

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, MAY 16, 2023; 5:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. New Business

- A. Case ROW23-02: Request of The City of Davenport to vacate the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

- A. Consideration of the April 4, 2023 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F23-05: Request of Macerich North Park Mall LLC for a Final Plat of NorthPark Office Max Addition. The 1-lot subdivision is located at 320 West Kimberly Road on 2.1 acres. [Ward 7]

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
5/16/2023

Subject:

Case ROW23-02: Request of The City of Davenport to vacate the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

Recommendation:

Hold the Public Hearing.

A formal staff recommendation will be provided when the item is brought back for consideration.

Background:

The City of Davenport is requesting a vacation of the east-west alley connecting Belle Avenue to Duggleby Street. The existing 20 foot wide alley is unimproved.

A legal description has been submitted for review. The area for proposed vacation is approximately 12,000 square feet (.28 acres).

The vacation of public right-of-way is a two step process:

1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners. (No Plan and Zoning Commission action is required.)

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Abutting Future Land Use Designation:

The abutting properties are designated Residential General in the Davenport +2035 Future Land Use Map. The properties along Locust Street are also located within the Urban Corridor Overlay.

1. **Residential General (RG)** - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.
2. **Urban Corridor (UC)** - Generally established corridors along major streets marked by mixed use development with commercial uses generally clustered at major intersections and/or transit stops. Urban corridors are mostly fully built-out and redevelopment occurs slowly. Commercial uses in UC generally serve adjacent neighborhoods with goods and services. The character and intensity of Urban Corridors can vary due to street and surrounding neighborhood characteristics. Therefore, specific corridor and neighborhood plans, and supporting zoning provisions, should be developed to help guide future

development decisions.

Abutting Zoning:

The abutting properties are zoned R-4C Single-Family and Two-Family Central Residential District and R-MF Multi-Family Residential District.

1. The **R-4C Single-Family and Two-Family Central Residential Zoning District** is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.
2. The **R-MF Multi-Family Residential Zoning District** is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

Technical Review:

City Departments and utility companies are reviewing the proposed Right-of-Way Vacation Application. Further comments will be provided when brought back for consideration.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the May 16, 2023 Plan and Zoning Commission Public Hearing.

To date, staff received two written comments in opposition of the request.

Staff will apprise the Commission of any additional correspondence when the item is brought back for consideration.

ATTACHMENTS:

Type	Description
▢ Backup Material	Application
▢ Backup Material	Plat of Alley Vacation
▢ Backup Material	Vicinity, Zoning, Future Land Use Maps
▢ Backup Material	Public Hearing Notice
▢ Backup Material	Public Comment-2317 Pleasant Street
▢ Backup Material	Public Comment-2342 E Locust Street
▢ Backup Material	Public Comment-2342 E Locust Street Attorney Letter
▢ Backup Material	Public Comment-Letter from Realtor Scott Kelling
▢ Backup Material	Public Comment-2356 Locust Street
▢ Backup Material	Public Comment-2356 Locust Street-May

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
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CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

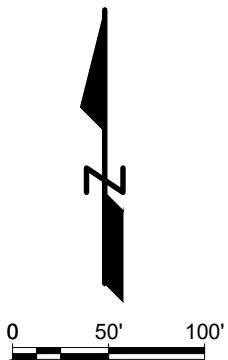
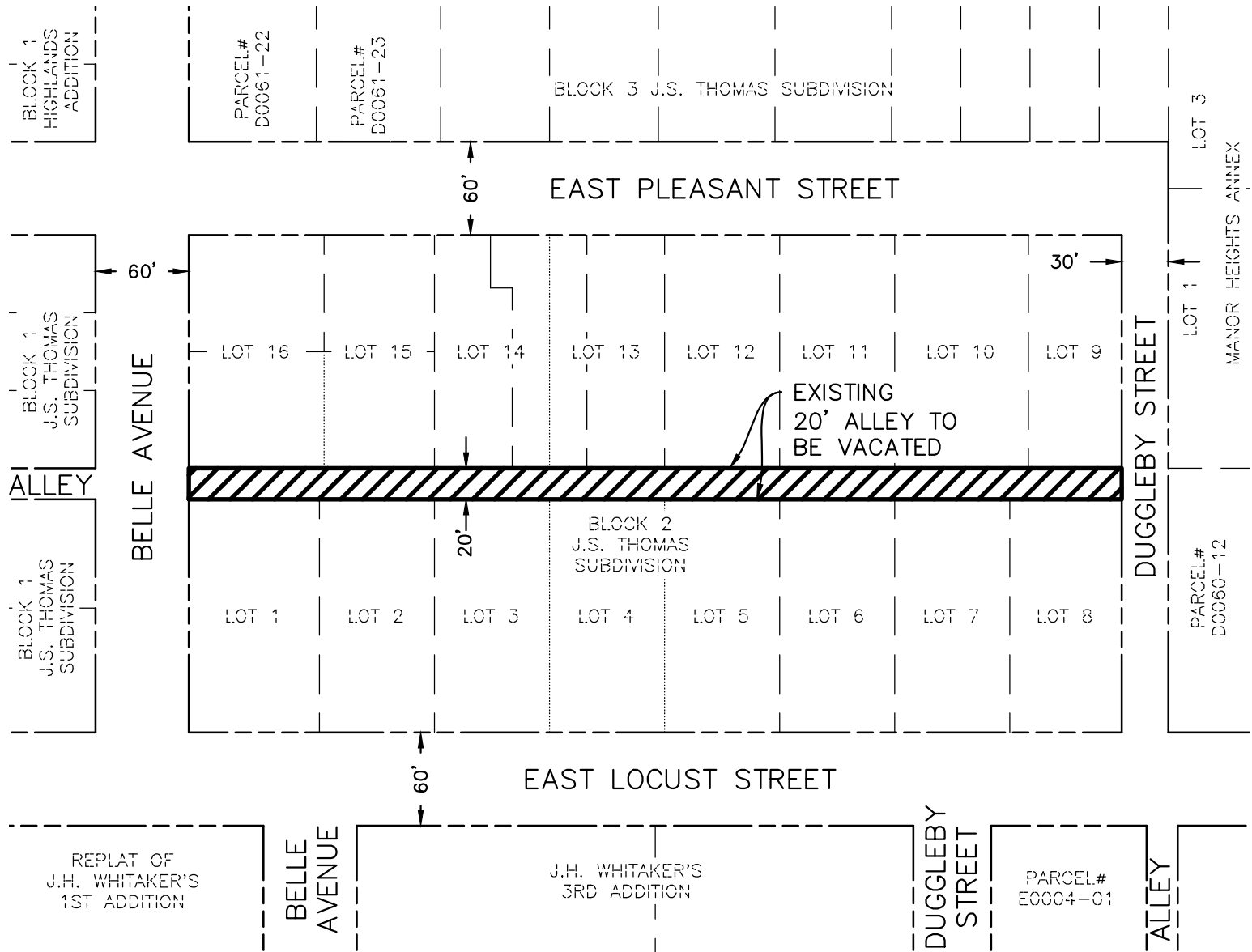
APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

APPLICANT INFORMATION																																	
APPLICANT NAME	GENERAL LOCATION DESCRIPTION																																
ADDRESS	NEIGHBORHOOD MEETING DATE / TIME / LOCATION																																
CITY, STATE, ZIP	<table border="1"><thead><tr><th>AREA OF VACATION</th><th>EXISTING USE</th><th>PROPOSED USE</th><th>SQUARE AREA</th></tr></thead><tbody><tr><td colspan="4">COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED</td></tr><tr><td colspan="4">Concept/Development Plan, if applicable</td></tr><tr><td colspan="4">Authorization to Act as Applicant</td></tr><tr><td colspan="4">Legal Description* (bearing & distance) * shall include a MS Word or Text file</td></tr><tr><td colspan="4">Legal Description Dimensioned Sketch</td></tr><tr><td colspan="4">Application Fee: (REQUIRED) \$400* * check payable to 'City of Davenport'</td></tr><tr><td colspan="4">PROJECT NARRATIVE: (submit separate sheet if needed)</td></tr></tbody></table>	AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED				Concept/Development Plan, if applicable				Authorization to Act as Applicant				Legal Description* (bearing & distance) * shall include a MS Word or Text file				Legal Description Dimensioned Sketch				Application Fee: (REQUIRED) \$400* * check payable to 'City of Davenport'				PROJECT NARRATIVE: (submit separate sheet if needed)			
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PHONE																																	
SECONDARY PHONE																																	
E-MAIL ADDRESS																																	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study. Type Applicant's Name _____ Applicant's Signature _____ Date _____																																	
DEVELOPMENT TEAM																																	
Surveyor																																	
Address																																	
Phone	Secondary Phone																																
E-Mail Address																																	
Attorney/Other																																	
Address																																	
Phone	Secondary Phone																																
E-Mail Address																																	
Submit the first page of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.																																	

