



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: June 21, 2012
Re: Request to set a Public Hearing – Utility Vacation – 1421 Park Ave (Old Armory)

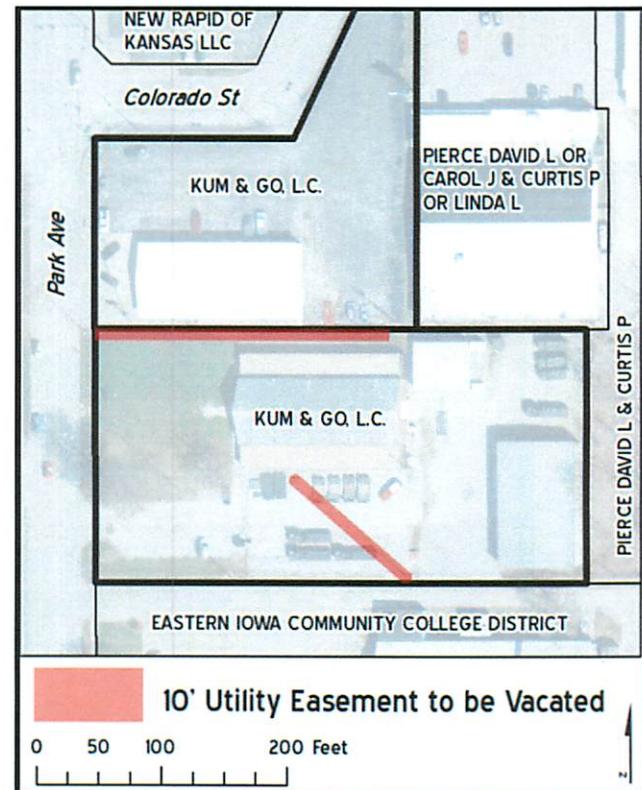
INTRODUCTION: A request to vacate two existing utility easements has been submitted on behalf of Kum & GO, L.C.

BACKGROUND: On May 23, 2012 Olsson Associates on behalf of Kum & Go has submitted an easement vacation plat that vacates a two separate 10 feet wide utility easements, owned by Muscatine Power and Water (MPW). The first exists along the common property line between 1421 Park Avenue, and the parcel located directly to the north also owned by Kum & Go. The applicant's intent is to combine these two parcels and relocate the utility easement to the perimeter of this new larger parcel. The second utility easement being proposed vacation extends is 10 feet wide utility easement for the National Guard Armory's service line. As this structure is going to be demolished there is no longer a need for this easement. The Planning Commission reviewed and approved the request to vacate the utility easements, as requested, during their June 12, 2012 meeting.

RECOMMENDATION/RATIONALE: Prior to City Council action of the request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed vacation of utility easements located at 1421 Park Avenue be approved.

BACKUP INFORMATION:

1. Resolution
2. Public Hearing
3. Plat of Survey



Prepared by Andrew Fangman, 215 Sycamore St. Muscatine, IA. 52761 (563) 262-4141

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE TO
CONDUCT A PUBLIC HEARING ON A REQUEST THE REQUEST TO
VACATE CERTAIN OF UTILITY EASEMENTS AT 1421 PARK AVENUE (OLD
ARMORY)**

WHEREAS, a request has been received for the vacation of utility easements at 1421 Park Avenue (Old Armory) described as:

1. A strip of land 10 feet wide or 5 feet on each side f a centerline described as follows: Commencing at the southwest corner of the National guard armory property in the southeast Quarter of Section 25, Township 77 North, Range 2 West of The 5th Principal Meridian in Muscatine County, Iowa; thence east to a point on the south property line of said property located 248.4 feet east of the southwest property corner of said property and centerline of a riser pole as constructed and a point of beginning; thence northwesterly 118.0 feet to a padmount transformer near the south side of the armory building.
2. A perimeter easement 10 feet wide within and adjacent to the exterior property lines of the following described property; a certain tract or parcel of land in the southeast Quarter of Section 25, Township 77 North, Range 2 West of The 5th Principal Meridian, described as follows: commencing at a point on the west line of the southeast quarter of said section 25, 533.8 feet south of the center of said section 25, the place of beginning, running thence east to the east line of Park Avenue in The City of Muscatine, Iowa, to a point 800.0 feet northerly measured along the east line of said Park Avenue from a point where the north line of Fair Oaks Addition to the City of Muscatine ,Iowa, intersects the east line of said park avenue, thence continuing east a distance of 400.0 feet, thence north 200.0 feet, thence west to a point on the north and south centerline of said section 25, thence south along the north and south centerline of said section 25, 200.0 feet to the place of beginning.

