



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: Andrew Fangman, City Planner

Date: April 5, 2012

Re: Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres - Mulberry Avenue and U.S. Hwy 61 Bypass

INTRODUCTION: Section 368.7 of the Code of Iowa sets out the procedures that a city must follow when processing a request for voluntary annexation.

BACKGROUND: On December 13, 2011 Charles Coulter, Attorney representing R.L. Fridley Theatres, Inc. has filed an application for the voluntary annexation on 2.8 acre site located in the vicinity of the Mulberry Avenue/U.S. 61 Bypass intersection. This 2.8 acres is the unincorporated portion of a larger parcel upon which the applicant is proposing a commercial subdivision containing a multi-screen theatre complex.

The application was reviewed and recommended for approval by the Planning and Zoning Commission at their February 14, 2012 Meeting. The City Council was briefed on this proposed voluntary annexation at the March 8, 2012 In-depth meeting. A public hearing on this proposed annexation was held on April 5, 2012. No objections to this proposed voluntary annexation have been raised.

The resolution approving this proposed voluntary annexation will place the newly annexed real estate in the S3 Large Scale Mixed Use Development zoning district. This zoning is consistent with the zoning of the balance of the parcel that is already located within the City of Muscatine and is also part of the Fridley Subdivision. The annexed real estate will be covered by the approved development plan for the Fridley Subdivision.

RECOMMENDATION: It is therefore recommended that the City Council approve the attached resolution annexing 2.81 acres of real estate owned by R.L. Fridley Theatres, Inc.

BACKUP INFORMATION:

1. Resolution
2. Exhibit A- Legal Description
3. Exhibit B- Map
4. Exhibit C- Voluntary Annexation Application

Prepared by Andrew Fangman, 215 Sycamore Street, (563) 262-4141, Muscatine, Iowa 52761

RESOLUTION NO. _____

**RESOLUTION VOLUNTARILY ANNEXING CERTAIN REAL
ESTATE TO THE CITY OF MUSCATINE, IOWA**

WHEREAS, the City of Muscatine, Iowa, is a duly organized municipal corporation; and

WHEREAS, there has been presented to the City Council an Application for Annexation, as required by Iowa Code 368.7 executed by the owners of the real estate to be annexed, said real estate lying adjacent to the existing corporate limits of the City of Muscatine, Iowa, and being described in Exhibit A attached hereto; and

WHEREAS, a map showing the relationship of the territory to be annexed to the existing boundaries of the City of Muscatine is attached hereto as Exhibit B; and

WHEREAS, the City of Muscatine, Iowa, desires to annex said real estate:

IT IS, THEREFORE RESOLVED BY THE CITY OF MUSCATINE, IOWA, as follows:

1. The Application of Annexation of the real estate described in the attached Exhibit C is approved.
2. The annexed real estate shall be and become part of the City of Muscatine, Iowa, upon receipt of acknowledgement by the Secretary of State for the State of Iowa that it has received the attached map, resolution, and a certificate by the City Clerk that copies of the attached map and this resolution have been filed with the Muscatine County Recorder and the Secretary of State and that copies of this resolution and attached map and legal description have been filed with the Iowa Department of Transportation.
3. The annexed real estate shall be zoned as S3 Large Scale Mixed Use Development, consistent with the zoning of the balance of the parcel that is already located within the City of Muscatine and is also part of the Fridley Subdivision. The annexed real estate will be covered by the approved development plan for the Fridley Subdivision.
4. The City Clerk shall cause this Resolution and the Exhibits attached hereto to be filed with the Secretary of State, the Muscatine County Recorder, and the Iowa Department of Transportation as required by Iowa Code 368.7

PASSED, APPROVED AND ADOPTED this 5th day of April, 2012.

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

DeWayne M. Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk

Exhibit A

Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres -
Mulberry Avenue and U.S. Hwy 61 Bypass

Legal Description of Real Estate Being Annexed

A part of Parcel D located in the North Half of Section 28, Township 77 North, Range 2 West of the 5th P.M., in Muscatine County, Iowa, more particularly described as follows: Commencing at the North Quarter corner of Section 28; thence South 01° 22' 48" East 907.89 feet along the North-South Quarter Section line of Section 28 to the Southerly right-of-way of Primary Road No. U.S. 61 and the point of beginning; thence continuing South 01° 22' 48" East 508.85 feet along said Section line; thence South 89° 09' 00" West 438.13 feet to the Southerly right-of-way of Primary Road No. U.S. 61; thence North 36° 16' 27" East 568.50 feet along said right-of-way; thence North 57° 33' 17" East 106.63 feet along said right-of-way to the point of beginning, containing 2.810 acres

Exhibit B

Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres -
Mulberry Avenue and U.S. Hwy 61 Bypass

Map Showing the Relationship of the Territory to be Annexed to the Existing Boundaries of the City of Muscatine



Exhibit C

Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres -
Mulberry Avenue and U.S. Hwy 61 Bypass

Voluntary Annexation Application

JOAN J. AXEL
CHARLES R. COULTER
PATRICK W. DRISCOLL
TRISTA L. FOSTER
AMIEH J. MELBY-MUTH
STEVEN J. HAVERCAMP
STEVEN T. HUNTER
ERIC M. KNOERNESCHILD
DANIEL P. KRESOWIK
ERIC J. LONG
DAVID J. MELBY
CURT A. OPPEL
TIARA C. SYZERE
WENDY L. YOUNG

OP COUNSEL
ROBERT D. LAMBERT, P.C.
ROBERT J. LANGE
CLEMENS (CAL) A. WERNER, JR.