ALLEY VACATION EXHIBIT
PART OF BLOCK 2, J.S. THOMAS SUBDIVISION
CITY OF DAVENPORT, SCOTT COUNTY, IOWA



LEGAL DESCRIPTION:

PART OF BLOCK 2, J.S. THOMAS SUBDIVISION,
CITY OF DAVENPORT, SCOTT COUNTY, IOWA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE 20.00 FOOT ALLEY IN BLOCK 2 OF SAID
SUBDIVISION, FROM BELLE AVENUE TO
DUGGLEBY STREET, CONTAINING 12,000
SQUARE FEET, MORE OR LESS.

LEGEND

- ALLEY VACATION BOUNDARY
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- ORIGINAL LOT LINES

KLINGNER
& ASSOCIATES, P.C.
Engineers • Architects • Surveyors
www.klingner.com
Davenport, Iowa
4111 East 60th Street
563.359.1349

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REVISION HISTORY		
NO.	DESCRIPTION	DATE

PRELIMINARY
NOT FOR
RECORDING

ALLEY VACATION EXHIBIT
CITY OF DAVENPORT
1200 46TH STREET
DAVENPORT, IOWA 52807

Non-Reduced Sheet Size: 14" x 8.5"

DESIGNED JLR	DRAWN JLR
FIELD	FIELD BOOK
CHECKED LDM	CHECK DATE

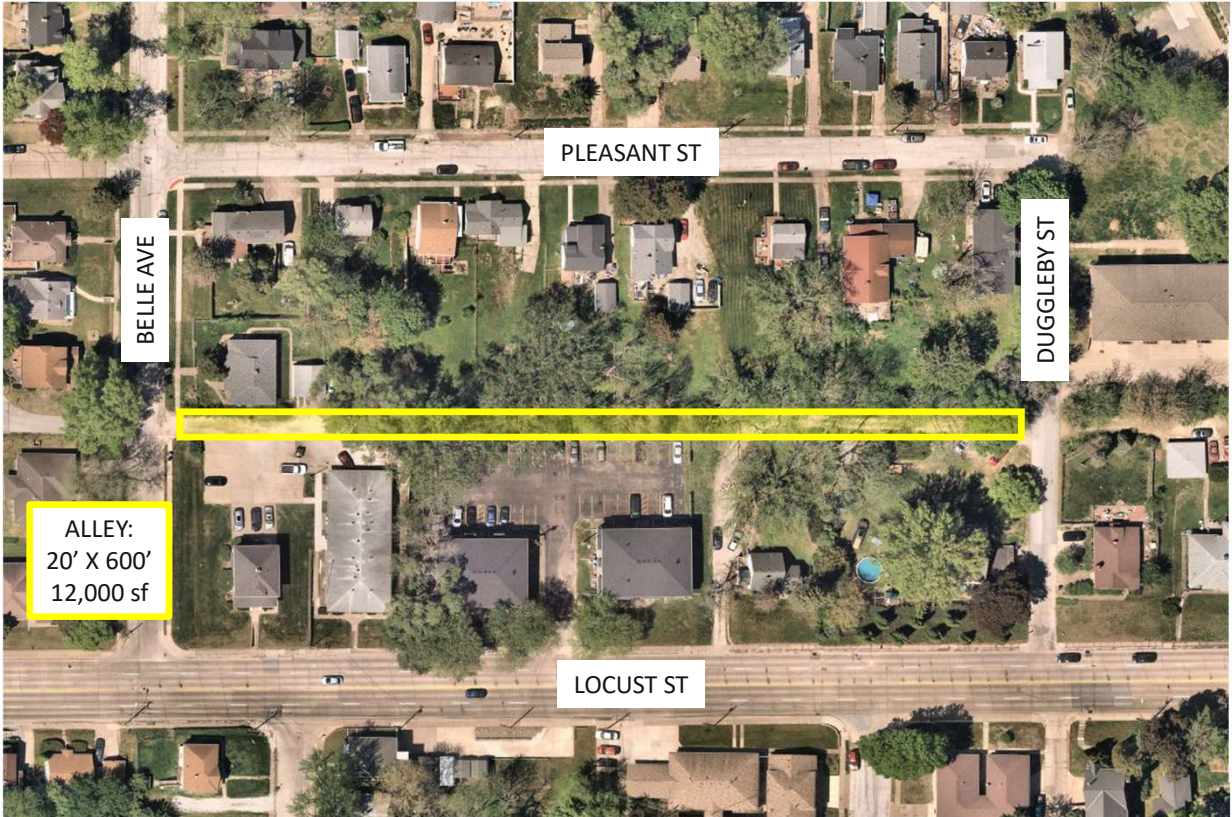
ALLEY
VACATION
PLAT

PROJECT NO.
22-6003.003

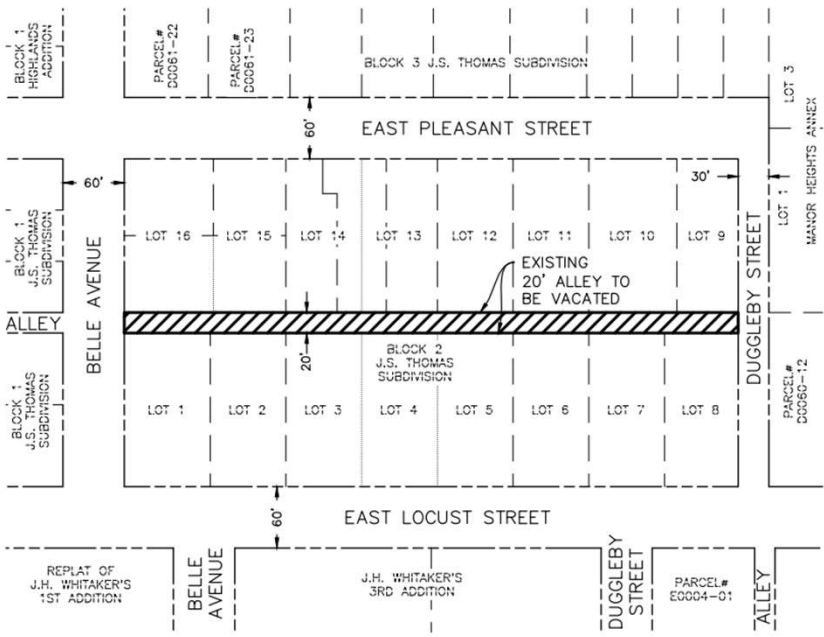
1-6-2023

SHEET
1 OF 1

Vicinity Map



ALLEY VACATION EXHIBIT PART OF BLOCK 2, J.S. THOMAS SUBDIVISION CITY OF DAVENPORT, SCOTT COUNTY, IOWA



Alley Vacation

DAVENPORT
IOWA | USA

- **Alley Dimensions:** 20 ft. in Width by 600 ft. in Length
- **Area to be Vacated:** 12,000 SF



