.

The undersigned, Charles A. Oldfield and Diana J. Oldfield, husband and wife, does further certify and declare that said Plat was made under their direction, consent and accordance with their express desire; and, Charles A. Oldfield and Diana J. Oldfield, husband and wife, does hereby dedicate as right-of-way Auditor's Parcel "H" on said Plat to the City of Muscatine, Iowa and to public use forever; and that this Dedication is the free act and deed of the undersigned.

Dated at Muscatine, Iowa this 7th day of September, 2016

By Charles A. Oldfield
By Diana J. Oldfield

SELLER'S ACKNOWLEDGEMENT

STATE OF IOWA
COUNTY OF MUSCATINE

On this 7th day of September, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles A. Oldfield & Dana J Oldfield, to me personally known or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Melody L. Lett
(Sign in Ink)

Melody L. Lett
(Print or Type Name)

Notary Public in and for the State of Iowa
My Commission expires _____

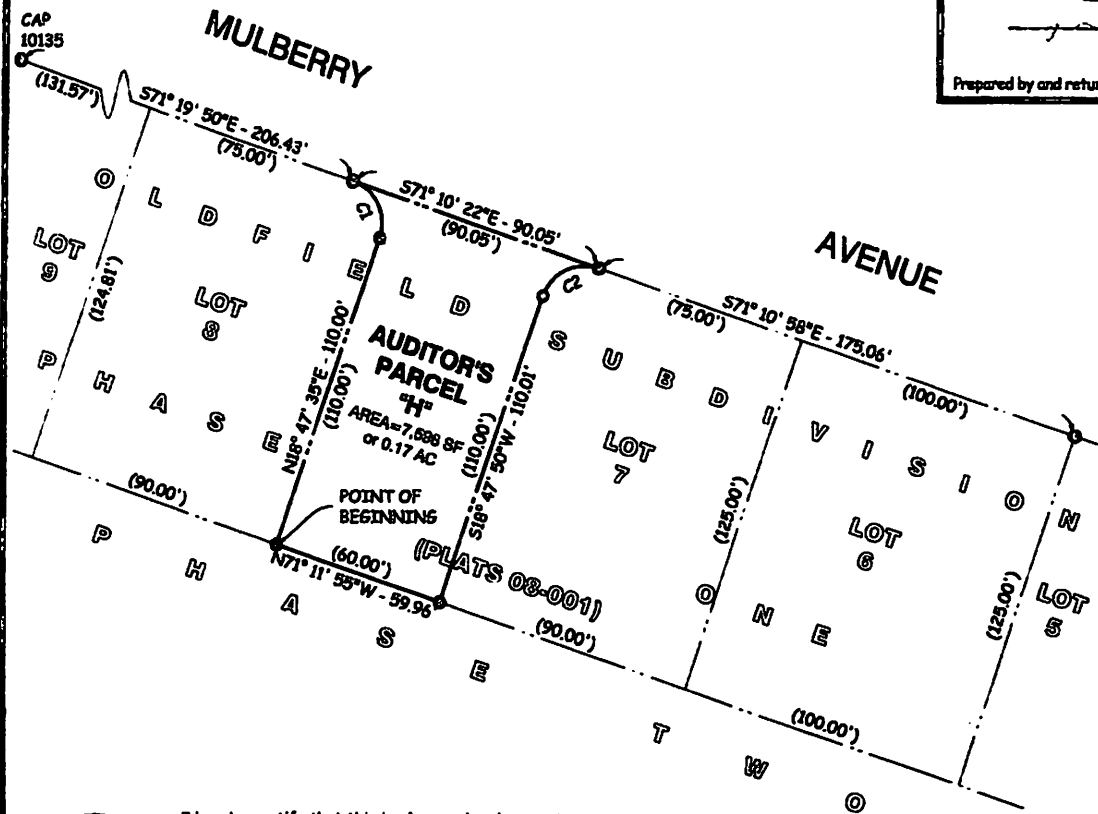


ACQUISITION PLAT - AUDITOR'S PARCEL "H"
MULBERRY AVENUE RECONSTRUCTION IDOT No. STP-U- 5330(626) -- 70 - 70
MUSCATINE, IOWA