ALSO ADMITTED IN ILLINOIS
ADMITTED IN ILLINOIS ONLY

STANLEY, LANDE & HUNTER A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS

SUITE 400, 301 IOWA AVENUE
MUSCATINE, IOWA 52761
www.slhlaw.com
PHONE 663/284-5000 FAX 663/263-8775

SUITE 900
201 WEST SECOND STREET
DAVENPORT, IOWA 52801
FAX: 603/248-4268
663/224-1600

SUITE 400
301 IOWA AVENUE
MUSCATINE, IOWA 52761
FAX 663/263-8775
663/284-5000

SUITE 204
1101 FIFTH STREET
CORALVILLE, IOWA 52241
FAX 319/248-8001
319/248-8000

Writer's E-mail Address:
chuckcoulterslhaw.com

December 12, 2011

The Honorable Mayor and
Members of the City Council
City Hall
Muscatine, IA 52761

Dear Friends:

On behalf of the Fridley Theatres group, we want to thank you for the opportunity to present at last Thursday's in-depth City Council meeting their plans for a multi-screen theatre complex at the corner of Mulberry Avenue and the Highway 61 By-pass. As the only complex like this in the State of Iowa, they expect it to be a destination for Muscatine residents as well as residents in the surrounding area.

Their goal is to be able to break ground in March and open the theatres in November 2012. As a first of the multiple steps involved in this process, Fridley Theatres requests that the City of Muscatine annex to the City the 2.810 acres described on the enclosed Exhibit A and depicted on the enclosed Annexation Plat.

As you know, this parcel is part of the 17.839 acres that will be involved in the total development and is located adjacent to but outside the City's corporate boundaries. When the annexation is completed, we request that the parcel be rezoned to S-3 Large Scale Mixed Use Development, which will be an extension of the S-3 District we will request for the 15.029 acres within the City limits and the S-3 District across Mulberry Avenue from this property.

We also request that the City initiate procedures to include the 15.029 acres in a tax increment district at this time. The annexation parcel should be included following annexation.

Exhibit C

Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres -
Mulberry Avenue and U.S. Hwy 61 Bypass

The Honorable Mayor and
Members of the City Council

December 12, 2011

Thank you for your consideration.

Very truly yours,

STANLEY, LANDE & HUNTER

By 
Charles R. Coulter

CRC/mc
M09935-1B
Enc.
Cc: R. L. Fridley Theatres, Inc.
Martin & Whitacre Surveyors & Engineers

Exhibit C

Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres -
Mulberry Avenue and U.S. Hwy 61 Bypass

CITY OF MUSCATINE, IOWA

APPLICATION OF VOLUNTARY ANNEXATION

Annexation Review Criteria:

Date: December 13, 2011

Name: R. L. Fridley Theatres, Inc.

Representative: Chuck Coulter

Address: 1321 Walnut St., Des Moines

Address: Ste. 400, 301 Iowa Ave., Muscatine

Telephone: 515.983.9287 IA 50309

Telephone: 563.264.5000 or 319.248.9000

chuckcoulter@slhlaw.com

I. Area Proposed for Annexation:

General Location: SW Corner, Mulberry & 61 Bypass

Township(s) Location
of Area Proposed
for Annexation: Sec. 28, Twp. 77 N, R. 2 W

Attach Legal Description: Attached to letter

Provide Surveyed Map: Attached to letter

Total Acres: 2.810 acres

Total Population: -0-

II. Attach Statement of Intent (Briefly describe the reasons for requesting the annexation).

Existing Zoning: R-1 Residential

Existing Land Uses: Agricultural

Is any portion located in a flood zone?
No

Proposed Zoning: S-3 Large Scale Mixed Use

Is Subdivision Proposed? Not at this time

Adjacent Zoning: City S-1, S-3, R-1

County S-1, R-1

Adjacent Land Uses: Agricultural, Nursing Home

Exhibit C Voluntary Annexation - R.L. Fridley Theatres, Inc. - 2.810 Acres - Mulberry Avenue and U.S. Hwy 61 Bypass

III. Access to Proposed Annexation:

Major Streets: Mulberry Avenue, Cedar Street (future)

Rail: **None**

River: **None**

No Existing Access: At this time

Proposed Access: Mulberry Avenue

IV. Existing Available Utilities:

Water: 8" main on Mulberry Avenue

Sanitary Sewer: Existing sanitary manhole on Mulberry

Storm Sewer: None. Highway 61 ROW ditches

Electricity:

Municipal: _____

REC: Within Mulberry Avenue ROW

Natural Gas: Within Mulberry Avenue ROW

V. Proposed Utility Extensions: Water and Sewer

Fire District: **Muscatine Fire Department**

VII. Total Number of Structures in Area Proposed for Annexation:

Agricultural Structures: None

Residential Dwellings: None

Commercial Structures: None

Industrial Structures: None

Other: None

Total: _____

Exhibit C

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VIII. Total Assessed Value per County Assessor's Records:

Agricultural Structures: _____ Land _____

Residential Dwellings: _____ Land _____

Commercial Structures: _____ Land _____

Industrial Structures: _____ Land _____

Other: _____ Land **\$4,820**

Total: _____ _____

IX. Name and Mailing Addresses of Township Trustees of Area Proposed for Annexation: Bloomington Township

Gary Klebe, 2574 180th Street, Muscatine

John Weaver, 2674 Huck Finn Road, Muscatine

Tom Johanns, 2686 Becky Thatcher, Muscatine

Have Trustees of Township Been Notified of Proposal?

No

Additional information may be requested at the discretion of the Planning & Zoning Commission or City Council.

Application Fee: \$200.00

Exhibit C

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ANNEXATION PLAT