View from Belle Avenue



View from Duggleby Street

Zoning Map

DAVENPORT
IOWA | USA



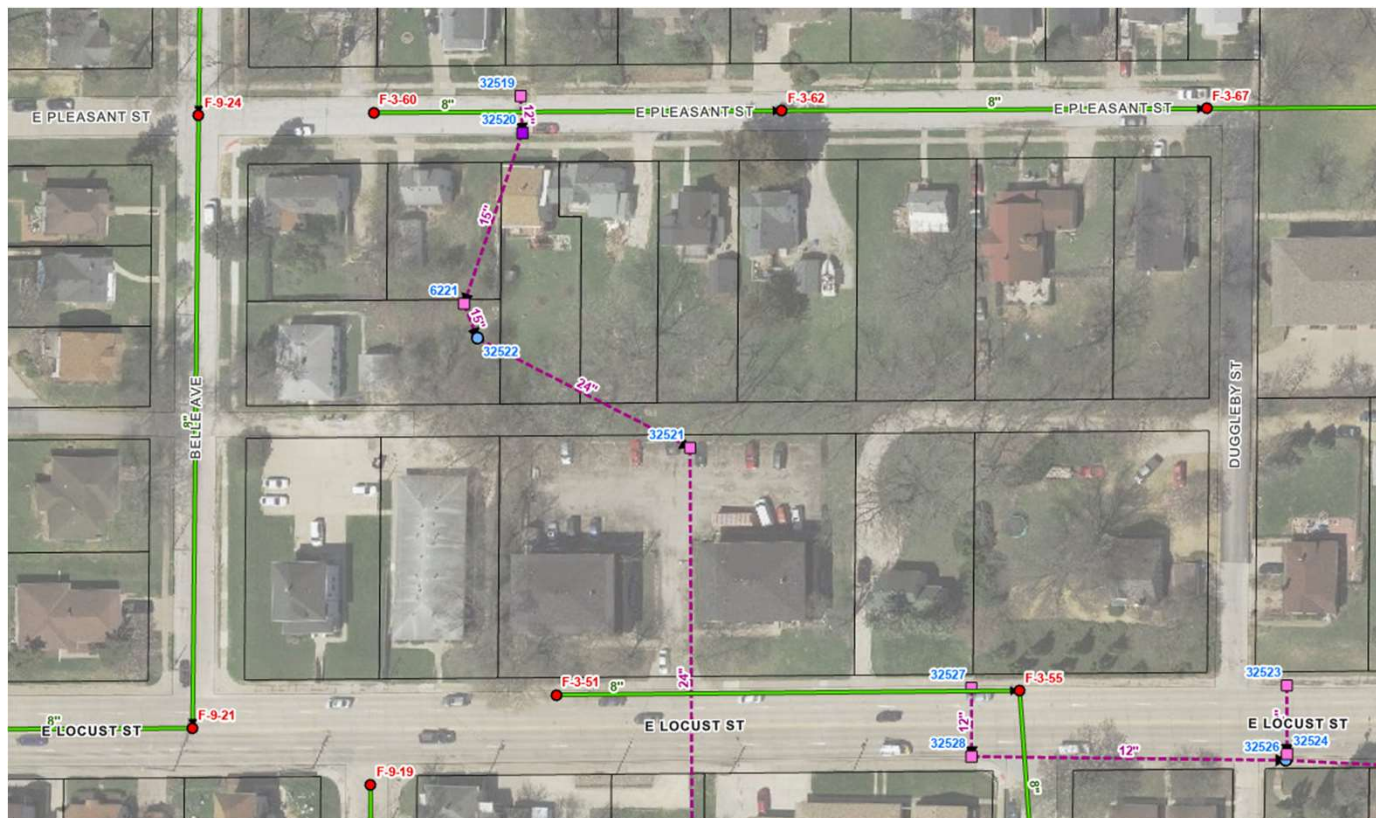
Future Land Use Map

DAVENPORT
IOWA | USA



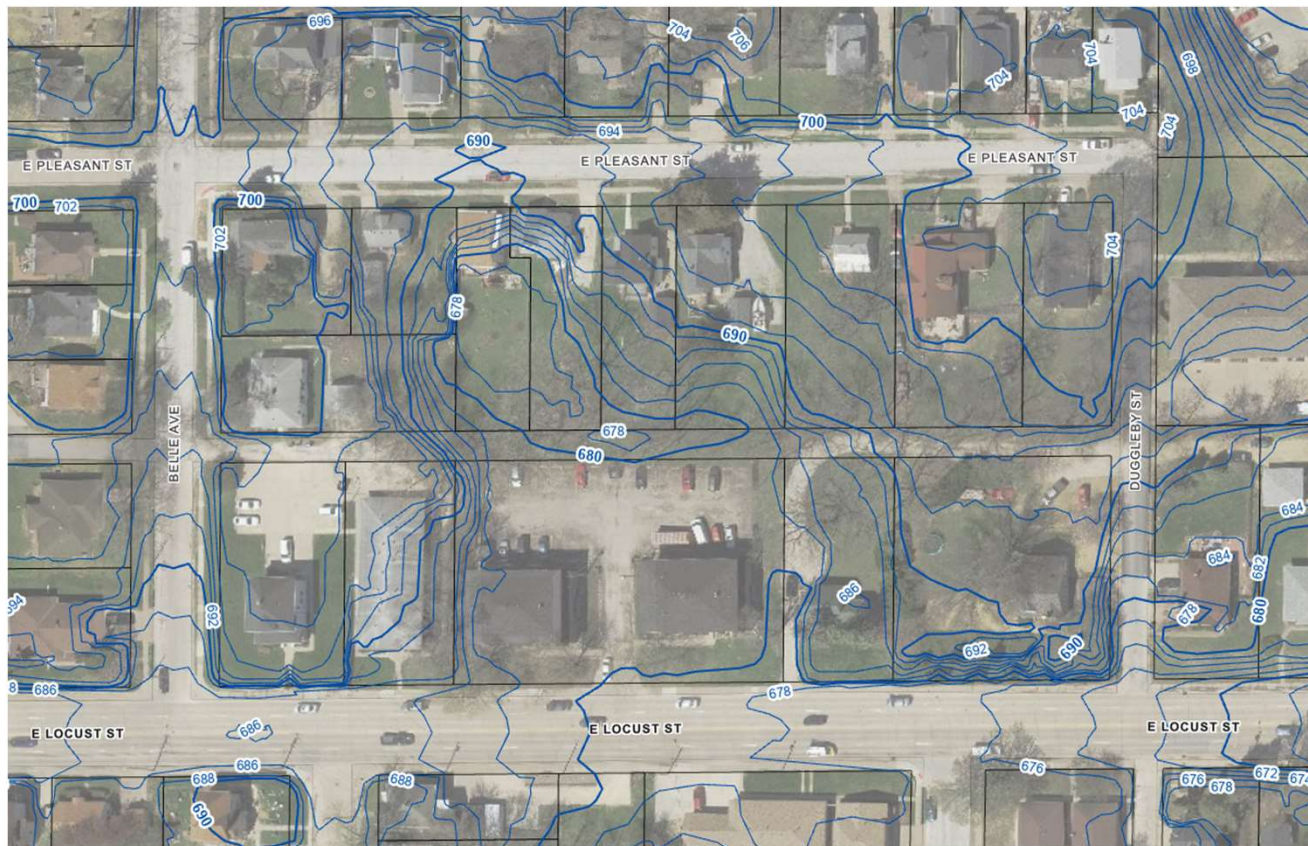
Storm Sewer

DAVENPORT
IOWA | USA



Elevation

DAVENPORT
IOWA | USA





DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 5/16/2023
Time: 5 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Right-Of-Way Vacation

To: All property owners within 200 feet of the subject public right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate alley right-of-way. The existing alley is unimproved.

Request/Case Description

Case ROW23-02: Request of The City of Davenport to vacate the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on May 16, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on June 6, 2023. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM one day before the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas":
<http://www.cityofdavenportiowa.com/boards> Mondays before the meeting/public hearing.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Right-Of-Way Vacation | Public Hearing Notice

Case ROW23-02: Request of The City of Davenport to vacate the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]



ROW Vacation



200' Notification Boundary



0 125 250
Feet



Werderitch, Matt

From: sewtcraig@aol.com
Sent: Thursday, May 11, 2023 1:29 PM
To: Planning
Subject: [EXT] Case #ROW23-02

ATTENTION: This is an external email.

To whom it may concern

In regards to right of way between Belle Ave and Duggleby St.

In the early 60's when this house was built, the City of Davenport wanted access across the yard to put in a storm sewer. Owners were in agreement if an alley would be put in and a garage and concrete slab erected at back of lot. Storm sewer went in. No Alley was done. Early 90's storm sewer line collapsed and City had to repair it. Public works said they would bring truck down alley. What Alley??? Mayor and Public works came to check. If we put a gate in back fence City of Davenport would put in an Alley. Gate went in. Estimates were sent out by City. Some home owners were for it while others were already using easement for parking. No Alley City did repair storm sewer.

I have no off street parking. I have Handicapped Parking Signs in front of house and no access from back yard at all.

I will hopefully attend meeting on Monday.

I did call the planner Matt Werderitch who is assigned to this case

Thank you for your considerations

Sheila E Craig
2317 East Pleasant Street
Davenport IA 52803-2325

Shawn Agan
828 Waverly Road
Davenport, IA 52804

City of Davenport
Planning
1200 E 46th St
Davenport, IA 52807

To whom it may concern:

I do hereby want to object the City's proposal to vacate the alley right-of-way located north of Locust St, between Belle Ave and Duggleby St. CASE ROW23-02

Vacating this alley way will leave 2342 E Locust St with only E Locust St as access to the property. The property of 2342 E Locust was impaired visual when trying to turn onto E Locust St. This is an overall safety concern to not only other drivers but pedestrians that might be walking down the sidewalk if the alley right-of-way were to be vacated.

Please take into concertation the access this will leave if the alley is no longer able to be of use. I would encourage everyone responsible in deciding on this matter to drive down this alley way and try to turn out onto E Locust St from 2342 E Locust and feel for yourself if you would like to have to be in this position daily when trying to commute.

