



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: November 21, 2013
Re: Request to set a Public Hearing – Right-of-Way Vacation Plat for a Unimproved Portion of Charles Street

INTRODUCTION: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Jimmy Truitt has submitted a right-of-way vacation plat that vacates a 1,474 square feet unimproved portion of the Charles Street right-of-way located adjacent 2218 New Hampshire Street.

BACKGROUND: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Jimmy Truitt has submitted a right-of-way vacation plat that vacates a 1,474 square feet unimproved portion of the Charles Street right-of-way located adjacent 2218 New Hampshire Street. The intent is to accommodate an existing garage that was mistakenly constructed in small portion of the unimproved portion of the Charles Street right-of-way. The current garage was constructed as a replacement for a garage that was destroyed by a tornado in 2007. The permit for the initial garage was issued in error. The current garage was constructed on the slab of the previous garage, without initially obtaining a building permit. When a building permit was applied for, post construction, it was discovered that garage extends into the Charles Street right-of-way.

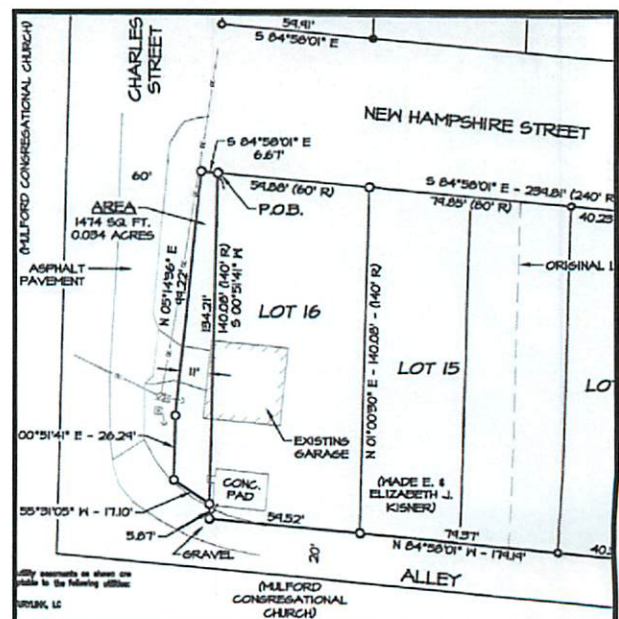
RECOMMENDATION/RATIONALE: Prior to City Council action on this request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed vacation of an unimproved portion Charles Street be approved.

BACKUP INFORMATION:

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



Subject Property



Plat

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 TO CONSIDER THE VACATION OF AN
UNIMPROVED PORTION OF THE CHARLES STREET RIGHT-OF-WAY IN
THE CITY OF MUSCATINE, IOWA**

WHEREAS, a request has been to vacate a an unimproved portion of the Charles Street right-of-way situated within in the City of Muscatine, Iowa; and

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended approval; the vacation of the right-of-way that is described as follows:

A PART OF CHARLES STREET ADJACENT TO LOT 16 IN BLOCK 2 OF THE GARDEN ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY IOWA. BEGINNING AT THE NORTHWEST CORNER OF LOT 16; THENCE SOUTH 00°51'41" WEST 134.21 FEET ALONG THE WEST LINE OF LOT 16; THENCE NORTH 55°31'05" WEST 17.10 FEET; THENCE NORTH 00°51'41" EAST 26.29 FEET; THENCE NORTH 04°14'36" EAST 99.22 FEET; THENCE SOUTH 84°58'01" EAST 6.67 FEET TO THE POINT OF BEGINNING. CONTAINING 1474 SQUARE FEET.

WHEREAS, the City Council should now set a time and place for a public hearing upon said vacation of the above-mentioned alley right-of way.

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, December 5, 2013, 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 November, 2013.

BY THE CITY COUNCIL OF THE

CITY OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

**NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER
THE VACATION OF UNIMPROVED PORTION OF THE CHARLES STREET
RIGHT-OF-WAY WITHIN THE CITY OF MUSCATINE, IOWA**

