

**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: December 20, 2012

Re: Voluntary Annexation- City of Muscatine - Ripley's Mobile Home Park and Certain Other Nearby Areas - 2 Portions – Approximately 400 Acres- Resolutions to Set Public Hearings (Eastern and Western Portions of the Proposed Annexation Area)

INTRODUCTION: Section 368.7 of the Code of Iowa sets out the procedures that a city must follow when processing a request for voluntary annexation.

BACKGROUND: The City of Muscatine has entered into an agreement with Ripley's Development Inc. to extend sanitary gravity sewer from Park Avenue West to Ripley's Mobile Home Park. The mobile home park is under court order to modify their existing failing lagoon system to meet regulations established by the Iowa Department of Natural Resources. Options to extend this sanitary sewer were reviewed, including a pump station, but the recommendation from staff and engineers focused on utilizing gravity flow to the existing Mad Creek line. This agreement also included a voluntary annexation agreement covering Ripley's Mobile Home Park. Voluntary annexation agreements have also been signed with four other property owners though which the new sewer line will flow through or that could easily be served by it. This annexation will add 400 acres, 24 parcels, and 865 people to the City of Muscatine.

Streets within Ripley's Mobile Home Park will remain private, and the responsibility of Ripley's Development Inc., after completion of this annexation. The City of Muscatine will provide Ripley's Mobile Home Park a single connection to the extended sanitary sewer line. Sewer lines within the mobile home park will remain the responsibility of Ripley's Mobile Home Park. Upon annexation the City of Muscatine will begin providing the annexed area with police, fire protection, and garbage/recycling collection services.

The voluntary annexation application was reviewed and recommended for approval by the Planning and Zoning Commission at their November 13, 2012 meeting. Prior to any further action on this request, it is necessary for the City Council to set a public hearing, and for notice to be provided to all adjacent property owners, utility providers, township trustees, and the Muscatine County Board of Supervisors. The Code of Iowa all requires the Board of Supervisors be given written notice 14 business days prior to any action by City Council on the application for voluntary annexation.

The proposed voluntary annexation area is split into a western portion and an eastern portion by the existing boundaries of the City of Muscatine, for this reason this annexation will require two separate public hearings and resolutions, one for each portion.

RECOMMENDATION/RATIONALE: It is therefore recommended that the City Council approve the attached resolutions setting public hearings to consider the voluntary annexation approximately 400 acres of real estate encompassing Ripley's Mobile Home Park and certain other nearby areas for Thursday, January 3, 2013.

BACKUP INFORMATION:

1. Map
2. Resolution (Western Portion)
3. Resolution (Eastern Portion)
4. Public Notice (Western Portion)
5. Public Notice (Eastern Portion)
6. Letter to the Township Trustees and Board of Supervisors
7. Letter to adjacent property owners
8. Letter to utility providers



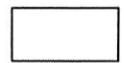
— Sewer Line Extension



Current City Limits



Area Proposed For Annexation



Parcel Lines



Proposed Voluntary Annexation of Ripley's Mobile Home Park and Certain Other Nearby Areas

0 0.125 0.25 0.5 Miles

Date Source: Muscatine Area Geographic
Information Consortium, City of Muscatine
Prepared by: Andrew Fenneman, City Planner
Date: December 10, 2012



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
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COMMUNITY DEVELOPMENT

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December 10, 2012

Members of the Muscatine County Board of Supervisors
County Administration
414 E. 3rd Street
C/O Nancy Schreiber
Muscatine, Iowa 52761

Sweetland Township Board of Trustees
Kenneth Connor – 2876 New Era Rd.
Albert Bermel Jr. – 1730 Sweetland Rd
Richard Leach – 2998 New Era Rd

Bloomington Township Board of Trustees
John Weaver – 2674 Huck Finn Rd.
Gary Klebe – 2574 180th St.
Gerald Rieke – 2684 Samuel Clemens Rd.

The City of Muscatine has entered into an agreement with Ripley's Inc. to extend sanitary gravity sewer from Park Avenue West to Ripley's Mobile Home Park. The mobile home park is under court order to modify their existing failing lagoon system to meet regulations established by the Iowa Department of Natural Resources. Options to extend this sanitary sewer were reviewed, including a pump station, but the recommendation from staff and engineers focused on utilizing gravity flow to the existing Mad Creek line. This agreement also included a voluntary annexation agreement. Voluntary annexation agreements and the acquisition of easements necessary for construction of a new sanitary sewer have obtained that will benefit the larger area. This proposed voluntary annexation would encompass approximately 400 acres on 24 parcels. Parcels in both Sweetland Township and Bloomington Township are included in the proposed voluntary annexation area. The proposed voluntary annexation area is split into a western portion and an eastern portion by the existing boundaries of the City of Muscatine. See the following legal description and map for more detail.