Thank you for your consideration,

Shawn Agan

Werderitch, Matt

From: mike meloylaw.com <mike@meloylaw.com>
Sent: Monday, May 15, 2023 1:13 PM
To: Werderitch, Matt
Subject: [EXT] Fw: Plan & Zoning Commission Meeting 5-16-23

ATTENTION: This is an external email.

Mr. Werderitch,

Re: Case ROW 23-02-Request of the City of Davenport to vacate right of way located north of Locust Street , between Belle Avenue and Duggleby Street.

I represent Shawn Agan, the title holder and owner of real property located at 2342 East Locust Street, Davenport, Iowa.

This is legal notice to the City of Davenport that Mr. Agan **Opposes** the vacation of this public right of way.

The proposed vacation will negatively impact Mr. Agan's real property value. It would limit access to and from 2342 Locust Street to one off street access point - on East Locust Street.

Exiting the property at this point west of Mr. Agan's real property and turning east or west onto East Locust Street is a **safety hazard** because of lack of visibility due to an existing five-foot-high cement wall running adjacent to East Locust Street.

There appears that only one property owner, who is located at the intersection of Duggleby Street and East Locust Street, that is making this request. That property owner would then be able to block access from the alleyway to any person entering the alleyway from Duggleby Street. A public alleyway should not be vacated and conveyed when it is in the detriment to other property owners adjacent to that alleyway.

We request that this request be rejected by City Staff as detrimental to the public interest.

Thank-you.

Sincerely,

Michael J. Meloy
Attorney at Law
Meloy Law Office
2535 Tech Drive, Suite 206
Bettendorf, IA 52722
(563)-359-3959
(563)-359-3953 – Fax
mike@meloylaw.com



May 12, 2023

RE: Shawn Agan
2342 E. Locust Street
Davenport, IA 52803

TO WHOM IT MAY CONCERN:

My Client, Mr. Shawn Agan has asked me to state the impact of a proposed alleyway vacating to the rear of the home he owns at 2342 E. Locust Street, Davenport.

I am a forty-nine year Real Estate Agent with MEL FOSTER CO. I SOLD him this property in 2017 and have experienced first-hand the difficulty and danger of making ingress or egress from his home onto E. Locust Street.

If the City of Davenport were to vacate this alley, it is my professional opinion that it would have a detrimental impact on the saleability of this home. Having secondary access via the alley is a critical feature affecting the value and use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Kelling'.

Scott Kelling
MeL FOSTER CO.

3211 E. 35th St. Ct. at I-74 & Kimberly Rd., Davenport, Iowa 52807-2585
PHONE (563) 359-4663
www.melfosterco.com



Werderitch, Matt

From: jodi marlowe <jd_marlowe@yahoo.com>
Sent: Tuesday, May 16, 2023 11:48 AM
To: Planning
Subject: [EXT] Case ROW23-02

ATTENTION: This is an external email.

I am writing in regards to the public hearing regarding Case ROW23-02 request to vacate the alley right of way north of Locust St between Belle Avenue and Duggleby. Me and my husband are not able to attend the hearing but we are the ones who started this process. We are looking to get this easement behind our property to clean it up and build a garage in the northwest corner. Since we have owned the property at 2356 E Locust St, the city has not used or taken care of it so it is not useful to the city.

Thanks!

Steve and Jodi May

Werderitch, Matt

From: Steve May <driftfc88@gmail.com>
Sent: Tuesday, May 16, 2023 1:28 PM
To: Planning
Subject: [EXT] ROW23-02
Attachments: Screenshot_20230516-124650~2.png

ATTENTION: This is an external email.

To whom it may concern,

I'm writing in support of the vacation of this alley way that is no longer maintained by the city.

I've read some of the concerns the property owner at 2342 E locust St has and find them without merit.

Before the purchase of this property by Shawn the Dray's owned it from 88-2017 per the accessors site. When I purchased my property this was all overgrown and unimproved. With this being overgrown when I purchased it that means from 88-2018, roughly, this was never used as a alternative entrance and exit for 2342 E Locust St. So for 30 years there has been no issue entering and exiting the property at 2342 E Locust St.

Since Shawn Agan put a alley way exclusive for his tenants only. I've had increases in people trying to get into my cars, I've had his tenants throw trash onto my property (on video), I've had his tenants dogs get off their leashes while walking in this alley and attack my dogs (on video), I've had people park back there at night and during the day to urinate on my property, etc, the list goes on.

If Shawn is now concerned about safety, he should look at improving the entrance to his property to address those concerns. He owns a construction business and equipment so this should be easy for him to accomplish if it's such a concern.

Shawn also purchased the property with only having the single entrance and exit so saying it's going to hurt resale value is silly.

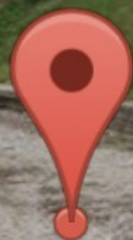
I've attached a picture of the front of his property to show what he would need to do to make it safer to get in and out of the property if he is really concerned about it.

If I'm able to aquire the alley behind my house my plans are to clean this area up, get all the years of trash and debris out of there and build a detached garage. With doing all of this, it will benefit the entire neighborhood and increase property values. Also instead of only one landlord benefitting from the alley with no tax income for the city that would change when my garage was up and my property was reassesd.

Thank you for your time and I look forward to attending the meeting tonight.



Google
© 2023 Google



Remove or fix for
safety of tenant.

Locust St

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
5/16/2023

Subject:
Consideration of the April 4, 2023 meeting minutes.

Recommendation:
Staff recommends the City Plan and Zoning Commission approve the April 4, 2023 meeting minutes.

Background:
The April 4, 2023 meeting minutes are attached.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 4-4-23

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	5/11/2023 - 11:45 AM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, APRIL 4, 2023; 5:00 PM
CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

REGULAR MEETING AGENDA

I. Roll Call

Present: Schneider, Inghram, Hepner, Reinartz, Eikleberry, Johnson, Tallman
Excused: Brandsgard, Maness, Garrington, Stelk
Staff: Koops, Werderitch

II. Report of the City Council Activity

Staff provided an update of the City Council activity.

III. Secretary's Report

A. Consideration of the March 14, 2023 meeting minutes.

Motion by Hepner, second by Tallman, to approve the March 14, 2023 meeting minutes. Motion to approve was unanimous by voice vote (6-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F23-04: Request of Linda R. Duffy Revocable Trust for a Final Plat of Duffy Acres. The 2-lot subdivision is located at 7400 Jersey Ridge Road on 14.1 acres. [Ward 8]

Werderitch presented the purpose of the final plat, which is to create a second developable residential lot. The existing 14.1-acre parcel contains a single-family home and row crops. Lot 2 will be established at the northeast corner of the site and utilize the existing driveway onto Jersey Ridge Road via an access easement.

The property owner as well as a representative of Axiom Consultants was in attendance to answer questions.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F23-04 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add a note stating "Stormwater detention and water quality treatment will not be required for this subdivision, but will be require upon further development of the property."

Motion by Tallman, second by Hepner, to approve staff recommendation and conditions. Motion was approved by a roll call vote (6-0).

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

Motion by Tallman, second by Hepner, to adjourn the meeting. Motion to adjourn was unanimous by voice vote (6-0).

The meeting adjourned at 5:05 pm.

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
5/16/2023

Subject:

Case F23-05: Request of Macerich North Park Mall LLC for a Final Plat of NorthPark Office Max Addition. The 1-lot subdivision is located at 320 West Kimberly Road on 2.1 acres. [Ward 7]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F23-05 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Surveyor's Note 5 and 6 shall document an access easement on the final plat, or reference a recorded document providing access.

Background:

Discussion

The purpose of the final plat is to facilitate the sale of the outlot from the NorthPark Mall property. Lot 1 consists of the former Office Max store, which is currently occupied by two commercial tenants. The 2.1 acre lot encompasses the building and parking area to the north of the storefront. Lot 1 will maintain frontage on Kimberly Road, with access provided through the shared mall entrance aligned with Main Street.

Comprehensive Plan:

1. Within Existing Urban Service Area: Yes
2. Within Urban Service Area 2035: Yes

Future Land Use Designation:

1. **Regional Commercial (RC)** – Are the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses. Connectivity to nearby neighborhoods is desirable but less important.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.
The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning:

The subject property is zoned **C-C City Centre District**. This district is intended to position the central part of the city for revitalization oriented toward a regional mix of commercial, high-density residential, and entertainment that encourages compatible development and redevelopment while promoting local reinvestment.

