

COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection
Services,
Public Health

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: January 21, 2016
Re: Utility Easement Vacation – Lot 1, Muscatine Pointe Subdivision, Highway 61

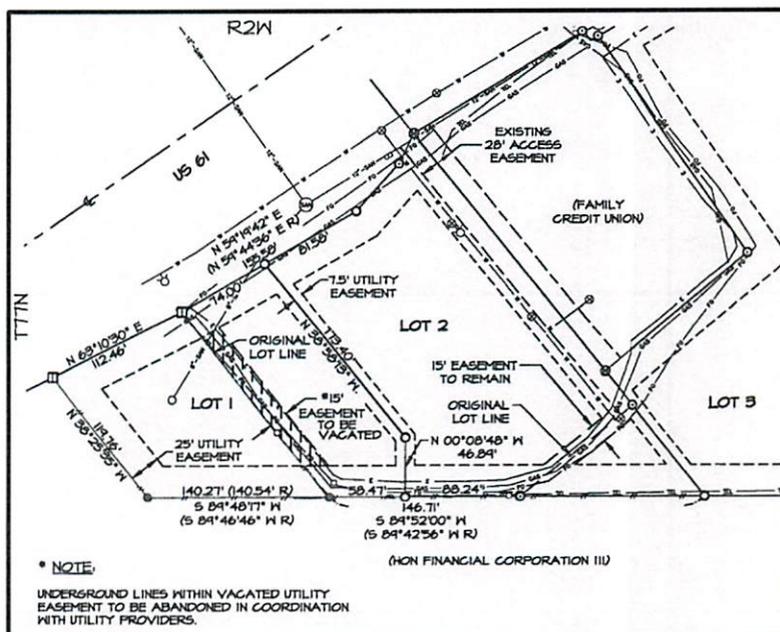
INTRODUCTION: A request to vacate certain utility easements has been submitted on behalf of EEC 313, LLC.

BACKGROUND: EEC 313, LLC has submitted an easement vacation plat that vacates a 15 feet wide utility easement, running through Lot of the Muscatine Pointe Subdivision. The easement is no longer be used, and leaving it would hinder development of Lot 1. Easement's meeting all applicable standards exist on each side of Lot 1. The Planning and Zoning Commission voted to recommend approval of this request at their January 12, 2016 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 certain utility easements located at – Lot 1, Muscatine Pointe Subdivision

BACKUP INFORMATION:

1. Resolution setting a public hearing
2. Public Notice
3. Plat of Survey



"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain

RESOLUTION NO. _____

**RESOLUTION SETTING A PUBLIC HEARING
ON THE PROPOSED VACATION OF UTILITY EASEMENTS
IN THE MUSCATINE POINTE SUBDIVISION**

RECITALS:

A. EEC 313, LLC is the owner of Lot I of Muscatine Pointe Subdivision in the City of Muscatine, Iowa.

B. The owner intends to build a commercial structure on Lot, but there is a public utility easement 15 feet wide running through the center of Lot 1.

C. The owner has requested that the City of Muscatine vacate the public utility easement running through the center of Lot 1.

IT IS, THEREFORE, RESOLVED, by the City Council of Muscatine, Iowa, as follows:

1. The City Council will hold a public hearing on the proposed vacation of the utility easements at 7:00 p.m. on February 4, 2016, in the Council Chambers at City Hall, Muscatine, Iowa.

2. Notice of the public hearing and the City's intention to vacate the utility easements will be given by publication of the Public Notice attached as Exhibit A; the notice will be published once in *The Muscatine Journal*, a newspaper printed, published, and of general circulation in the City, not less than 4 or more than 20 days before the meeting of the City Council at which the proposal is to be considered.

PASSED, APPROVED, AND ADOPTED on January 21, 2016.

(CITY SEAL)

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Clerk

EXHIBIT A

PUBLIC NOTICE

TO THE CITIZENS OF MUSCATINE, IOWA:

You are notified that the City of Muscatine, Iowa, proposes to vacate the following public utility easements in the City of Muscatine, Muscatine County, Iowa:

Two public utility easements five feet wide on both sides of the boundary line between Lots 3 and 4 of Riverbend Fifth Addition in the City of Muscatine, Iowa, located on Baton Rouge Road.

You are further notified that oral or written statements in support of or opposition to the proposed vacation may be made at a public hearing before the City Council to be held at 7:30 p.m. on August 20, 2015, in the Council Chambers in City Hall, Muscatine, Iowa.