WHEREAS, a public hearing must be conducted by the City Council of Muscatine on the vacation of this utility easement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that a Public Hearing is hereby established . Said hearing to be conducted at 7:00 p.m. on Thursday, July 5, 2012, in the City Hall Council Chambers and the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa

PASSED, APPROVED AND ADOPTED this 21st day of June, 2012.

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

DeWayne M. Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

PUBLIC NOTICE CONCERNING REQUEST THE REQUEST TO VACATE CERTAIN OF UTILITY EASEMENTS AT 1421 PARK AVENUE (OLD ARMORY)

Public Notice is hereby given that the City Council for the City of Muscatine, Iowa, will conduct a Public Hearing to review a request has been received for the vacation of utility easements at 1421 Park Avenue (Old Armory) described as:

- 1. A strip of land 10 feet wide or 5 feet on each side of a centerline described as follows: Commencing at the southwest corner of the National guard armory property in the southeast Quarter of Section 25, Township 77 North, Range 2 West of The 5th Principal Meridian in Muscatine County, Iowa; thence east to a point on the south property line of said property located 248.4 feet east of the southwest property corner of said property and centerline of a riser pole as constructed and a point of beginning; thence northwesterly 118.0 feet to a padmount transformer near the south side of the armory building.**
- 2. A perimeter easement 10 feet wide within and adjacent to the exterior property lines of the following described property; a certain tract or parcel of land in the southeast Quarter of Section 25, Township 77 North, Range 2 West of The 5th Principal Meridian, described as follows: commencing at a point on the west line of the southeast quarter of said section 25, 533.8 feet south of the center of said section 25, the place of beginning, running thence east to the east line of Park Avenue in The City of Muscatine, Iowa, to a point 800.0 feet northerly measured along the east line of said Park Avenue from a point where the north line of Fair Oaks Addition to the City of Muscatine ,Iowa, intersects the east line of said park avenue, thence continuing east a distance of 400.0 feet, thence north 200.0 feet, thence west to a point on the north and south centerline of said section 25, thence south along the north and south centerline of said section 25, 200.0 feet to the place of beginning.**

This Public Hearing will be conducted on Thursday, July 5, 2012, at 7:00 p.m. in the City Council Chambers at City Hall.

All interested persons are invited to attend and comment on the project at that time.

Gregg Mandsager, City Clerk

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., CITY AND COUNTY OF MUSCATINE, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT INTERSECTING THE SOUTH RIGHT OF WAY LINE OF COLORADO STREET AND THE EAST RIGHT OF WAY LINE OF PARK AVENUE, THENCE S00°18'43"E (ASSUMED BEARING), 150.00 FEET TO THE POINT OF BEGINNING; THENCE N89°41'31"E, 235.00 FEET; THENCE N89°42'41"E, 150.14 FEET; THENCE S01°16'34"E, 199.82 FEET; THENCE S89°40'24"W, 384.13 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PARK AVENUE (HWY NO. 35); THENCE ON SAID EAST RIGHT OF WAY LINE, N00°32'38"W, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.77 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DATED THIS 12 DAY OF JUNE,
2012.

Terry L. Rothanzl



TERRY L. ROTHANZL
R.L.S. NO. 17413
OLSSON ASSOCIATES
1707 DAKOTA AVE, SOUTH SIOUX CITY, NE 68776
402-494-3059

MY LICENSE EXPIRATION IS DECEMBER 31, 2012

PROPRIETOR; KUM & GO, L.C.