Eastern Portion

Beginning at the intersection of centerline of Taylor Avenue and the North line of Section 17, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence west along the North line of said Section 17 to the Northeast corner of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence Westerly along the North line of said Section 18 to the Northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 18; thence South along the West line of the Northeast ¼ of the Northeast ¼ of said Section 18 to the Northeast corner of Parcel "E", recorded as Document No. 2005-08583; thence North 82°08'23" West 172.06 feet along the North line of said parcel; thence North 61°10'37" West 446.94 feet to a point; thence South 25°03'12" West 335.93 feet to the Southeast corner of Parcel "D", recorded as Document No. 2005-08582; thence North 51°48'44" West 489.15 feet along the Northeast line of said parcel; thence South 55°31'56" West 260.53 feet along the Northwest line of said parcel to the Northwest corner of said parcel; thence north along the West line of the Northeast ¼ of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa to the North line of said Section 18.; thence Westerly along the North line of said Section 18 to an intersection with the City of Muscatine Annexation recorded in Document No. 2009-03953; thence Southerly along the perimeter of said annexation; thence Southwesterly along the perimeter of said annexation; thence Southerly to an intersection with the North line of the City of Muscatine Annexation recorded in Document No. 2009-03952; thence Easterly along the North line of said annexation to the Northeast corner of said annexation; thence South along the East line of said annexation to an intersection with the South line of the Southeast

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$\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence Easterly along the South line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 18 to intersection with the West line of the Southeast $\frac{1}{4}$ of said Section 18; thence Southerly 644.23 feet along said West line; thence Easterly to the centerline of the Southbound lane of U.S. Highway No. 61; thence Northeasterly along the centerline of the Southbound lane of U.S. Highway No. 61 to an intersection with the centerline of Taylor Avenue; thence North along the centerline of Taylor Avenue to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