Gregg Mandsager, City Clerk

BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

The utility easements as shown are acceptable to the
following utilities:

CENTURLINK, LC
Title _____
Date _____

INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY
Title _____
Date _____

MUSCATINE PD & WATER
Title _____
Date _____

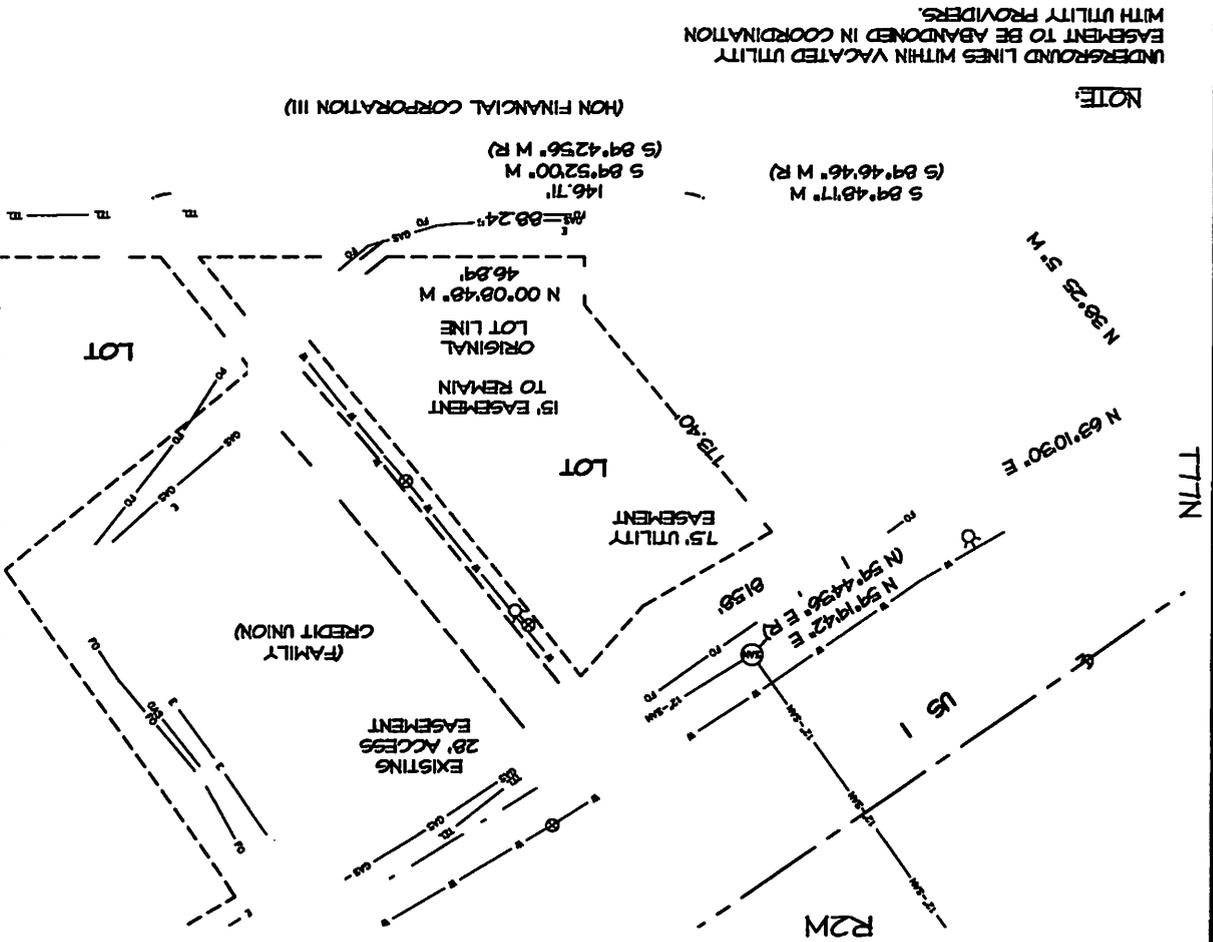
Transmission & Distribution
Title _____
Date _____

Water Production & Distribution
Title _____
Date _____

Communications
Title _____
Date _____

PROPRIETOR, ECC-919, LLC

_____ Title _____
_____ Date _____



(NON FINANCIAL CORPORATION III)

NOTE:
UNDERGROUND LINES WITHIN VACATED UTILITY
EASEMENT TO BE ABANDONED IN COORDINATION
WITH UTILITY PROVIDERS.