Technical Review:

1. Zoning: The C-C City Centre District does not have a minimum lot area or width requirement. Since the property does not abut residentially zoned land, there is also no minimum setback requirements.
2. Streets: No new streets are proposed. The property will maintain access through NorthPark Mall.
3. Storm Water: There is a Property Contribution Agreement between the City and Northpark Mall that exempts redevelopment of the mall property from stormwater restrictions and regulations.
4. Sanitary Sewer: Existing sanitary sewer services are available.
5. Other Utilities: Normal utility services are available at this site.
6. Parks/Open Space: There are no impacts to parks/open space

Public Input:

No public hearing is required for a Final Plat.

ATTACHMENTS:

Type	Description
▢ Backup Material	Final Plat
▢ Backup Material	Application
▢ Backup Material	Zoning & Future Land Use Map
▢ Backup Material	Property Contribution Agreement

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	5/12/2023 - 3:34 PM

FINAL PLAT
FOR
NORTH PARK OFFICE MAX
ADDITION

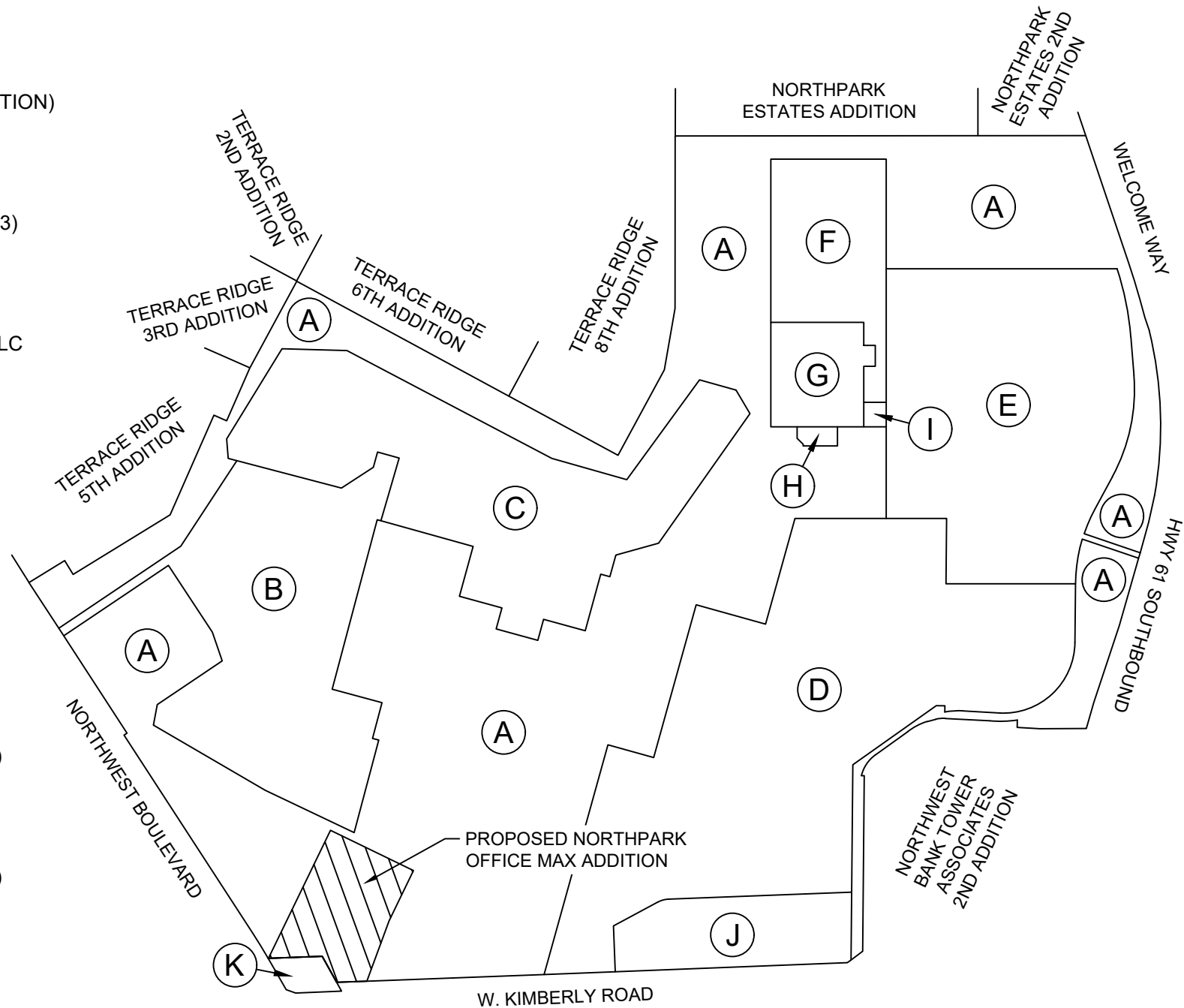
(PART OF THE NORTHEAST QUARTER OF SECTION 14,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL
MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA)

Owner: MACERICH NORTH PARK MALL LLC
PO BOX 4085
SANTA MONICA, CA 90411-4085
Developer: MACERICH
1162 PITTSFORD-VICTOR ROAD, SUITE 100
PITTSFORD, NY 14534

LEGEND

- POB POINT OF BEGINNING
POR POINT OF REFERENCE
(R) RECORD BEARING/DISTANCE
(M) MEASURED BEARING/DISTANCE
● IRON ROD - FOUND
○ IRON ROD - SET (5/8" IR W/ CAP 12531)
⊙ NAIL SET
Existing Structure

SPACE RESERVED FOR COUNTY RECORDER'S USE



NORTH PARK MALL PARCEL MAP

SCALE: 1" = 400'

SURVEYOR'S NOTES

- THIS SUBDIVISION CONTAINS 2.10 ACRES MORE OR LESS.
- THIS PROPERTY IS ZONED C-C (CITY CENTER) AND HAS NO MINIMUM BUILDING SETBACK REQUIREMENTS.
- THIS PROPERTY IS LOCATED IN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON FLOOD INSURANCE RATE MAP 19163C0366S, DATED MARCH 23, 2021.
- ADDITIONAL PARKING AREA TO BE PROVIDED BY SEPARATE OFF-SITE SHARED PARKING AGREEMENT.
- INGRESS/EGRESS TO THE SUBDIVISION AREA IS ADDRESSED WITH A SEPARATE PRIVATE AGREEMENT.
- ACCESS TO WESTERN FIELD IN PARCEL P1405-07J IS ADDRESSED WITH A SEPARATE PRIVATE AGREEMENT.

LAND DESCRIPTION

That part of the Northeast Quarter of Section 14 in Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa more particularly described as follows:

Commencing at the easterly corner of Lot 21, Terrace Ridge Fifth Addition (recorded in Book 170 Miscellaneous Records, Page 10 at the Scott County Recorder's Office, Scott County, Iowa);

thence South 58°25'00" West 116.46 feet along the southeasterly line of said Lot 21 to the southerly corner of said Lot 21;

thence southeasterly 166.24 feet along the arc of a curve concave northeasterly (chord bearing South 33°00'40" East 166.24 feet) and along the present northeasterly right-of-way of Northwest Boulevard;

thence South 33°03'59" East 332.60 feet along said northeasterly right-of-way;

thence South 56°59'00" West 10.00 feet along said northeasterly right-of-way;

thence South 33°03'45" East 654.30 feet along said northeasterly right-of-way;

thence southeasterly 83.36 feet along the arc of a curve concave southwesterly (chord bearing South 32°03'57" East 83.45 feet) and along said northeasterly right-of-way to the northwesterly corner of a tract granted to Nino Holdings, LLC, Series 3 (File No. 2020-10960 at the Scott County Recorder's Office, Scott County, Iowa) and the Point of Beginning;

thence North 28°53'00" East 100.00 feet;

thence North 20°09'08" East 150.00 feet;

thence North 36°04'30" East 145.78 feet;

thence South 64°08'51" East 88.80 feet;

thence South 55°19'04" East 35.46 feet;

thence South 73°21'36" East 34.00 feet;

thence South 64°08'51" East 81.67 feet;

thence South 26°01'39" West 141.50 feet;

thence South 20°09'08" West 189.65 feet to the present northerly right-of-way of West Kimberly Road;

thence South 87°50'58" West 83.79 feet along said northerly right-of-way to a point in the easterly line of said Nino Holdings tract;

thence North 29°11'22" West 82.65 feet along said easterly line to the northeasterly corner of said Nino Holdings tract;

thence South 87°47'04" West 149.61 feet along the northerly line of said Nino Holdings tract to the Point of Beginning.

(For purposes of this description, the present northerly right-of-way of West Kimberly Road is assumed to bear South 87°50'58" West, per the Warranty Deed for the parent tract of this subdivision, recorded as File No. 2012-3141 at the Scott County Recorder's Office, Scott County, Iowa.)