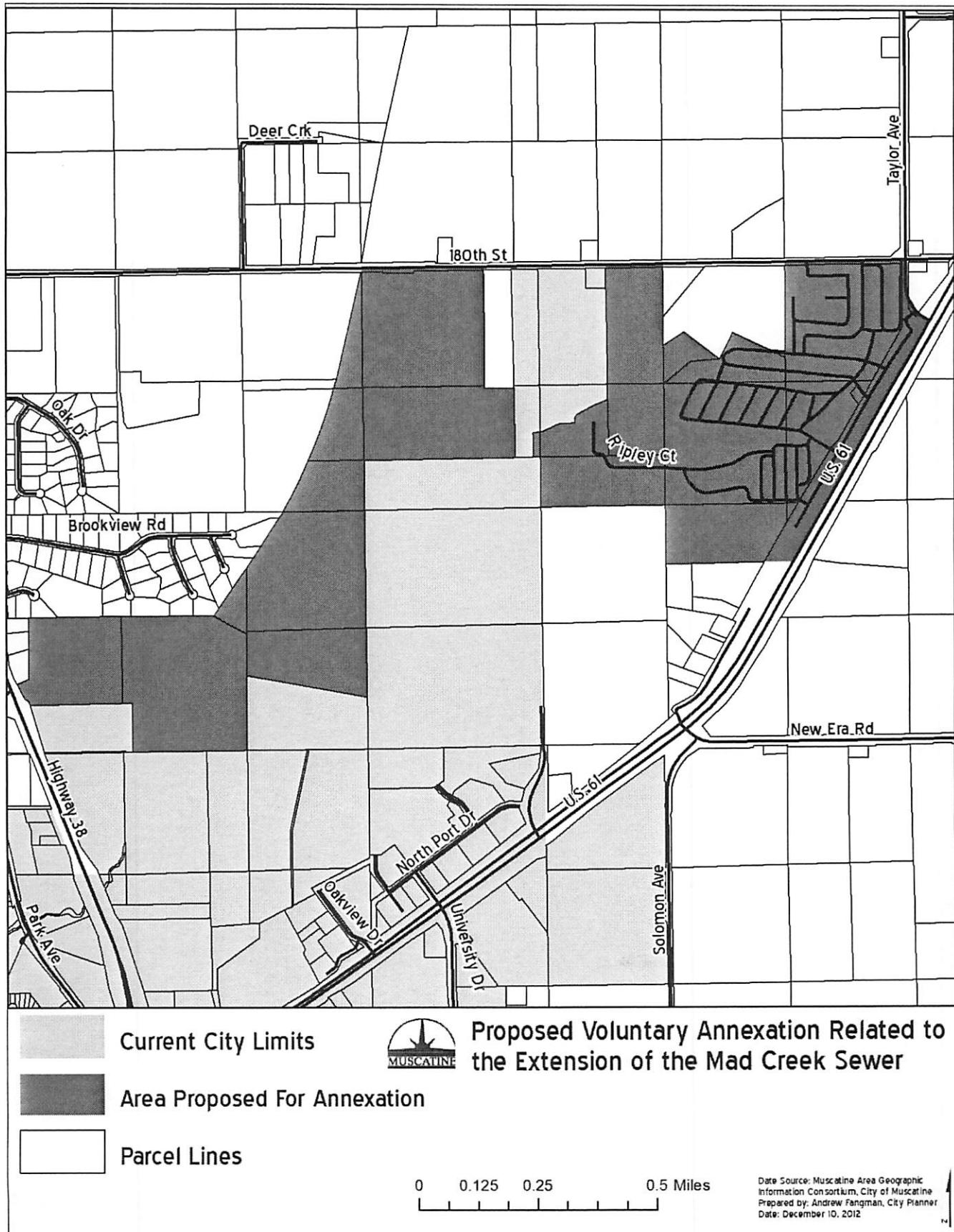
Western Portion

Beginning at the Southwest corner of Hoag Subdivision of Muscatine County, Iowa, thence North 67°53'31" East 146.81 feet along the South line of said subdivision; thence North 00°00'00" East 673.07 feet to the South line of Cinrox Estates Subdivision; thence North 89°42' East to the Southeast corner of Cinrox Estates Subdivision, thence Easterly along the South line of Rolling Acres Part 2 Subdivision to the Southeast corner of Rolling Acres Part 2 Subdivision; thence Northeasterly along the East line of Rolling Acres Part 2 Subdivision which is contiguous with the former right of way of the Wilton branch of the Chicago, Rock Island, and Pacific Railway to the Northeast corner of Rolling Acres Part 2 Subdivision; thence continuing Northeasterly along the former right of way of the Wilton branch of the Chicago, Rock Island, and Pacific Railway to an intersection with the South right of way line of 180th Street; thence Easterly along the South right of way line of 180th Street to an intersection with West line of Section 18, Township 77 North, Range 1 West of the Fifth Principal Meridian; in Muscatine County, Iowa; thence North along the West line to the Northwest corner of said section; thence East 1,317' 10" along the North line of said section; thence South 1,350 feet; thence East 332' 8" to an intersection with the West line of the City of Muscatine Annexation shown in Document No. 2009-03953; thence South along the West line of said annexation to the Southwest corner of said annexation; thence West along the North line of the City of Muscatine Annexation shown in Document No. 2009-03952 to the intersection with the East line of Section 13, Township 77 North, Range 2 West of the Fifth Principal Meridian; in Muscatine County, Iowa; thence South along the East line of said section to the Northeast corner of the City of Muscatine Annexation recorded in Book No. 298, Page 1177; thence north 79° 15' 02" west 1,364.54 feet; thence South 00° 00' 47" East 819.13 feet to the North line of Section 24; thence West along said North line of Section 24, Township 77 North, Range 2 West of the Fifth Principal Meridian; in Muscatine County, Iowa to a line 102.00 feet East of the South $\frac{1}{4}$ corner of Section 13; thence North 00° 29' 48" West along said line 537.97 feet; thence South 89° 30' 12" West 1,139.05 feet to the East right-of-way line of relocated Highway #38; thence North along the East right-of-way line of relocated Highway #38 to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

The City Council of the City of Muscatine will conduct a public hearing on and to consider this proposed voluntary annexation on January 3, 2012 at 7:00 p.m. in the City Hall Council Chambers, 215 Sycamore Street. Interested parties are invited to attend and comment.

