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COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: July 5, 2012
Re: Utility Vacation – 1421 Park Ave (Old Armory)

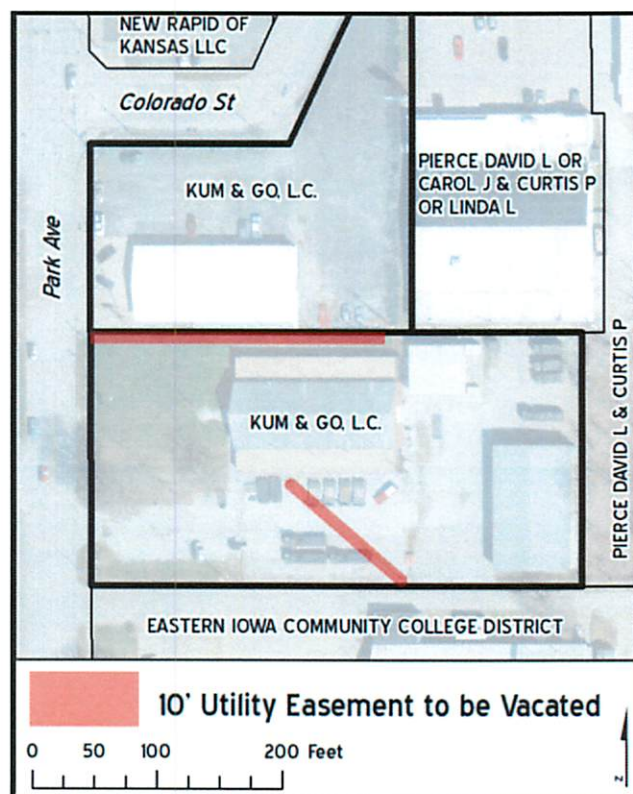
INTRODUCTION: A request to vacate two existing utility easements has been submitted on behalf of Kum & GO, L.C.

BACKGROUND: On May 23, 2012 Olsson Associates on behalf of Kum & Go has submitted an easement vacation plat that vacates a two separate 10 feet wide utility easements, owned by Muscatine Power and Water (MPW). The first exists along the common property line between 1421 Park Avenue, and the parcel located directly to the north also owned by Kum & Go. The applicant's intent is to combine these two parcels and relocate the utility easement to the perimeter of this new larger parcel. The second utility easement being proposed vacation extends is 10 feet wide utility easement for the National Guard Armory's service line. As this structure is going to be demolished there is no longer a need for this easement. The Planning Commission reviewed and approved the request to vacate the utility easements, as requested, during their June 12, 2012 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 utility easements located at 1421 Park Avenue be approved.

BACKUP INFORMATION:

1. Resolution
2. Plat of Survey



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

RESOLUTION NO. _____

**A RESOLUTION
TO VACATE CERTAIN OF UTILITY EASEMENTS AT 1421 PARK AVENUE
(OLD ARMORY) IN THE CITY OF MUSCATINE, IOWA**

WHEREAS, a resolution was adopted by the City Council of Muscatine, Iowa, on June 21, 2012 providing for the proposed vacation of all right, title and interest of the City of Muscatine, Iowa, in and to the utility easement located at 1421 Park Avenue (Old Armory) in the City Of Muscatine, Iowa; and

WHEREAS, the resolution provided that notice of intention to vacate the access 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 July 5, 2012, 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:

**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. A strip of land 10 feet wide or 5 feet on each side of a centerline described as follows: Commencing at the southwest corner of the National guard armory property in the southeast Quarter of Section 25, Township 77 North, Range 2 West of The 5th Principal Meridian in Muscatine County, Iowa; thence east to a point on the south property line of said property located 248.4 feet east of the southwest property corner of said property and centerline of a riser pole as constructed and a point of beginning; thence northwesterly 118.0 feet to a padmount transformer near the south side of the armory building.

B. A perimeter easement 10 feet wide within and adjacent to the exterior property lines of the following described property; a certain tract or parcel of land in the southeast Quarter of Section 25, Township 77 North, Range 2 West of The 5th Principal Meridian, described as follows: commencing at a point on the west line of the southeast quarter of said section 25, 533.8 feet south of the center of said section 25, the place of beginning, running thence east to the east line of Park Avenue in The City of Muscatine, Iowa, to a point 800.0 feet northerly measured along the east line of said Park Avenue from a point where the north line of Fair Oaks Addition to the City of Muscatine, Iowa, intersects the east line of said park avenue, thence continuing east a distance of 400.0 feet, thence north 200.0 feet, thence west to a point on the north and south centerline of said section 25, thence south along the north and south centerline of said section 25, 200.0 feet to the place of beginning.