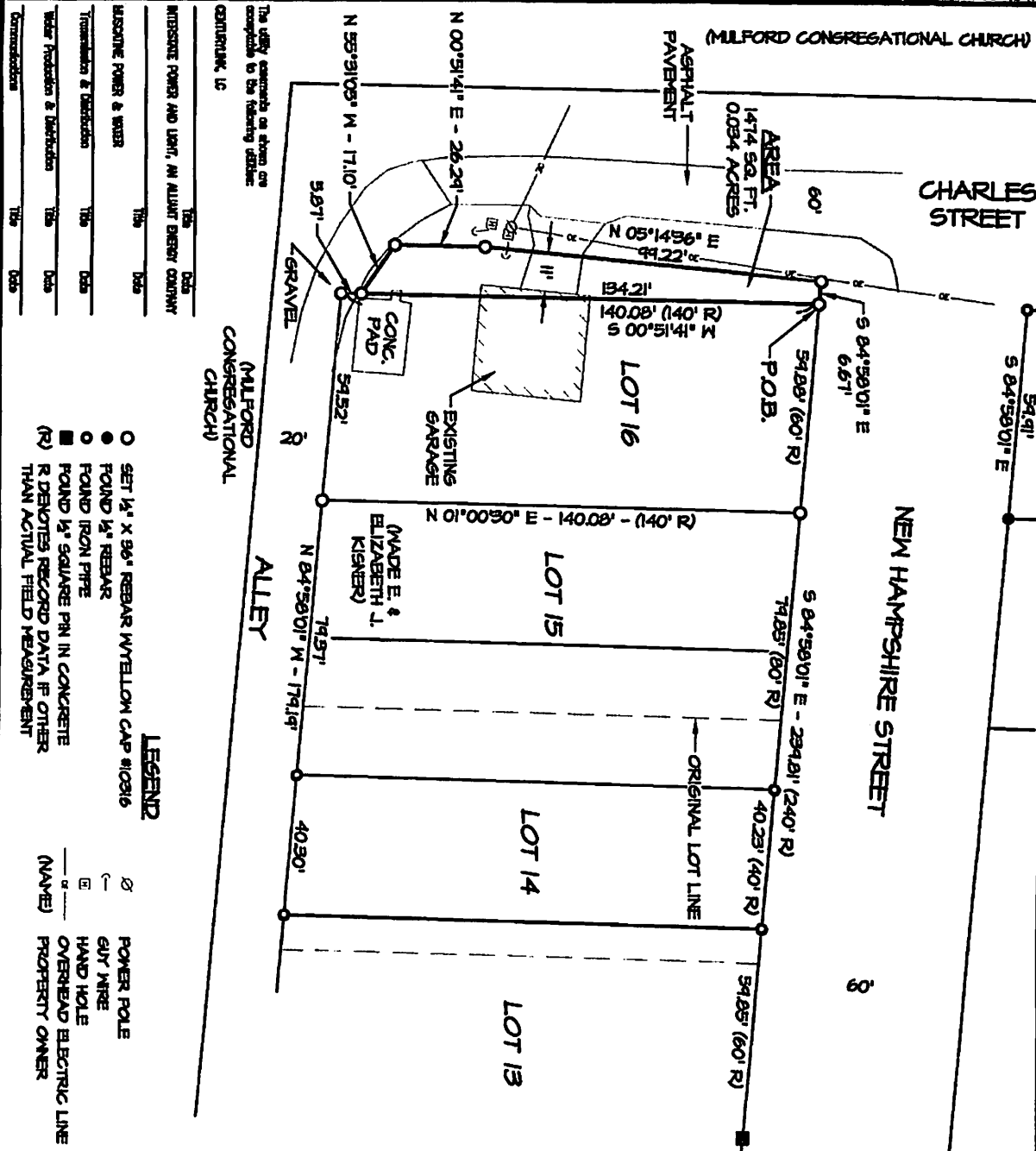
**Public Notice is hereby given that the City Council for the City of
Muscatine, Iowa, will conduct a Public Hearing on the vacation of a portion of the
unimproved Charles Street right-of-way within in the City. The right-of-way being
considered for vacation is described as:**

**A PART OF CHARLES STREET ADJACENT TO LOT 16 IN BLOCK 2 OF THE
GARDEN ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY
IOWA. BEGINNING AT THE NORTHWEST CORNER OF LOT 16; THENCE
SOUTH 00°51'41" WEST 134.21 FEET ALONG THE WEST LINE OF LOT 16;
THENCE NORTH 55°31'05" WEST 17.10 FEET; THENCE NORTH 00°51'41"
EAST 26.29 FEET; THENCE NORTH 04°14'36" EAST 99.22 FEET; THENCE
SOUTH 84°58'01" EAST 6.67 FEET TO THE POINT OF BEGINNING.
CONTAINING 1474 SQUARE FEET.**

**This Public Hearing will be conducted on Thursday, December 5, 2013, at 7:00 p.m.
in the City Council Chambers at City Hall.**

**All interested persons are invited to attend and comment on the proposed vacation
of right-of-way at that time.**

Gregg Mandsager, City Clerk



REASON FOR POWER & WATER	100	100
TRANSMISSION & DISTRIBUTION	100	100
WATER PRODUCTION & DISTRIBUTION	100	100
COMMUNICATIONS	100	100

- LEGEND**
- SET 1/2" X 96" REBAR WYTELON CAP #10316
 - FOUND 1/2" REBAR
 - FOUND IRON PIPE
 - FOUND 1/2" SQUARE PIN IN CONCRETE
 - R DELETED RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT
 - POWER POLE
 - GUY WIRE
 - HAND HOLE
 - OVERHEAD ELECTRIC LINE
 - (NAME) PROPERTY OWNER

Martin & Whitacre
Surveyors & Engineers, Inc.
P.O. BOX 413 (563) 263-7691 MUSCATINE, IOWA

JIMMY TRUITT
VACATION PLAT OF
PART OF CHARLES STREET IN GARDEN ADD, MUSCATINE, IA

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
ASSTEN	CITY 44	1"=30'	JMC	GWM	8/21/93	767449
REV.	0					

7674 SURVEY (2045) SHEET 1 OF 1

Gary M. Whitacre
Date: _____ Reg. No. 10516
By license renewal date is December 31, 2013

Pages or sheets covered by this plat: 1



PROPRIETOR, CITY OF MUSCATINE, IOWA

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 -

A PART OF CHARLES STREET ADJACENT TO LOT 16 IN BLOCK 2 OF GARDEN ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

BEGINNING AT THE NORTHEAST CORNER OF LOT 16; THENCE SOUTH 00°31'41" WEST 184.21 FEET ALONG THE WEST LINE OF LOT 16; THENCE NORTH 66°31'06" WEST 17.10 FEET; THENCE NORTH 00°31'41" EAST 26.29 FEET; THENCE NORTH 05°14'36" EAST 99.22 FEET; THENCE SOUTH 04°58'01" EAST 6.87 FEET TO THE POINT OF BEGINNING. CONTAINING 1474 SQUARE FEET.

