

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

**A RESOLUTION  
TO VACATE CERTAIN UTILITY EASEMENTS AT 3702 & 3811 PARK  
AVENUE WEST**

**WHEREAS**, a resolution was adopted by the City Council of Muscatine, Iowa, on August 15, 2019, providing for the proposed vacation of all right, title and interest of the City of Muscatine, Iowa, in and to certain utility easement located 3702 & 2811 Park Avenue West, in the City of Muscatine, Iowa; and

**WHEREAS**, the resolution provided that notice of intention to vacate the utility easement should be given by publication of a Public Notice in the Muscatine Journal prior to the meeting of the City Council to be held on September 5, 2019, and the notice was duly published in the newspaper as required by law; and

**WHEREAS**, the resolution provided for a public hearing on the proposed vacation, and such hearing has been held:

**WHEREAS**, the City Council found and determined that the proposed vacation of said utility easements would serve the public interest:

**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:

A 6' WIDE EASEMENT AS RECORDED AT BOOK 266, PAGE 627 IN THE OFFICE OF RECORDER, MUSCATINE COUNTY, IOWA EXCEPT FOR THE EASTERLY AND WESTERLY 15' THEREOF:

AND ALSO

A 10' WIDE EASEMENT AS SHOWN ON THE FINAL PLAT OF DONOHOE ADDITION AS RECORDED AT BOOK 303, PAGE 64 AND RUAN ADDITION BOOK 8, PAGE 371 IN THE OFFICE OF RECORDER, MUSCATINE COUNTY, IOWA. SAID EASEMENT IS TO BE VACATED ALONG THE SOUTH LINE OF LOT 3A AND THE WEST AND NORTH LINE OF LOT 3B EXCEPT AS INCLUDED IN OVERLAPPING EASEMENTS.

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 Any resolution or part thereof in conflict or inconsistent with this resolution is repealed.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of September, 2019.

CITY COUNCIL OF THE CITY  
OF MUSCATINE, IOWA

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

ATTEST:

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



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

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COMMUNITY DEVELOPMENT

MEMORANDUM

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

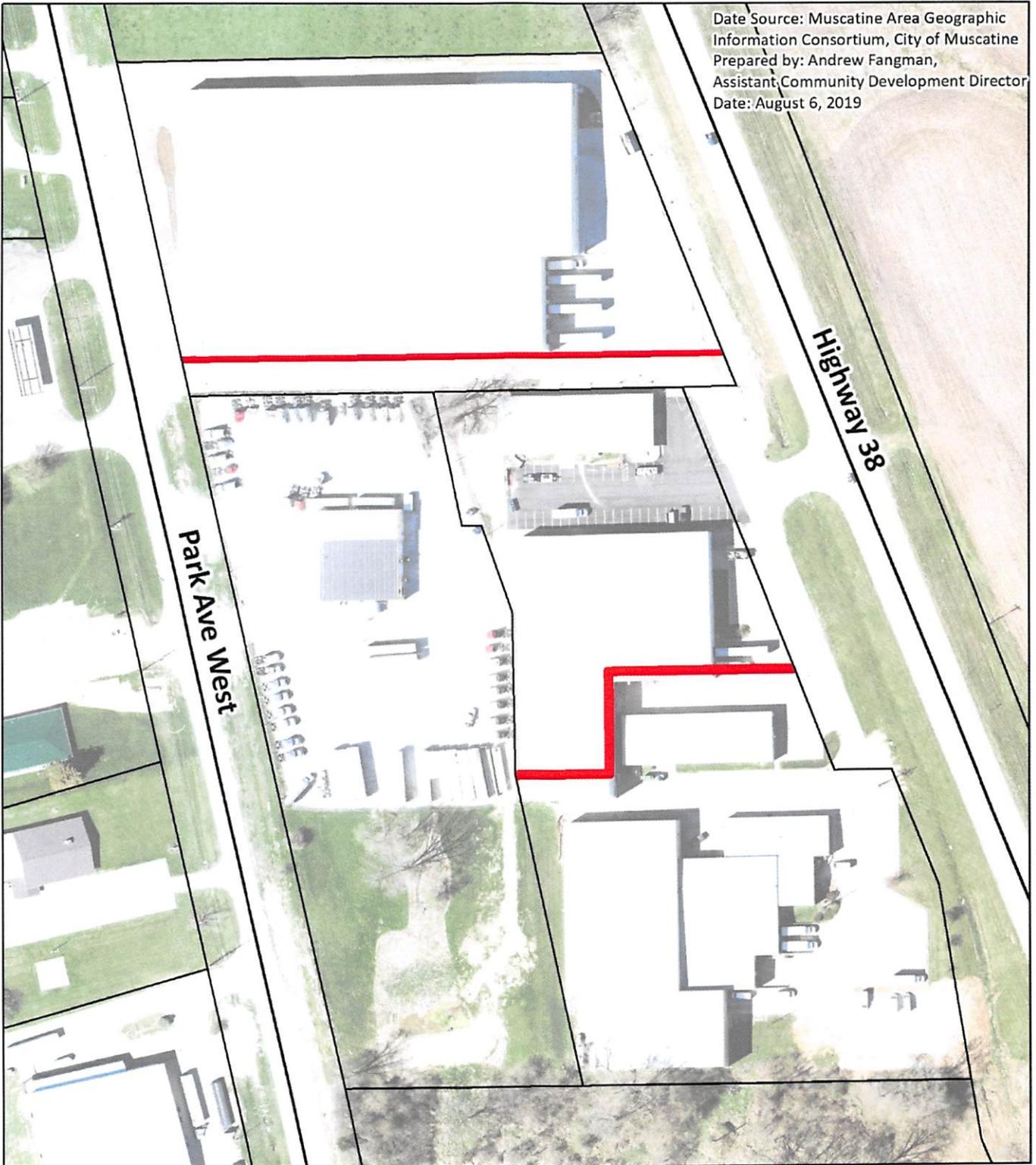
**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** September 5, 2019  
**Re:** Utility Easement Vacation – (PZVE-9) 3702 Park Avenue West & 3811 Park Avenue West