Sincerely,

**Andrew Fangman
City Planner**





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Housing Inspections,

Muscatine Power & Water
3205 Cedar Street
Muscatine, IA 52761

Ann Kreiss
Alliant Energy
215 Oak Street
Muscatine, IA 52761

Qwest
1801 California St, #134
Denver, CO 80202

Dave Hartman
Qwest
3565 Utica Ridge Road
Bettendorf, IA 52722

December 10, 2012

Dear Utility Provider:

The City of Muscatine is proposing a voluntary annexation that falls within your service area.

The City of Muscatine has entered into an agreement with Ripley's Inc. to extend sanitary gravity sewer from Park Avenue West to Ripley's Mobile Home Park. The mobile home park is under court order to modify their existing failing lagoon system to meet regulations established by the Iowa Department of Natural Resources. Options to extend this sanitary sewer were reviewed, including a pump station, but the recommendation from staff and engineers focused on utilizing gravity flow to the existing Mad Creek line. This agreement also included a voluntary annexation agreement. Voluntary annexation agreements and the acquisition of easements necessary for construction of a new sanitary sewer have obtained that will benefit the larger area. This proposed voluntary annexation would encompass approximately 400 acres on 24 parcels. Parcels in both Sweetland Township and Bloomington Township are included in the proposed voluntary annexation area. The proposed voluntary annexation area is split into a western portion and an eastern portion by the existing boundaries of the City of Muscatine. See the following legal description and map for more detail.

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Southbound lane of U.S. Highway No. 61 to an intersection with the centerline of Taylor Avenue; thence North along the centerline of Taylor Avenue to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

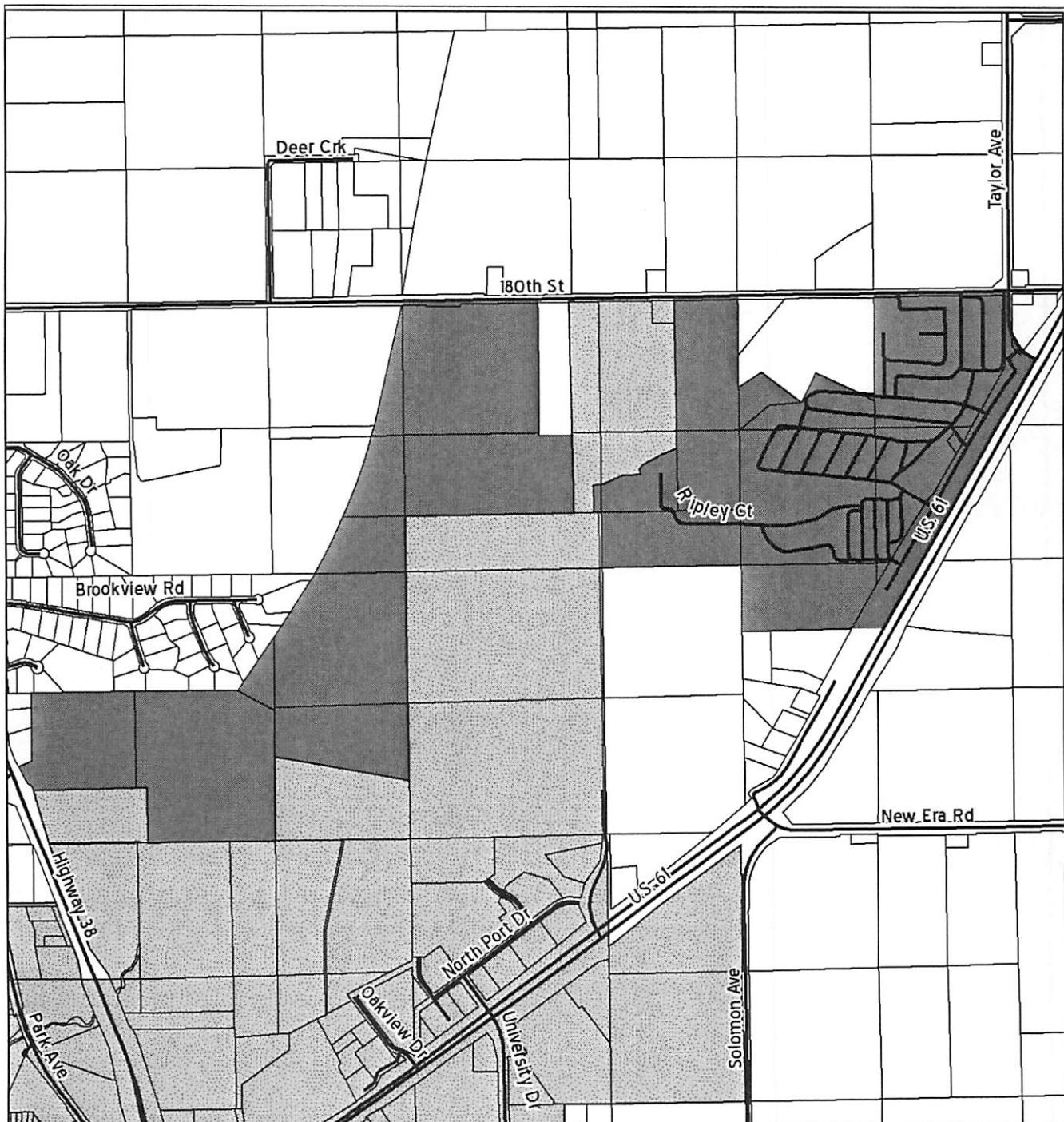
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Sincerely,