PLANNING & ZONING COMMISSION

BY: _____

DATE: _____

CITY OF DAVENPORT, IOWA

BY: _____

ATTEST: _____

DATE: _____

CENTURYLINK

BY: _____

DATE: _____

MIDAMERICAN ENERGY COMPANY

BY: _____

DATE: _____

IOWA-AMERICAN WATER COMPANY

BY: _____

DATE: _____

MEDIACOM

BY: _____

DATE: _____

METRONET

BY: _____

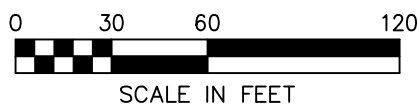
DATE: _____

LOT 1
NORTH PARK MALL
FIRST ADDITION
FILE NO. 2002-21227 & 2002-35870
THE HIGBEE COMPANY
FILE NO. 2005-41579
PARCEL ID P1406-01C

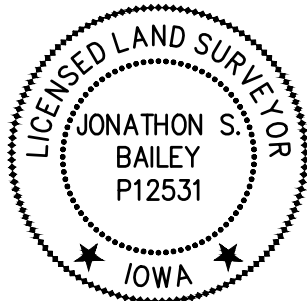
UNPLATTED
MACERICH NORTH PARK MALL LLC
FILE NO. 2012-3141
PARCEL ID P1405-07J

UNPLATTED
MACERICH NORTH PARK MALL LLC
FILE NO. 2012-3141
PARCEL ID P1405-07J

UNPLATTED
PENNEY PROPERTY SUB HOLDINGS LLC
FILE NO. 2021-28047
PARCEL ID P1405-05A



W. KIMBERLY ROAD (WIDTH VARIES)



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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
SIGNATURE: _____
NAME: JONATHAN S. BAILEY
DATE: _____ LICENSE NUMBER: P12531
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2023
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1.01

FINAL PLAT
NORTH PARK OFFICE MAX ADDITION

SSP	JSE	REVIEW	ISSUE DATE	PROJECT NUMBER	FIELD BOOK
			3/31/2023	2132203400	651

FINAL PLAT

B1.01

SHIVE-HATTERY
ARCHITECTURE+ENGINEERING

SEAL

MACERICH
DAVENPORT, IOWA

2144 56TH AVENUE WEST
BETTENDORF, IOWA 52722
563.635.7300 | SHIVE-HATTERY.COM



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

**APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)**

APPLICANT INFORMATION

Applicant Name

Dave Hofmeister

Address

1162 Pittsford-Victor Road, Suite 100

City | State | Zip

Pittsford, NY 14534

Phone

(585) 249-4443

Secondary Phone

E-Mail Address

dave.hofmeister@macerich.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

David J. Hofmeister

Print Applicant's Name

David Hofmeister

Applicant's Signature

4/21/23

Date

SUBDIVISION NAME

NorthPark Office Max Addition

LOCATION DESCRIPTION

W Kimberly Rd & Northwest Blvd

SUBMITTED

04/20/2023

NUMBER OF LOTS BY USE TYPE

1

ACRES

2.10

STREETS ADDED

none

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: \$16.16 Requirements ☐

FINAL PLAT: \$16.20 Requirements ☒

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☐

Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:

Platting Certificates per \$354.11 State Code ☐

Final Plat ☒

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☒

Application Fee (REQUIRED) ☒

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at
planning@davenportiowa.com

DEVELOPMENT TEAM

Developer / Project Manager

Address

Phone

Secondary Phone

E-Mail Address

Owner

Macerich Northpark Mall LLC

Address

1162 Pittsford-Victor Road, Suite 100

Phone

% +

Secondary Phone

E-Mail Address

dave.hofmeister@macerich.com

Engineer

Shive- Hattery, Inc.

Address

2144 56th Avenue West

Phone

563.635.7300

Secondary Phone

E-Mail Address

jradloff@shive-hattery.com

Attorney

Gretta Moy

Address

401 Wilshire Boulevard, Suite 700

Phone

% +

Secondary Phone

E-Mail Address

gretta.moy@macerich.com

Authorization to Act as Applicant

I/We, Dave Hofmeister

[as property owner(s)]

authorize Jonathon Bailey, Seth Pedersen, and Jennifer Radloff

[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at 320 W KIMBERLY RD (Northpark Mall - Parcel P1405-07J)

David Hofmeister
Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization:

4/21/2023
Date

State of New York,

County of Monroe,

Sworn and subscribed before me

this 21st day of April, 2023

Driver's License
[identification type]

Maria S. Alberti
Notary Public

My Commission Expires: 6/15/2025



* Application Form by Board Type

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)
Planned Unit Development
Zoning Ordinance Text Amendment
Right-of-way or Easement Vacation

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

Design Review Board

Design Approval
Demolition Request in the Downtown
Demolition Request in the Village of
East Davenport