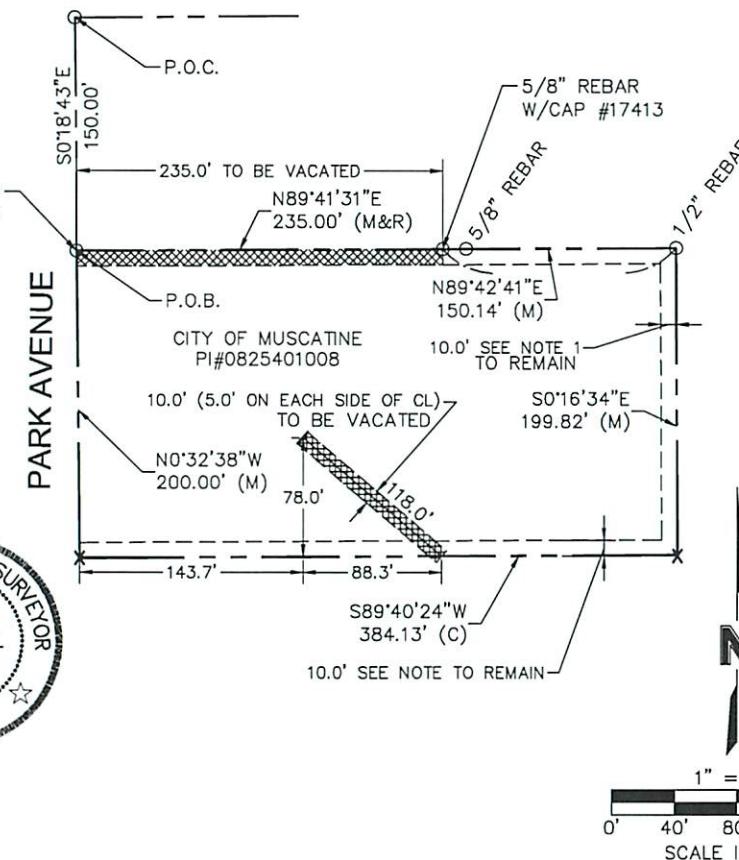
PROJECT NO: 009-2598

DRAWN BY: AJC

DATE: 06.12.12

MUSCATINE POWER AND WATER

TRANSMISSION AND DISTRIBUTION	TITLE	DATE
WATER PRODUCTION AND DISTRIBUTION	TITLE	DATE
COMMUNICATIONS	TITLE	DATE



EASEMENT DESCRIPTION:

A PERPETUAL RIGHT-OF-WAY AND EASEMENT IN, OVER, UNDER AND UPON THE LAND OWNED BY GRANTOR LYING AND BEING IN THE COUNTY OF MUSCATINE, IOWA, TO-WIT:

1. A STRIP OF LAND 10 FEET WIDE OR 5 FEET ON EACH SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NATIONAL GUARD ARMORY PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN IN MUSCATINE COUNTY, IOWA; THENCE EAST TO A POINT ON THE SOUTH PROPERTY LINE OF SAID PROPERTY LOCATED 248.4 FEET EAST OF THE SOUTHWEST PROPERTY CORNER OF SAID PROPERTY AND CENTERLINE OF A RISER POLE AS CONSTRUCTED AND A POINT OF BEGINNING; THENCE NORTHWESTERLY 118.0 FEET TO A PADMOUNT TRANSFORMER NEAR THE SOUTH SIDE OF THE ARMORY BUILDING.

2. A PERIMETER EASEMENT 10 FEET WIDE WITHIN AND ADJACENT TO THE EXTERIOR PROPERTY LINES OF THE FOLLOWING DESCRIBED PROPERTY;

A CERTAIN TRACT OR PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, 533.8 FEET SOUTH OF THE CENTER OF SAID SECTION 25, THE PLACE OF BEGINNING, RUNNING THENCE EAST TO THE EAST LINE OF PARK AVENUE IN THE CITY OF MUSCATINE, IOWA, TO A POINT 800.0 FEET NORTHERLY MEASURED ALONG THE EAST LINE OF SAID PARK AVENUE FROM A POINT WHERE THE NORTH LINE OF FAIR OAKS ADDITION TO THE CITY OF MUSCATINE, IOWA, INTERSECTS THE EAST LINE OF SAID PARK AVENUE, THENCE CONTINUING EAST A DISTANCE OF 400.0 FEET, THENCE NORTH 200.0 FEET, THENCE WEST TO A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 25, THENCE SOUTH ALONG THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 25, 200.0 FEET TO THE PLACE OF BEGINNING.

LEGEND

— — — —	PROPERTY LINE
- - - -	EASEMENT LINE
██████████	EASEMENT TO BE VACATED
○	FOUND CORNER (AS SHOWN)
(M)	MEASURED DISTANCE
(R)	RECORDED DISTANCE
(C)	CALCULATED DISTANCE
x	CALCULATED POINT

EASEMENT VACATION PLAT:
SECTION 25 TOWNSHIP 77 NORTH, RANGE 2 WEST, MUSCATINE, IOWA



11035 Aurora Avenue
Urbandale, IA 50322
TEL 515.331.6517
FAX 515.331.6518

EXHIBIT