**INTRODUCTION:** A request to vacate certain utility easements has been submitted by White Distribution & Supply.

**BACKGROUND:** White Distribution & Supply has submitted a utility easement vacation plat, that would if approved by City Council, would vacate a 10' wide utility easement at 3702 Park Avenue West and a 6' wide easement at 3811 Park Avenue West, as illustrated in the attached map and plat. The intent is to vacate unused and unneeded utility easements that encroach on existing buildings

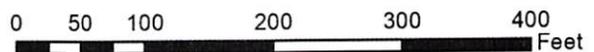
**RECOMMENDATION/RATIONALE:** The Planning and Zoning Commission and staff recommend approval of this request, as all the necessary utility easements will be present on the proposed combined parcel. The utility easements being proposed for vacation serve no useful public purpose.

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine  
Prepared by: Andrew Fangman,  
Assistant, Community Development Director  
Date: August 6, 2019



### PZVE-9 Proposed Vacation of Certain Utility Easements at 3811 & 3702 Park Avenue West

-  Utility Easements Proposed for Vacation
-  Parcel Lines



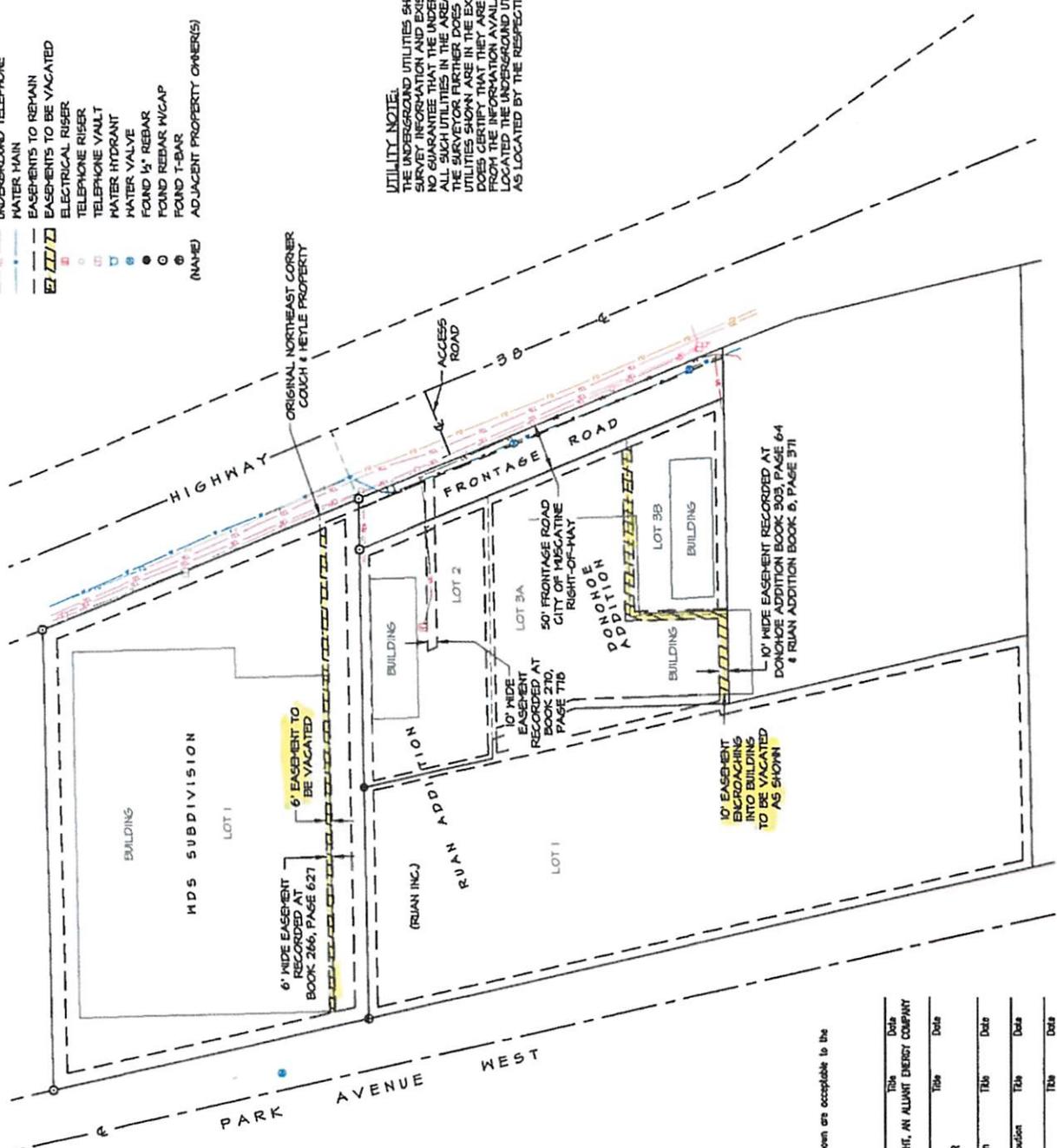


80 0 80

BASIS OF BEARINGS  
 IOWA STATE PLAINS  
 COORDINATE SYSTEM  
 SOUTH ZONE

# EASEMENT VACATION PLAT

- LEGEND**
- BUILDING LINE
  - UNDERGROUND ELECTRIC
  - UNDERGROUND FIBER OPTIC
  - UNDERGROUND TELEPHONE
  - MATER MAIN
  - EASEMENTS TO REMAIN
  - EASEMENTS TO BE VACATED
  - ELECTRICAL RISER