Instrument #: 2016-02427
 03/17/2016 01:00:22 PM Total Pages 1
 PLA PLAT/SURVEY
 Recording Fee: \$7.00 Transfer Tax: \$0
 Sarah H. Hearst - Recorder Muscatine County Iowa

PARCEL LETTER DESIGNATION
 APPROVED BY MUSCATINE COUNTY AUDITOR
 DATED THIS DAY OF _____

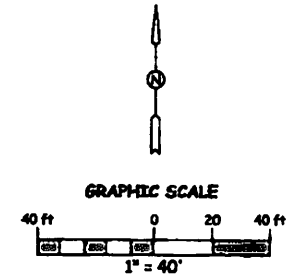
Prepared by and return to: Thomas Anthony, L.L.S., 160 Holiday Road, Coralville, IA 52241, (319) 351-7150



LEGAL DESCRIPTION - AUDITOR'S PARCEL "H"

A portion of Phase Two of Oldfield Subdivision, as recorded in Plats 08-001, Muscatine County Recorders Office, Muscatine, Iowa, described as follows:
 Beginning at a found 1/2" rebar with cap # 11307, marking the SE corner of Lot 8 of Oldfield Subdivision - Phase One:
 Thence N 18° 47' 35" E - 110.00 feet along the SE'y line of said Lot 8;
 Thence NW'y 23.68 feet along the NE'y line of said Lot 8, along a 15.00 foot radius curve, concave SW'y with a central angle of 90° 26' 54" and a chord of N 26° 07' 37" W - 21.30 feet to a point on the S'y ROW line of Mulberry Ave;
 Thence S 71° 10' 22" E - 90.05 feet along said south ROW line;
 Thence SW'y 23.63 feet along the NW'y line of Lot 7 of said Oldfield Subdivision - Phase One, along a 15.00 foot radius curve, concave SE'y with a central angle of 90° 15' 10" and chord of S 63° 49' 36" W - 21.26 feet;
 Thence S 18° 47' 50" W - 110.01 feet along said NW'y line to the SW corner of said Lot 7;
 Thence N 71° 11' 55" W - 59.96 feet to the Point of Beginning.

Said parcel contains 0.17 acres.



PLAT LEGEND

- ⊙ 1/2 REBAR W/CAP 11307 (UNLESS NOTED)
- SET 1/2"x30" STEEL Cap'n #8295
- () RECORDED DISTANCE or RECORDED BK-PG

Shoemaker & Haaland
 Consulting Engineers & Land Surveyors
 160 Holiday Road
 Coralville, Iowa 52241
 Phone: 319.351.7150
 www.shoemaker-haaland.com

ACQUISITION PLAT
AUDITOR'S PARCEL "H"
 MULBERRY AVENUE RECONSTRUCTION
 MUSCATINE, IOWA
 SE 1/4 NE 1/4, SECTION 28-77-02W

DWN: CAL SURVEY DATE(S): 03/11/2016
 CHR: TJA PLAT DATE: 03/15/2016
 SCALE: 1" = 40' REV. DATE:

Grantor: Charles A. Oldfield (272-31)

SHEET JOB # 15047 SHEET 1 OF 1

Curve Table					
Curve	Radius	Length	CHB	CH	DELTA
C1	15.00'	23.68'	N26° 07' 37"W	21.30'	90°26'54"
C2	15.00'	23.63'	S63° 49' 36"W	21.26'	90°15'10"



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.
 Thomas J. Anthony March 15, 2016
 Thomas J. Anthony Date
 My license renewal date is December 31, 2016
 Pages or sheets covered by this seal: Sheet 1 of 1