



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

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, City Planner
Date: September 19, 2013
Re: Vacation of a Utility Easement- Lots 8 & 9 – Cedar Plaza Subdivision

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

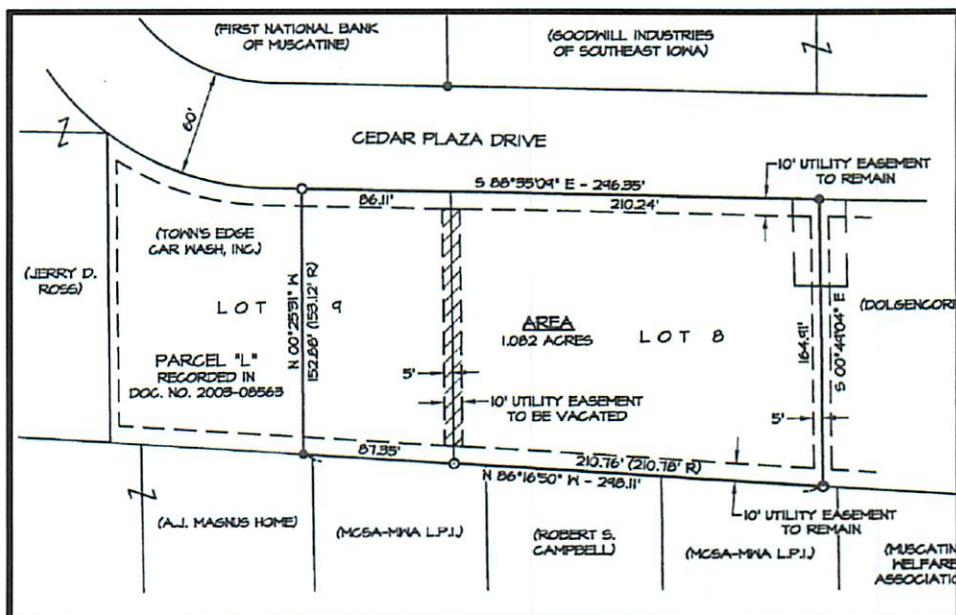
INTRODUCTION: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Mike Stych Builders has submitted easement vacation plat that vacates a 10 feet wide utility easement in the Cedar Plaza Subdivision.

BACKGROUND: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Mike Stych Builders has submitted easement vacation plat that vacates a 10 feet wide utility easement, composed of two adjoining 5' utility easements located on Lot 8 and Lot 9 of the Cedar Plaza Subdivision, on Cedar Plaza Drive. The intent is to combine these two parcels, which makes these utility easements unnecessary as the resulting parcel will have all the necessary utility easements located along the perimeter. On August 13th the Planning and Zoning Commission voted to recommend approval of this easement vacation.

RECOMMENDATION: Staff and the Planning and Zoning Commission recommend approval of the proposed utility easement vacation.

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 Steven Boka, 215 Sycamore St. Muscatine, Iowa 52761 (563) 262-4141

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE VACATION OF A UTILITY EASEMENT IN PHASE II OF
THE CEDAR PLAZA SUBDIVISION IN THE CITY OF MUSCATINE, IOWA.**

WHEREAS, a resolution was adopted by the City Council of Muscatine, Iowa, on September 5, 2013 providing for the proposed vacation of all right, title and interest of the City of Muscatine, Iowa, in and to the real estate described in this resolution; and

WHEREAS, the resolution provided that notice of intention to vacate the easement should be given by publication in the Muscatine Journal not less than four (4) nor more than twenty (20) days before the meeting of the City Council to be held on September 19, 2013, and notice was duly published in the newspaper as specified in the resolution as required by law; and

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

WHEREAS, the City Council found and determined that the proposed vacation of said utility easement 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 real estate:

LAND DESCRIPTION-

LOTS 8 AND 9 IN PHASE II OF CEDAR PLAZA SUBDIVISION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA. EXCEPT FOR PARCEL "L", PER PLAT OF SURVEY RECORDED AS DOCUMENT NO. 2003-08563, IN THE MUSCATINE COUNTY RECORDER'S OFFICE. SAID PARCEL CONTAINS 1.082 ACRE.

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

PASSED, APPROVED AND ADOPTED this 19th day of September 2013.

CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

DeWayne Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Administrator



A scale bar with markings at 0, 50, and 100. To its right is a vertical text block with a checkered border containing the text 'BASIS OF BEARING' and 'IOPA STATE PLANE COORDINATE SYSTEM SOUTH ZONE'.

BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

LAND DESCRIPTION -
LOTS 6 AND 9 IN PHASE II OF CEDAR PLAZA SUBDIVISION TO THE CITY
OF MUSCATINE, IN MUSCATINE COUNTY, IOWA
EXCEPT FOR PARCEL 1, PER PLAN OF SURVEY RECORDED AS DOCUMENT
NO. 2005-0385 IN THE MUSCATINE COUNTY RECORDER'S OFFICE
SAYING PARCEL CONTAINS 1.02 ACRES.

LEGEND

2112 2ND NEAR NELLOR
CAP \$10366

• FOUND REBAR

• FOUND REBAR WCAP #7550

• FOUND REBAR WCAP #12088

— EASEMENTS TO REMAIN

— EASEMENTS TO BE VACATED

— OWNERSHIP TIE

PROPERTY OWNER
(NAME) *Z*

**Martin & Whitacre
Surveyors & Engineers, Inc.**
P.O. BOX 413 (663) 263-7681 MUSCATINE, IOWA
MIKE STITCH BUILDERS BASEMENT VACATION PLAZA
LOTS 6 & 9 CEDAR PLAZA IN THE CITY OF MUSCATINE, IOWA.
FILE # BOOK SCALE DRN CRDM DATE STREET 1 OF
1000 45 1"-30' 6MM 7/27/93 7672 STITCHING
REV. 0

A circular library stamp with a decorative border. The outer ring contains the text "LAND SURVEOR'S LIBRARY" at the top and "COUNTY OF WESTMORELAND" at the bottom. The inner circle contains the date "1850".

PROPRIETOR, CEDAR STREET PLAZA, LLC

I hereby certify that this land surveying document was prepared and its related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Gary V. Whiteacre Date Reg. No. 1
My license renewal date is December 31. Page or sheets covered by this seal: 1

The utility segments of whom are susceptible to the following influences:

INTERSTATE PAPER AND LIGHT, AN ALLIANT ENERGY COMPANY

MUSCATION POWER & WATER

Water Production & Distribution Title Date

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