  - TELEPHONE RISER
  - TELEPHONE VAULT
  - MATER HYDRANT
  - MATER VALVE
  - FOUND 1/2" REBAR
  - FOUND REBAR W/CAP
  - FOUND T-BAR
  - (NAME) ADJACENT PROPERTY OWNER(S)



**UTILITY NOTE.**  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLY UNDER THE CIRCUMSTANCES. THE SURVEYOR HAS PERSONALLY LOCATED THE UNDERGROUND UTILITIES, BUT HAS SHOWN THEIR EXISTENCE AS LOCATED BY THE RESPECTIVE UTILITY COMPANIES AND AVAILABLE MAPPINGS.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision and in full compliance with the laws and regulations of the State of Iowa.



Gary H. Whitacre  
 Reg. No. 10216  
 My license renewal date is December 31, 2019  
 Pages or sheets covered by this seal: 1

**SURVEY COMPANY / RETURN TO:**  
**Martin & Whitacre**  
**Surveyors & Engineers, Inc.**  
 P.O. BOX 413 MUSCATINE, IOWA 52701  
 INFO@MARTIN-WHITACRE.COM (563)265-7881

**SURVEYOR:** GARY H. WHITACRE  
**PROPRIETOR(S):** WHITE DISTRIBUTION & SUPPLY, LLC  
**REQUESTOR:** WHITE DISTRIBUTION & SUPPLY, LLC  
**LOCATION:** 3702 PARK AVENUE W. IN MUSCATINE, IOWA  
**SURVEY TYPE:** VACATION PLAT

FILE	BOOK	SCALE	DIN	CHKD	DATE	JOB NO.
14-74-241	25716	1"=50'	JEH	GMH	04/03/19	050010

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

CENTURION, LC	File	Date
INDEPENDENT POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	File	Date
MUSCATINE POWER & WATER	File	Date
Transmission & Distribution	File	Date
Water Production & Distribution	File	Date
Communications	File	Date