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Vicinity Map

DAVENPORT
IOWA | USA

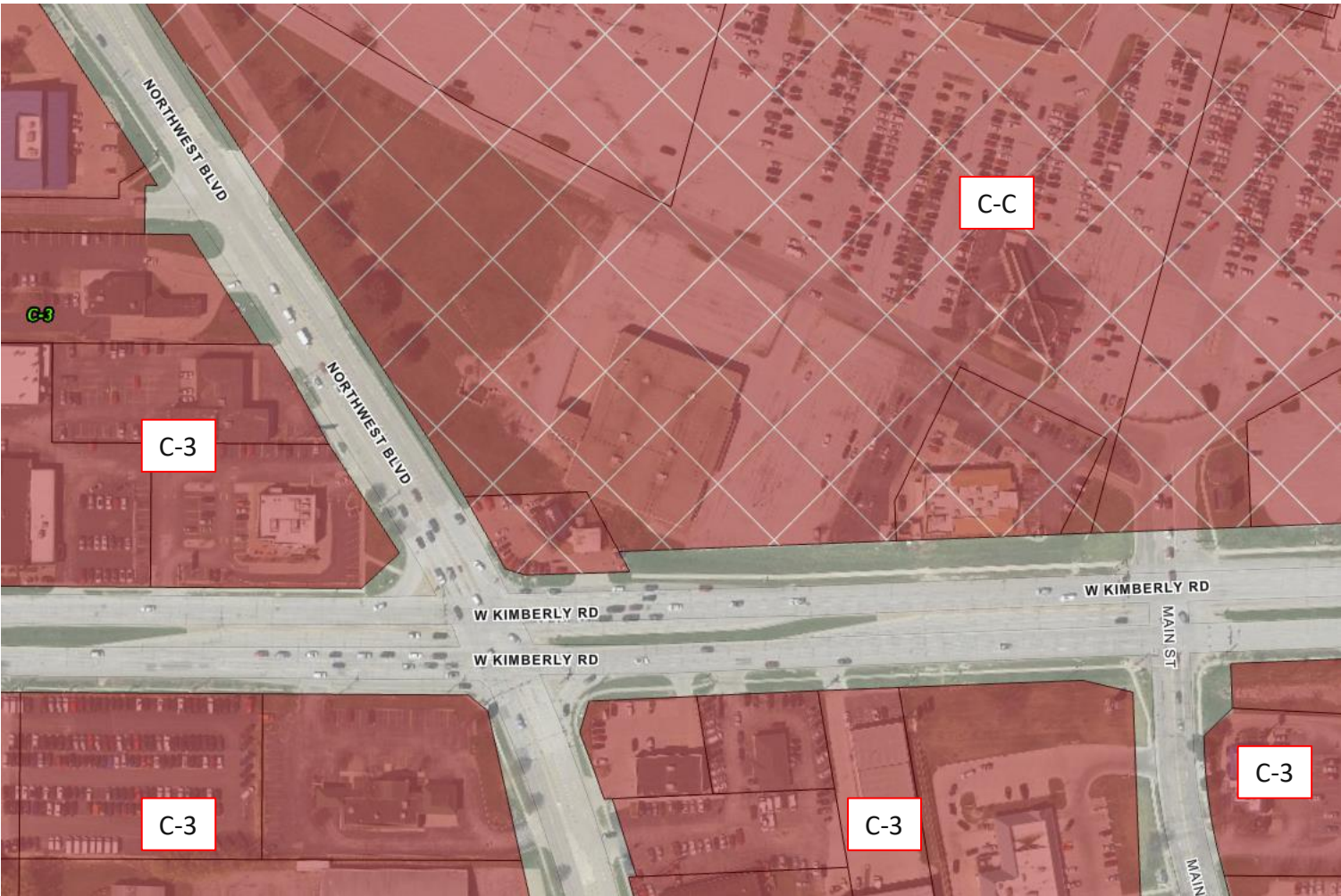


Former Office Max Building

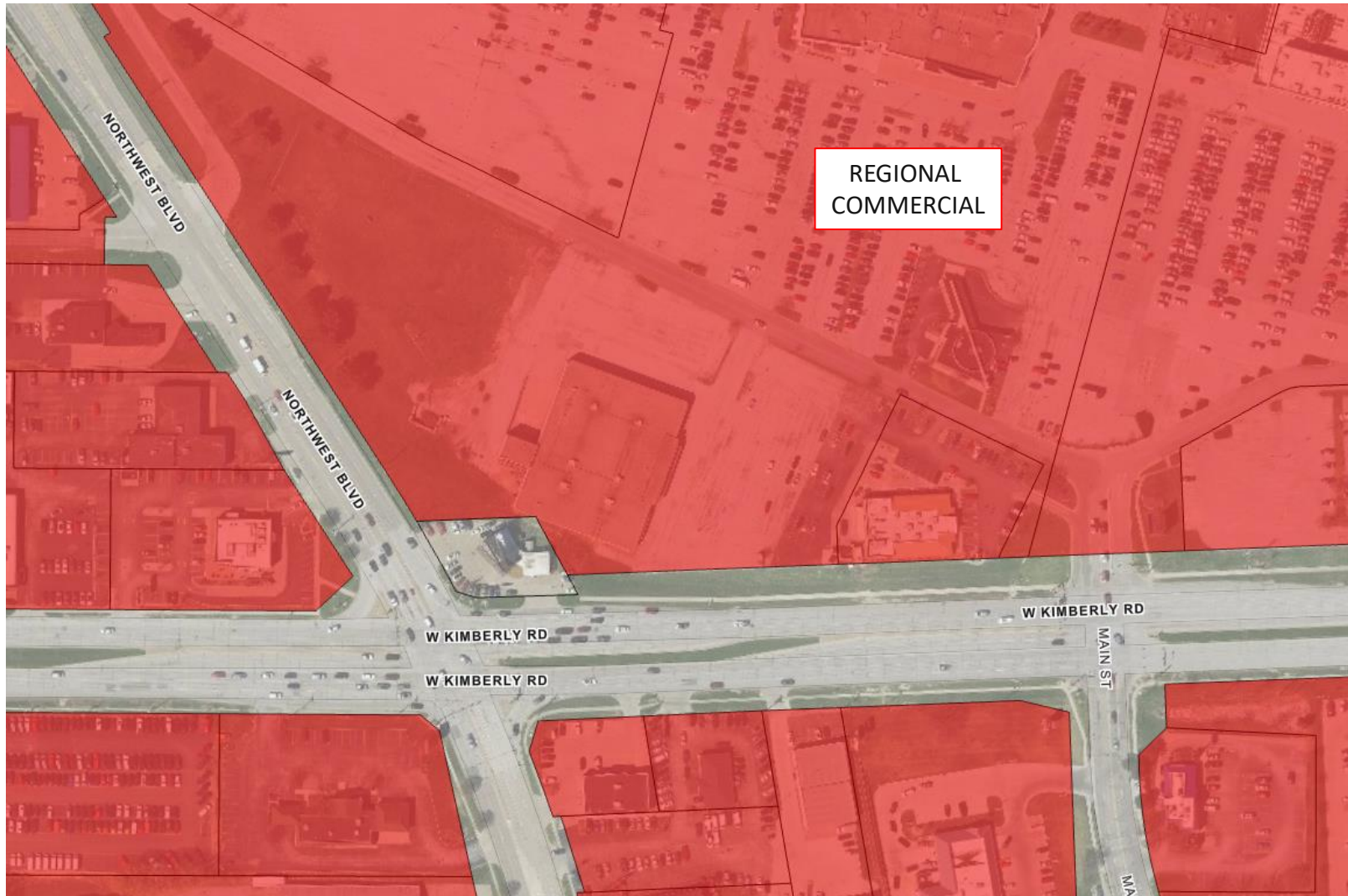
DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map



PROPERTY CONTRIBUTION AGREEMENT

This Property Contribution Agreement ("Agreement") is entered into by and between Macerich North Park Mall LLC, a Delaware limited liability company ("Macerich") and City of Davenport, Iowa ("City") this 8th day of September, 2016.

WHEREAS, Macerich owns approximately 5.8 acres (MOL) of undeveloped property located in the City of Davenport, Iowa, more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, Macerich desires to donate the Property to City in order to allow City to make improvements to the watershed associated with the Property; and

WHEREAS, the parties desire to allocate responsibility and obligations relating to contribution of the Property, as well as provide for covenants affecting the Property.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. **CONTRIBUTION OF PROPERTY.** Subject to the terms of the Agreement, Macerich agrees to quitclaim and transfer all its rights, title and interest to the Property to City. Conveyance shall be by Quit Claim Deed in the form attached hereto as Exhibit "B" (the "Quit Claim Deed").

2. **TITLE AND CONDITION OF PROPERTY.** Macerich's contribution of the Property to City is subject to any easements, restrictions, covenants (including but not limited to the Declaration of Covenants to be recorded immediately prior to the Quit Claim Deed (the "Declaration of Covenants")), encumbrances and other agreements of record, the terms of this Agreement, and such other typical and customary exceptions to title for the area in which the Property is located, and without representation or warranty regarding title. City hereby acknowledges and agrees that it is relying solely upon its own examination and evaluation of the Property, and at Closing will accept the Property "As Is, Where Is", without representation, warranty or covenant, expressed or implied, of any kind or nature, including but not limited to title, zoning, condition, or use of the Property. The foregoing shall survive Closing of the Contribution of Property.

3. **FURTHER AGREEMENTS.** In consideration for Macerich's contribution of the Property to City, City agrees and represents to Macerich:

(a) Any outstanding property tax obligations relating to the Property (including but not limited to 2015 Property Taxes) shall be satisfied and/or released at City's cost.

(b) City shall release or pay off the remaining balance of the Sidewalk Assessment relating to the Property.

(c) City agrees to use reasonable efforts to acquire adjacent property currently owned by the State of Iowa (and following acquisition shall keep it undeveloped), and also agrees to prohibit any development of said adjacent property if the State of Iowa sells or otherwise disposes of the said adjacent property. City represents to Macerich that the State of Iowa has agreed in writing that said adjacent property will never be developed.

(d) City agrees that the nearby property owned and operated as NorthPark Mall (including associated properties owned by Macerich and/or other Mall occupants) (collectively the "Mall Property") is currently in compliance with Chapter 13.34 of the Davenport Municipal Code and the Davenport Stormwater Manual, and any new development or redevelopment of the existing impervious areas of the Mall Property will be grandfathered or exempt from other stormwater restrictions or regulations that may be promulgated in the future. City agrees that the Mall Property can continue to drain into its existing storm sewer system in its current condition without having to provide any new onsite detention control or water quality measures. In addition, the Property may, at the discretion of Macerich, be included or treated as Macerich's owned property for any future land calculations, including but not limited to Stormwater Regulations, development, green space, pervious/impervious land calculations, and TIF eligibility. City agrees that City shall not take any action, or fail to act in such a way as to cause or result in stormwater drainage into or upon the Mall Property from other property, to the extent under City's reasonable control.

(e) City shall use reasonable efforts to obtain an Iowa Department of Natural Resources Section 401 Water Quality Certification for the Property.

(f) City will provide consulting services relating to landscape and natural plant management on the Mall Property to the extent City has staff resources available.

Each of the Agreements and representations in this Section 3 shall survive closing of the Contribution of Property.

4. CLOSING.

4.1 Closing Date. Closing of the transaction contemplated herein shall be conducted at the office of Lane & Waterman LLP, 220 North Main Street, Suite 600, Davenport, Iowa 52801, or at such time and place as the parties may agree, but in no event later than October 15, 2016.

4.2 Conditions to Closing. Transfer of the Property, and closing of the transactions contemplated herein shall be subject to the following conditions:

(a) Macerich will record the Declaration of Covenants restricting future use of the Property, immediately prior to recording of the Quit Claim Deed.

(b) Macerich will deliver the Quit Claim Deed, and such other documents reasonably necessary for the transfer of title to real estate under Iowa law.

4.3 Costs. City shall be responsible for all costs associated with the transfer of the Property, including but not limited to recording the Declaration of Covenants and Quit Claim Deed and any transfer taxes and recording fees. Each party shall bear its own attorney's fees and costs associated with this transaction.

5. MISCELLANEOUS PROVISIONS.

5.1 Brokerage. Each of the parties hereto agree that they have not been represented by any broker in connection with the transfer of Property hereunder, and is not responsible to any party for payment of any fees or expenses.