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

PASSED, APPROVED AND ADOPTED this 5th day of July, 2012.

CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Clerk

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., CITY AND COUNTY OF MUSCATINE, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT INTERSECTING THE SOUTH RIGHT OF WAY LINE OF COLORADO STREET AND THE EAST RIGHT OF WAY LINE OF PARK AVENUE, THENCE S00°18'43"E (ASSUMED BEARING), 150.00 FEET TO THE POINT OF BEGINNING; THENCE N89°41'31"E, 235.00 FEET; THENCE N89°42'41"E, 150.14 FEET; THENCE S01°16'34"E, 199.82 FEET; THENCE S89°40'24"W, 384.13 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PARK AVENUE (HWY NO. 35); THENCE ON SAID EAST RIGHT OF WAY LINE, N00°32'38"W, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.77 ACRES MORE OR LESS.

MUSCATINE POWER AND WATER

TRANSMISSION AND DISTRIBUTION	TITLE	DATE
WATER PRODUCTION AND DISTRIBUTION	TITLE	DATE
COMMUNICATIONS	TITLE	DATE

EASEMENT DESCRIPTION:

A PERPETUAL RIGHT-OF-WAY AND EASEMENT IN, OVER, UNDER AND UPON THE LAND OWNED BY GRANTOR LYING AND BEING IN THE COUNTY OF MUSCATINE, IOWA, TO-WIT:

1. A STRIP OF LAND 10 FEET WIDE OR 5 FEET ON EACH SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NATIONAL GUARD ARMORY PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN IN MUSCATINE COUNTY, IOWA; THENCE EAST TO A POINT ON THE SOUTH PROPERTY LINE OF SAID PROPERTY LOCATED 248.4 FEET EAST OF THE SOUTHWEST PROPERTY CORNER OF SAID PROPERTY AND CENTERLINE OF A RISER POLE AS CONSTRUCTED AND A POINT OF BEGINNING; THENCE NORTHWESTERLY 118.0 FEET TO A PADMOUNT TRANSFORMER NEAR THE SOUTH SIDE OF THE ARMORY BUILDING.

2. A PERIMETER EASEMENT 10 FEET WIDE WITHIN AND ADJACENT TO THE EXTERIOR PROPERTY LINES OF THE FOLLOWING DESCRIBED PROPERTY:

A CERTAIN TRACT OR PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, 533.8 FEET SOUTH OF THE CENTER OF SAID SECTION 25, THE PLACE OF BEGINNING, RUNNING THENCE EAST TO THE EAST LINE OF PARK AVENUE IN THE CITY OF MUSCATINE, IOWA, TO A POINT 800.0 FEET NORTHERLY MEASURED ALONG THE EAST LINE OF SAID PARK AVENUE FROM A POINT WHERE THE NORTH LINE OF FAIR OAKS ADDITION TO THE CITY OF MUSCATINE, IOWA, INTERSECTS THE EAST LINE OF SAID PARK AVENUE, THENCE CONTINUING EAST A DISTANCE OF 400.0 FEET, THENCE NORTH 200.0 FEET, THENCE WEST TO A POINT ON THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 25, THENCE SOUTH ALONG THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 25, 200.0 FEET TO THE PLACE OF BEGINNING.

LEGEND

---	PROPERTY LINE
- - -	EASEMENT LINE
XXXXX	EASEMENT TO BE VACATED
○	FOUND CORNER (AS SHOWN)
(M)	MEASURED DISTANCE
(R)	RECORDED DISTANCE
(C)	CALCULATED DISTANCE
x	CALCULATED POINT

SURVEYOR'S CERTIFICATE

I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DATED THIS 12 DAY OF JUNE 2012.

Terry L. Rothanzl
TERRY L. ROTHANZL
R.L.S. NO. 17413
OLSSON ASSOCIATES
1707 DAKOTA AVE, SOUTH SIOUX CITY, NE 68776
402-494-3059



MY LICENSE EXPIRATION IS DECEMBER 31, 2012

PROPRIETOR; KUM & GO, L.C.

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PROJECT NO: 009-2598

DRAWN BY: A.J.C.

DATE: 06.12.12

EASEMENT VACATION PLAT:

SECTION 25 TOWNSHIP 77 NORTH, RANGE 2 WEST, MUSCATINE, IOWA

OLSSON ASSOCIATES

11035 Aurora Avenue
Urbandale, IA 50322
TEL: 515.331.6517
FAX: 515.331.6518

EXHIBIT

1