Andrew Fangman
City Planner

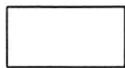


Current City Limits



**Proposed Voluntary Annexation Related to
the Extension of the Mad Creek Sewer**

Area Proposed For Annexation



Parcel Lines

0 0.125 0.25 0.5 Miles

Date Source: Muscatine Area Geographic
Information Consortium, City of Muscatine
Prepared by: Andrew Fangman, City Planner
Date: December 10, 2012

1



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December 10, 2012

Dear Property Owner:

The City of Muscatine is proposing a voluntary annexation for a parcel of land located within 200 feet of your property. **Only properties for which there is a signed voluntary annexation agreement between the City of Muscatine and the property owner is voluntary annexation being proposed.** This letter is being sent to nearby landowners unaffected by this voluntary annexation to explain the reason for and extent of this proposed voluntary annexation, and to offer a chance for interested parties to offer a chance to comment.

The City of Muscatine has entered into an agreement with Ripley's Inc. to extend sanitary gravity sewer from Park Avenue West to Ripley's Mobile Home Park. The mobile home park is under court order to modify their existing failing lagoon system to meet regulations established by the Iowa Department of Natural Resources. Options to extend this sanitary sewer were reviewed, including a pump station, but the recommendation from staff and engineers focused on utilizing gravity flow to the existing Mad Creek line. This agreement also included a voluntary annexation agreement. Voluntary annexation agreements and the acquisition of easements necessary for construction of a new sanitary sewer have obtained that will benefit the larger area. This proposed voluntary annexation would encompass approximately 400 acres on 24 parcels. Parcels in both Sweetland Township and Bloomington Township are included in the proposed voluntary annexation area. The proposed voluntary annexation area is split into a western portion and an eastern portion by the existing boundaries of the City of Muscatine. See the following legal description and map for more detail.

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County, Iowa; thence Easterly along the South line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 18 to intersection with the West line of the Southeast $\frac{1}{4}$ of said Section 18; thence Southerly 644.23 feet along said West line; thence Easterly to the centerline of the Southbound lane of U.S. Highway No. 61; thence Northeasterly along the centerline of the Southbound lane of U.S. Highway No. 61 to an intersection with the centerline of Taylor Avenue; thence North along the centerline of Taylor Avenue to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