5.2 Entire Agreement. This Agreement and the Exhibits hereto contain the entire agreement among the parties, and supersede all prior agreements or other understandings, oral or written, not expressly stated herein. This Agreement may be modified only by amendments signed by all the parties.

5.3 Notices. All notices required to be given to a party under this Agreement are to be delivered to the following addresses, or any other addresses designated by the parties by notices delivered in accordance with this section:

If to Macerich:

Macerich North Park Mall LLC
c/o Macerich
401 Wilshire Boulevard, Suite 700
Santa Monica, California 90401
Attn: General Counsel

Copy to:

Lane & Waterman LLP
220 North Main Street, Suite 600
Davenport, Iowa 52801
Attn: T.F. Olt III, Esq.

If to City:

City of Davenport
Davenport City Hall
226 West 4th Street
Davenport, Iowa 52801
Attn: Legal

Any notice required or permitted under this Agreement shall be given in writing and is deemed effectively given: (a) upon personal delivery to the party to be notified; or (b) if deposited with a reputable overnight courier, prepaid for overnight delivery and addressed as set forth in this section, upon the date confirmed as delivered by said courier.

5.4 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one instrument.

5.5 Law and Jurisdiction. This Agreement shall be construed and enforced in accordance with the laws of the State of Iowa.

5.6 Waiver of Jury Trial. EACH OF THE PARTIES HERETO HEREBY WAIVES TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT OR THE TRANSACTIONS CONTEMPLATED BY THIS AGREEMENT. EACH OF THE PARTIES HERETO HEREBY (A) CERTIFIES THAT NO REPRESENTATIVE, AGENT OR ATTORNEY OF THE OTHER PARTY HAS REPRESENTED, EXPRESSLY OR OTHERWISE, THAT SUCH OTHER PARTY WOULD NOT, IN THE EVENT OF LITIGATION, SEEK TO ENFORCE THE FOREGOING WAIVER AND (B) ACKNOWLEDGES THAT IT HAS BEEN INDUCED TO ENTER INTO THIS AGREEMENT AND THE TRANSACTIONS CONTEMPLATED BY THIS AGREEMENT, AS APPLICABLE, BY, AMONG OTHER THINGS, THE MUTUAL WAIVERS AND CERTIFICATIONS IN THIS SECTION 5.6.

5.7 Severability. If any provision of this Agreement shall be invalid, illegal or unenforceable to any extent, the remainder of this Agreement shall not be affected and shall be enforceable to the fullest extent permitted by law.

5.8 Binding Effect. This Agreement shall run with the land and will be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

5.9 Authority. Each of the parties hereto represents and warrants that this Agreement has been duly authorized, and it has further authority to enter into and perform the obligations hereunder.

5.10 Attorney's Fees. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the substantially prevailing Party may be entitled to reasonable attorneys' fees and costs in addition to any other relief to which such Party may be entitled.

5.11 Survival of Rights and Remedies. The terms of this Agreement shall survive Closing of transfer of the Property.

5.12 Further Assurances. The Parties shall perform all such further acts, provide such further documents or written assurances and execute such further documents as are reasonably required or necessary to carry out the acts and transactions contemplated by this Agreement.

[SIGNATURE PAGE TO FOLLOW]

Date Signed: September 8, 2016

MACERICH NORTH PARK MALL LLC,
a Delaware limited liability company

By: 

Name: Stephen L. Spector

Title: Senior Vice President, General Counsel

CITY OF DAVENPORT, IOWA

By: 
Thomas D. Warner, City Attorney

ATTEST:

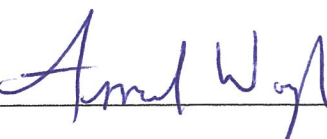
By: 

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Parcel No. P1113-04B

A tract of land in the Southeast $\frac{1}{4}$ of Section 11, Township 78 North, Range 3 East of the 5th P.M., in the City of Davenport, Scott County, Iowa, more particularly described as follows:

Commencing at the Southeast Corner of the Southeast $\frac{1}{4}$ of said Section 11; thence North $00^{\circ}39'$ East, 259.00 feet (Deed North 258.79 feet) along the East line of the Southeast $\frac{1}{4}$ of said Section 11 to the Place of Beginning of the tract of land herein described; thence $37^{\circ}42'$ West, 288.50 feet (Deed North $38^{\circ}35'31''$ West, 289.13 feet) along the Northeasterly line of Northbrook Third Addition; thence North $52^{\circ}27'30''$ West, 683.80 feet (Deed North $52^{\circ}57'23''$ West, 683.35) along the Northeasterly line of said Northbrook Third Addition and along the Northeasterly line of Northbrook Second Addition to the Southeast corner of Lot 5 of Northbrook Fifth Addition; thence North $09^{\circ}41'37''$ East (Deed North $09^{\circ}02'37''$ East), 92.82 feet along the Easterly line of said Lot 5; thence South $89^{\circ}21'$ East, 619.10 feet along the South line of said Northbrook Fourth Addition to a tract of land now owned by the State of Iowa; thence South $00^{\circ}10'35''$ East, 32.49 feet along the West line of the land now owned by said State of Iowa; thence South $11^{\circ}56'30''$ East, 264.70 feet along the West line of the land now owned by said State of Iowa; thence South $52^{\circ}44'$ East, 42.40 feet along the Westerly line of the land now owned by said State of Iowa to a point in the East line of the Southeast $\frac{1}{4}$ of said Section 11; thence South $00^{\circ}39'$ West, 412.30 feet along the East line of the Southeast $\frac{1}{4}$ of said Section 11 to the Place of Beginning.

EXHIBIT "B"
QUIT CLAIM DEED

Type/Title of Document: Quit Claim Deed

Prepared by/Return to:

Name: T.F. Olt III, Esq.
Address: Lane & Waterman LLP
220 North Main Street, Suite 600, Davenport, Iowa 52801
Telephone: (563) 324-3246

Taxpayer Information:

City of Davenport
226 West 4th Street, Davenport, Iowa 52806

Grantor:

Macerich North Park Mall LLC
320 West Kimberly Road, Davenport, Iowa 52806

Grantee:

City of Davenport
226 West 4th Street, Davenport, Iowa 52806

QUIT CLAIM DEED

For the consideration of One and 00/100 ----(\$1.00)----Dollar(s) and other valuable consideration, **MACERICH NORTH PARK MALL LLC**, a Delaware limited liability does hereby Quit Claim to **CITY OF DAVENPORT, IOWA**, all its right, title, interest, estate, claim and demand in the following described real estate in Scott County, Iowa:

See Attached Exhibit "A"

Subject to the Declaration of Covenants recorded concurrently herewith, as well as any other easements, restrictions, covenants and encumbrances of record.

This conveyance is exempt from real estate transfer tax under Iowa Code §428A.2(6)

Date Signed: _____, 2016

MACERICH NORTH PARK MALL LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

[illegible]

On _____, 20____, before me, _____,
Notary Public, personally appeared _____, who
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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

THIS AREA FOR OFFICIAL NOTARIAL SEAL

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel No. P1113-04B

A tract of land in the Southeast $\frac{1}{4}$ of Section 11, Township 78 North, Range 3 East of the 5th P.M., in the City of Davenport, Scott County, Iowa, more particularly described as follows:

Commencing at the Southeast Corner of the Southeast $\frac{1}{4}$ of said Section 11; thence North 00°39' East, 259.00 feet (Deed North 258.79 feet) along the East line of the Southeast $\frac{1}{4}$ of said Section 11 to the Place of Beginning of the tract of land herein described; thence 37°42' West, 288.50 feet (Deed North 38°35'31" West, 289.13 feet) along the Northeasterly line of Northbrook Third Addition; thence North 52°27'30" West, 683.80 feet (Deed North 52°57'23" West, 683.35) along the Northeasterly line of said Northbrook Third Addition and along the Northeasterly line of Northbrook Second Addition to the Southeast corner of Lot 5 of Northbrook Fifth Addition; thence North 09°41'37" East (Deed North 09°02'37" East), 92.82 feet along the Easterly line of said Lot 5; thence South 89°21' East, 619.10 feet along the South line of said Northbrook Fourth Addition to a tract of land now owned by the State of Iowa; thence South 00°10'35" East, 32.49 feet along the West line of the land now owned by said State of Iowa; thence South 11°56'30" East, 264.70 feet along the West line of the land now owned by said State of Iowa; thence South 52°44' East, 42.40 feet along the Westerly line of the land now owned by said State of Iowa to a point in the East line of the Southeast $\frac{1}{4}$ of said Section 11; thence South 00°39' West, 412.30 feet along the East line of the Southeast $\frac{1}{4}$ of said Section 11 to the Place of Beginning.