

RESOLUTION NO. _____

**SETTING A PUBLIC HEARING ON THE INTENT TO ACQUIRE OR
CONDEMN IF NECESSARY ALL OR A PORTION OF PROPERTY OR AN
INTEREST IN PROPERTY FOR THE PUBLIC IMPROVEMENT FOR THE
CITY OF MUSCATINE SANITARY LANDFILL PROJECT**

WHEREAS, I.C.A. § 6B.2A requires an acquiring agency to provide written notice of a public hearing to each owner of record of agricultural land that may be the subject of condemnation; and

WHEREAS, the City Council finds that it may be necessary to acquire or condemn all or a portion of **property** an interest in the following-described **property** for the City of Muscatine Sanitary Landfill Project:

LAND DESCRIPTION – PARCEL “C”

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 1 EAST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 34; THENCE NORTH 89°12'16" EAST 904.89 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 01°19'56" EAST 155.30 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 61 AND THE POINT OF BEGINNING; THENCE SOUTH 81°02'11" EAST 66.10 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 72°30'33" EAST 57.22 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 01°19'56" EAST 661.02 FEET; THENCE SOUTH 88°40'04" WEST 120.00 FEET; THENCE NORTH 01°19'56" WEST 656.91 FEET TO THE POINT OF BEGINNING. PARCEL “C” CONTAINS 1.80 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

LAND DESCRIPTION – PARCEL “D”

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 1 EAST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 34; THENCE NORTH 89°12'16" EAST 904.89 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 01°19'56" EAST 155.30 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 61 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°19'56" EAST 656.91 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°40'04" EAST 120.00 FEET; THENCE SOUTH 01°19'56" EAST 670.00 FEET; THENCE NORTH 88°40'04" EAST 65.00 FEET; THENCE SOUTH 01°19'56" EAST 160.00 FEET; THENCE SOUTH 88°40'04" WEST 146.56 FEET; THENCE NORTH 21°15'52" WEST 112.75 FEET; THENCE NORTH 01°19'56" WEST 724.00 FEET TO THE POINT OF BEGINNING. PARCEL "D" CONTAINS 2.48 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

(the **Property**); and

WHEREAS, the owners of the **Property** are Stockton Realty Co.

WHEREAS, a public hearing should be set on the intent to acquire or condemn, if necessary, all or a portion of the **Property** or an interest in the **Property**; and

WHEREAS, notice of the public hearing should be published and mailed as required by law to the Owners of the **Property**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, AS FOLLOWS:

The **City** Clerk is hereby authorized and directed to cause a notice in the form attached hereto to be mailed to the Owners and published as prescribed by I.C.A. § 6B.2A of a public hearing on the **City's** intent to acquire or condemn, if necessary, all or a portion of the **Property** or an interest in the **Property**, to be held on the 18th day of September, 2014, at 7:00 o'clock p.m. at the City Hall Council Chambers.

Passed, approved and adopted this 4th day of September, 2014.

CITY OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

Attest: City Clerk

NOTICE FOR PUBLICATION

Location of Agricultural Land: 3672 Highway 61
Blue Grass, Iowa

LAND DESCRIPTION – PARCEL “C”

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 1 EAST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 34; THENCE NORTH 89°12'16" EAST 904.89 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 01°19'56" EAST 155.30 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 61 AND THE POINT OF BEGINNING; THENCE SOUTH 81°02'11" EAST 66.10 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 72°30'33" EAST 57.22 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 01°19'56" EAST 661.02 FEET; THENCE SOUTH 88°40'04" WEST 120.00 FEET; THENCE NORTH 01°19'56" WEST 656.91 FEET TO THE POINT OF BEGINNING. PARCEL “C” CONTAINS 1.80 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

LAND DESCRIPTION – PARCEL “D”

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 1 EAST OF THE 5TH P.M., MUSCATINE COUNTY, IOWA.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 34; THENCE NORTH 89°12'16" EAST 904.89 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 01°19'56" EAST 155.30 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 61 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°19'56" EAST 656.91 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°40'04" EAST 120.00 FEET; THENCE SOUTH 01°19'56" EAST 670.00 FEET; THENCE NORTH 88°40'04" EAST 65.00 FEET; THENCE SOUTH 01°19'56" EAST 160.00 FEET; THENCE SOUTH 88°40'04" WEST 146.56 FEET; THENCE NORTH 21°15'52" WEST 112.75 FEET; THENCE NORTH 01°19'56" WEST 724.00 FEET TO THE POINT OF BEGINNING. PARCEL "D" CONTAINS 2.48 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

- a. The City Council is considering the expansion of the Muscatine County Sanitary Landfill. This expansion will require the acquisition or condemnation of property.
- b. The City may acquire part or all of the property or an interest in the property by condemnation for the public improvement.

- c. The City will hold a Public Hearing on the proposed acquisition, and if approved, the City will continue good-faith negotiations for the purchase of the property.
- d. A Public Hearing on the City's intent to acquire or condemn, if necessary, all or a portion of the property shall be held on September 18, 2014, at 7:00 o'clock p.m. at the City Hall Council Chambers.
- e. Persons desiring further information regarding the proposed public improvement project or its impact on the property identified above may contact by mail, e-mail, or telephone:

Patrick T. Burk
Brick Gentry, P.C.
6701 Westown Parkway, Ste. 100
West Des Moines, IA 50266
E-mail: Pat.burk@brickgentrylaw.com
Phone: (515) 274-1450