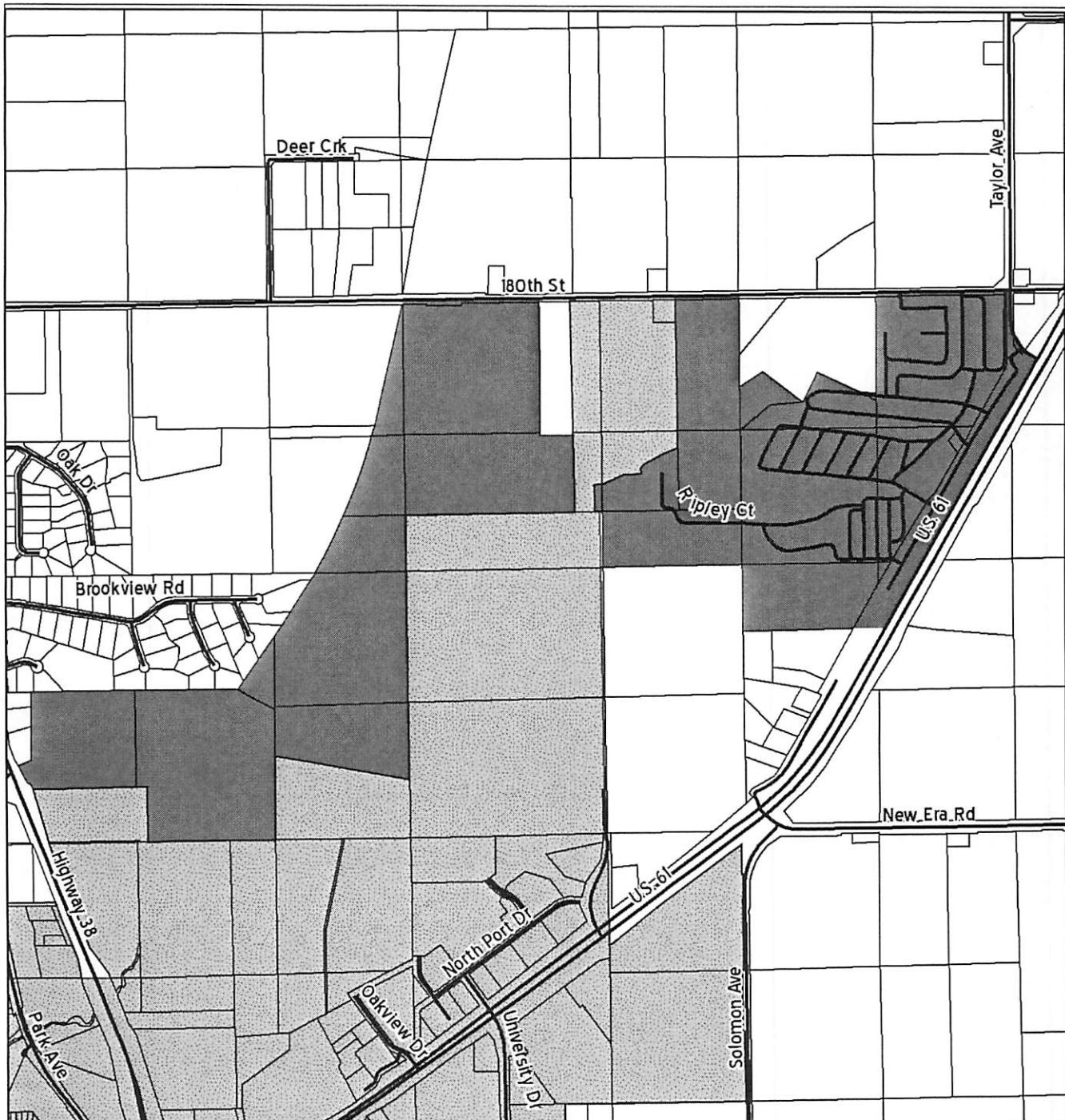
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The City Council of the City of Muscatine will conduct a public hearing on and to consider this proposed voluntary annexation on January 3, 2012 at 7:00 p.m. in the City Hall Council Chambers, 215 Sycamore Street. Interested parties are invited to attend and comment.

Sincerely,

Andrew Fangman
City Planner



Current City Limits



**Proposed Voluntary Annexation Related to
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Area Proposed For Annexation

Parcel Lines

0 0.125 0.25 0.5 Miles

Date Source: Muscatine Area Geographic
Information Consortium, City of Muscatine
Prepared by: Andrew Fangman, City Planner
Date: December 10, 2012

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

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC
HEARING ON A PROPOSED ANNEXATION TO AND WITHIN THE
CITY OF MUSCATINE, IOWA**

WHEREAS, a request has been filed to voluntarily annex approximately real estate under the provision of Chapter 368.7 of the Code of Iowa, to the City of Muscatine, Iowa, described as:

