

COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: February 4, 2016
Re: Utility Easement Vacation – Lot 1, Muscatine Pointe Subdivision, Highway 61

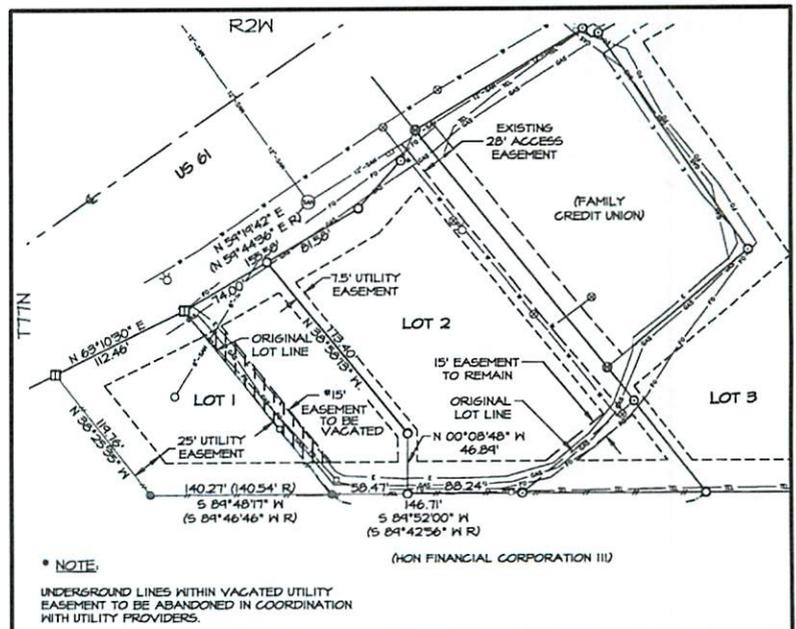
INTRODUCTION: A request to vacate certain utility easements has been submitted on behalf of EEC 313, LLC.

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: The Planning and Zoning Commission and staff recommend approval of this request. The utility easements being proposed for vacation serve no useful public purpose.

BACKUP INFORMATION:

1. Resolution
2. 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

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

RESOLUTION NO. _____

**A RESOLUTION
TO VACATE CERTAIN OF UTILITY EASEMENTS IN MUSCATINE POINTE
SUBDIVISION, IN THE CITY OF MUSCATINE, IOWA**

WHEREAS, the City Council adopted a Resolution on January 21, 2016, providing for the proposed vacation of a certain utility easement in Lot 1 of Muscatine Pointe Subdivision in the City of Muscatine, Iowa., Iowa; and

WHEREAS, The Resolution provided for publication of a public notice of a public hearing on the proposed vacation, the notice was duly published, and the public hearing has been held; and

WHEREAS, the Planning and Zoning Commission has approved the proposed vacation of the public utility easement running through the center of Lot 1 of Muscatine Pointe Subdivision; and

WHEREAS, Centurylink, LC; Interstate Power and Light, an Alliant energy company; and Muscatine Power & Water have consented to the vacation of such easement; and

WHEREAS, The easement is not being used, continuation of the easement is of no benefit to the City or any other party, and the best interests of the City will be served by vacating such utility easement.;

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

1. The City of Muscatine, Iowa, hereby vacates all rights, title, and interest in and to the following described utility easements:

The public utility easement, 15 feet wide, running through the center of Lot 1 of Muscatine Pointe Subdivision in the City of Muscatine, Iowa, is vacated.

2. Any resolution or part thereof in conflict or inconsistent with this resolution is repealed.

PASSED, APPROVED AND ADOPTED this 4th day of February, 2016.

CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

Diana Broderson, Mayor

ATTEST:

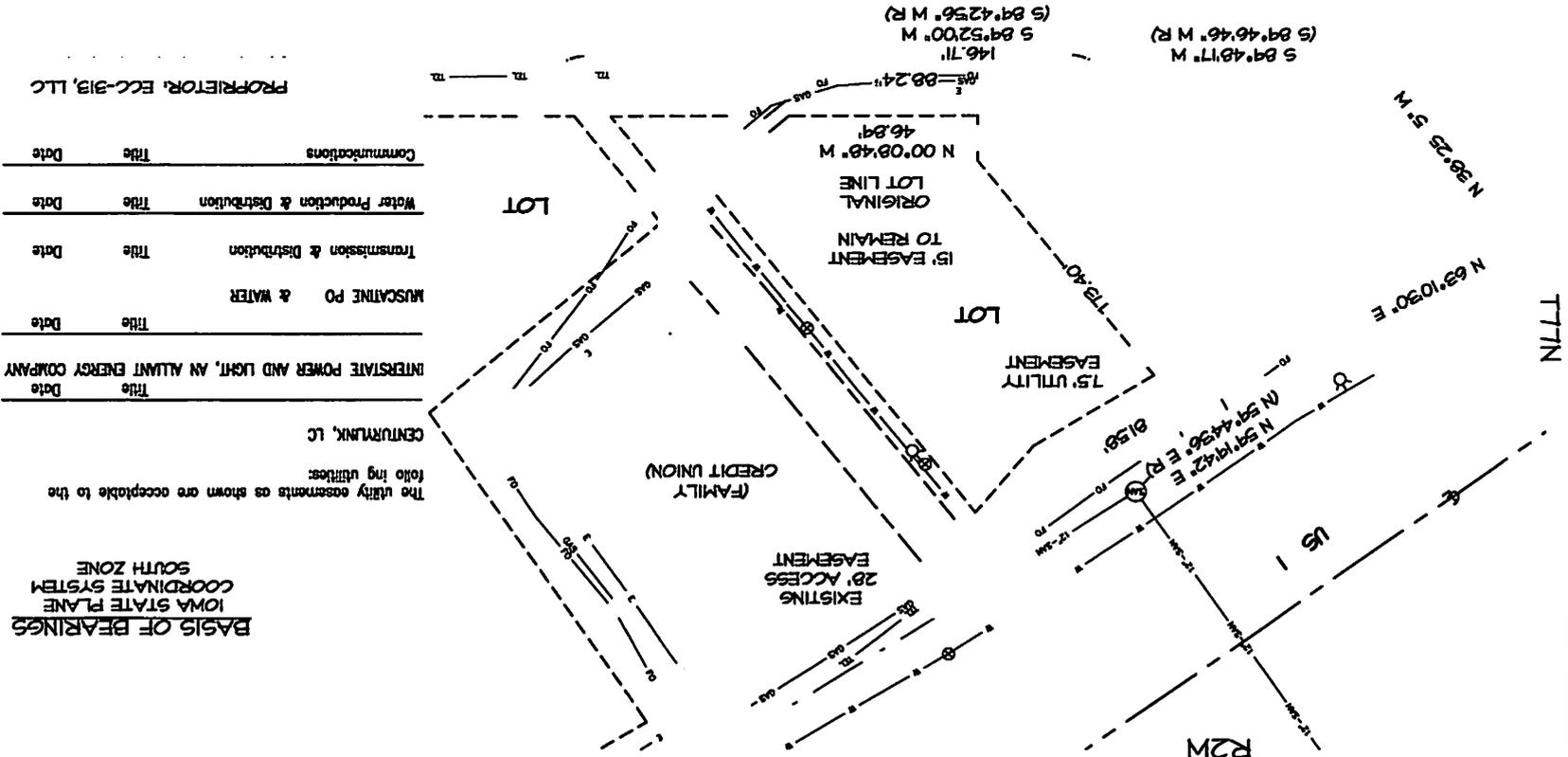
Gregg Mandsager, City Clerk

BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

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

CENTURYLINK, LC	Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	Title	Date
MAUSCATINE PO & WATER	Title	Date
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date

PROPRIETOR, ECC-913, LLC



Prepared by/Return to: Charles R. Coulter, Suite 400, 301 Iowa Avenue, Muscatine, IA 52761 563.264.5000

STATE OF IOWA)
) ss.
MUSCATINE COUNTY)

CERTIFICATE

Being duly sworn, I certify as follows:

1. I am the Clerk of the City of Muscatine, Iowa, and have custody of the City records.
2. True copies of the following documents are attached to this Certificate:
 - a. Resolution No. _____ concerning a proposed vacation of public utility easements, with Public Notice attached.
 - b. Affidavit of Published Notice.
 - c. Resolution No. _____ vacating public easements
 - d. Plat of Survey showing public utility easement being vacated.
3. These documents relate to the vacation of a public utility easement in the City of Muscatine, Iowa; the Resolutions were duly adopted and approved by the City Council of Muscatine, Iowa; and the originals are on file at City Hall in Muscatine, Iowa.

(CITY SEAL)

Gregg Mandsager, Clerk

This instrument was acknowledged before me on February ___, 2016, by Gregg Mandsager as Clerk of the City of Muscatine, Iowa.

Notary Public in and for the State of Iowa