

## COMMUNITY DEVELOPMENT

### MEMORANDUM

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

**To:** Mayor and City Council Members

**CC:** Gregg Mandsager, City Administrator  
Dave Gobin, Community Development Director

**From:** Andrew Fangman, City Planner

**Date:** September 1, 2016

**Re:** Utility Easement Vacation – Lots 3, 4, & 5 Riverbend Second Addition, 3420 Clermont Drive

---

**INTRODUCTION:** A request to vacate certain utility easements has been submitted on behalf of John Krieger.

**BACKGROUND:** John Krieger has submitted an easement vacation plat that vacates two 10 foot wide utility easement, composed of two adjoining 5' utility easements located on Lots 3, 4, and 5 of the Riverbend Second Addition, on Clermont Drive. The intent is to combine these three parcels, which makes these utility easements unnecessary as the resulting parcel will have all the necessary utility easements located along the perimeter. The applicant intends construct a house on the center on the newly created lot.

**RECOMMENDATION/RATIONALE:** The Planning and Zoning Commission and staff recommend approval of this request, as all the necessary utility easements will be present on the proposed combined parcel. The utility easements being proposed for vacation serve no useful public purpose.



**RESOLUTION NO. \_\_\_\_\_**

**A Resolution Vacating Public Utility  
Easements in Riverbend Second Addition**

**RECITALS:**

A. The City Council adopted a Resolution on August 18, 2016, providing for the proposed vacation of certain utility easements in Lots 3, 4, and 5 of Riverbend Second Addition to the City of Muscatine, Iowa.

B. 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.

C. The Planning and Zoning Commission has approved the proposed vacation of certain public utility easements created in the original platting of Lots 3, 4, and 5 of Riverbend Second Addition.

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

E. The easements are not being used, continuation of the easements 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 easements.

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

1. Four public utility easements, each five feet wide on both sides of the boundary lines between Lots 3 and 4 and between Lots 4 and 5 of Riverbend Second Addition in the City of Muscatine, Iowa, are vacated.

2. Any resolution or part thereof in conflict or inconsistent with the provisions of this Resolution is repealed.

PASSED, APPROVED, AND ADOPTED on \_\_\_\_\_, 2016.

(CITY SEAL)

\_\_\_\_\_  
Diana L. Broderson, Mayor

ATTEST:

\_\_\_\_\_  
Gregg Mandsager, City Clerk