Beginning at the intersection of centerline of Taylor Avenue and the North line of Section 17, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence west along the North line of said Section 17 to the Northeast corner of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence Westerly along the North line of said Section 18 to the Northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 18; thence South along the West line of the Northeast ¼ of the Northeast ¼ of said Section 18 to the Northeast corner of Parcel "E", recorded as Document No. 2005-08583; thence North 82°08'23" West 172.06 feet along the North line of said parcel; thence North 61°10'37" West 446.94 feet to a point; thence South 25°03'12" West 335.93 feet to the Southeast corner of Parcel "D", recorded as Document No. 2005-08582; thence North 51°48'44" West 489.15 feet along the Northeast line of said parcel; thence South 55°31'56" West 260.53 feet along the Northwest line of said parcel to the Northwest corner of said parcel; thence north along the West line of the Northeast ¼ of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa to the North line of said Section 18.; thence Westerly along the North line of said Section 18 to an intersection with the City of Muscatine Annexation recorded in Document No. 2009-03953; thence Southerly along the perimeter of said annexation; thence Southwesterly along the perimeter of said annexation; thence Southerly to an intersection with the North line of the City of Muscatine Annexation recorded in Document No. 2009-03952; thence Easterly along the North line of said annexation to the Northeast corner of said annexation; thence South along the East line of said annexation to an intersection with the South line of the Southeast ¼ of the Northwest ¼ of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence Easterly along the South line of the Southeast ¼ of the Northwest ¼ of said Section 18 to intersection with the West line of the Southeast ¼ of said Section 18; thence Southerly 644.23 feet along said West line; thence Easterly to the centerline of the Southbound lane of U.S. Highway No. 61; thence Northeasterly along the centerline of the Southbound lane of U.S. Highway No. 61 to an intersection with the centerline of Taylor Avenue; thence North along the centerline of Taylor Avenue to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

WHEREAS, pursuant to said request, the City Council for the City of Muscatine, Iowa, must conduct a public hearing prior to approval of a voluntary annexation as required by Chapter 368 of the Code of Iowa,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, that a public hearing be held on the 3rd day of January 2013, at 7:00 p.m., in the City Hall Council Chambers at City Hall, and the that the attached public notice of the time and place of said public hearing has been be given by publication the Muscatine Journal at least 14 business days prior to the established date of the public hearing.

PASSED, APPROVED AND ADOPTED this 20th day of December, 2012.

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON A PROPOSED VOLUNTARY ANNEXATION TO AND WITHIN THE CITY OF MUSCATINE, IOWA

Notice is hereby given that a proposed voluntary annexation has been requested and the Planning & Zoning Commission of the City of Muscatine, Iowa has recommended that the City Council of the City of Muscatine, Iowa, annex the following described real estate, situated in the County of Muscatine, and State of Iowa

Beginning at the intersection of centerline of Taylor Avenue and the North line of Section 17, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence west along the North line of said Section 17 to the Northeast corner of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence Westerly along the North line of said Section 18 to the Northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 18; thence South along the West line of the Northeast ¼ of the Northeast ¼ of said Section 18 to the Northeast corner of Parcel "E", recorded as Document No. 2005-08583; thence North 82°08'23" West 172.06 feet along the North line of said parcel; thence North 61°10'37" West 446.94 feet to a point; thence South 25°03'12" West 335.93 feet to the Southeast corner of Parcel "D", recorded as Document No. 2005-08582; thence North 51°48'44" West 489.15 feet along the Northeast line of said parcel; thence South 55°31'56" West 260.53 feet along the Northwest line of said parcel to the Northwest corner of said parcel; thence north along the West line of the Northeast ¼ of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa to the North line of said Section 18.; thence Westerly along the North line of said Section 18 to an intersection with the City of Muscatine Annexation recorded in Document No. 2009-03953; thence Southerly along the perimeter of said annexation; thence Southwesterly along the perimeter of said annexation; thence Southerly to an intersection with the North line of the City of Muscatine Annexation recorded in Document No. 2009-03952; thence Easterly along the North line of said annexation to the Northeast corner of said annexation; thence South along the East line of said annexation to an intersection with the South line of the Southeast ¼ of the Northwest ¼ of Section 18, Township 77 North, Range 1 West of the 5th Principal Meridian; in Muscatine County, Iowa; thence Easterly along the South line of the Southeast ¼ of the Northwest ¼ of said Section 18 to intersection with the West line of the Southeast ¼ of said Section 18; thence Southerly 644.23 feet along said West line; thence Easterly to the centerline of the Southbound lane of U.S. Highway No. 61; thence Northeasterly along the centerline of the Southbound lane of U.S. Highway No. 61 to an intersection with the centerline of Taylor Avenue; thence North along the centerline of Taylor Avenue to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder..

The request and recommendation is to voluntarily annex said real estate.

Notice is further given that the City council of the City of Muscatine, Iowa, will conduct a public hearing on said proposed voluntary annexation on Thursday, January 3, 2012, at 7:00 p.m. in the City Hall Council Chambers, at which time all interested parties are invited to comment.

Gregg Mandsager, City Clerk