



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

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, City Planner
Date: September 19, 2013
Re: Vacation of a Utility Easement- Lots 8 & 9 – Cedar Plaza Subdivision

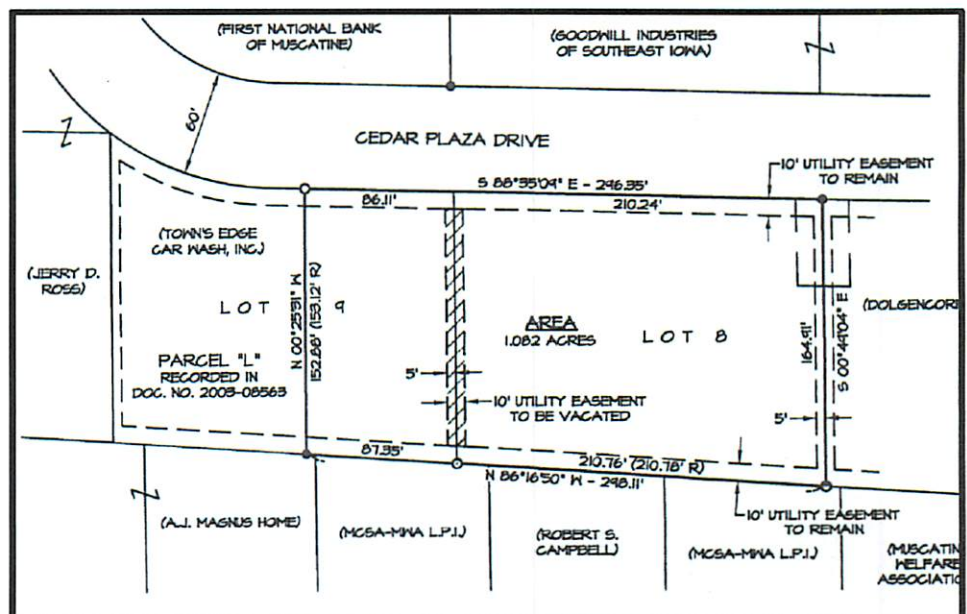
INTRODUCTION: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Mike Stych Builders has submitted easement vacation plat that vacates a 10 feet wide utility easement in the Cedar Plaza Subdivision.

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.

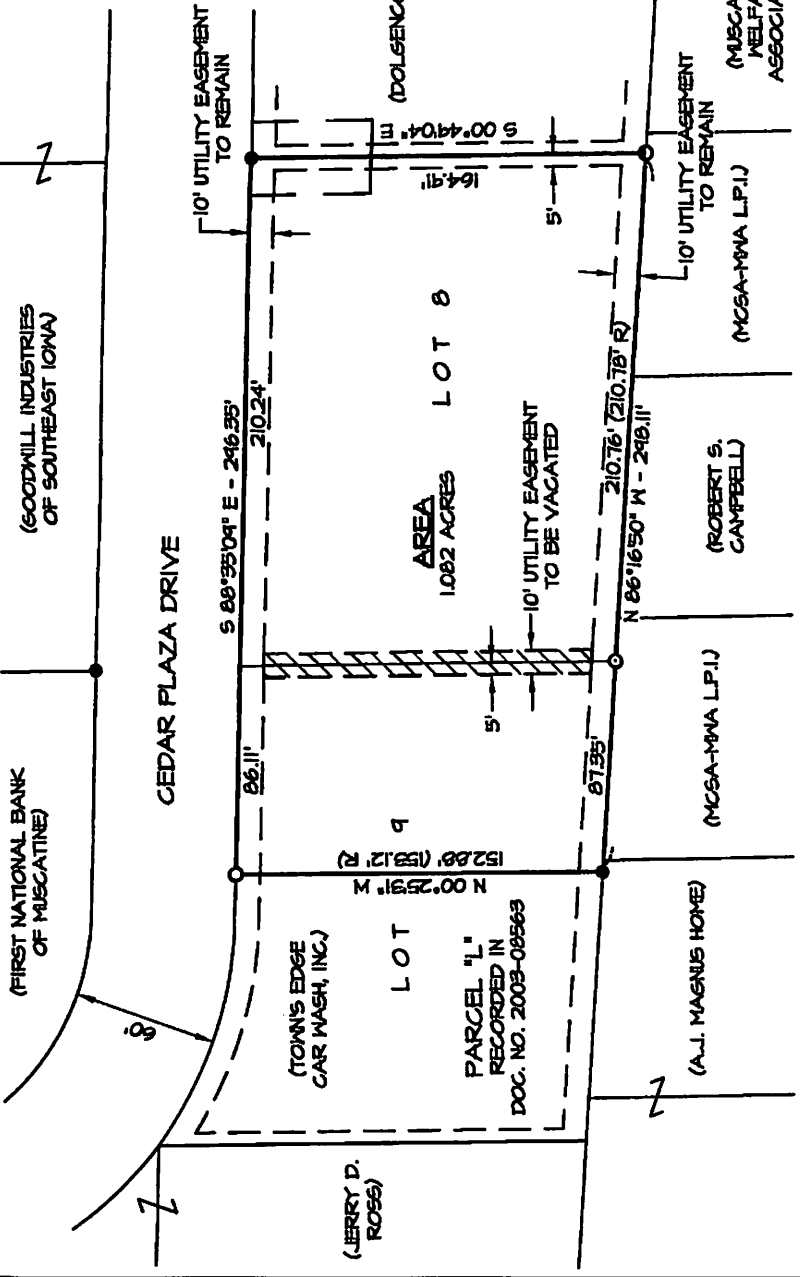
CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

DeWayne Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Administrator

✓



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

CENTURYLINK, LC

INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	Title	Date
MUSCATINE POWER & WATER	Title	Date
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date

PROPRIETOR: CEDAR STREET PLAZA, LLC

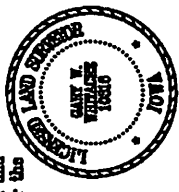
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Gary W. Whitacre

Data _____ Reg. No. 10316

My license renewal date is December 31, 2013

Pages or sheets covered by this seal: 1



**Martin & Whitacre
Surveyors & Engineers, Inc.**

P.O. BOX 413 (563)263-7681 MUSCATINE, IOWA

WILLKES HIGH BUILDERS EXHIBENT VACATION PLAT

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
CITY 43	1"=50'	PM	GMN	7/25/13	767213	
REV. 0						
SHEET						OF
7672						STYCHDWS

LEGEND

- SET 1/2" X 36" REBAR W/YELLOW
 CAP #10316
 ● FOUND REBAR
 ○ FOUND REBAR W/CAP #7550
 ○ FOUND REBAR W/CAP #12088
 — — — — — EASEMENTS TO REMAIN
 — — — — — EASEMENTS TO BE VACATED
 — — — — — OWNERSHIP TIE
 17
 (NAME)
 (R) PROPERTY OWNER
 R DENOTES RECORD DATA IF
 OTHER THAN ACTUAL FIELD
 MEASUREMENT

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 7; PER PLAT OF SURVEY RECORDED AS DOCUMENT
NO. 2009-08568, IN THE MUSCATINE COUNTY RECORDER'S OFFICE.
SAID PARCEL CONTAINS 1.082 ACRES.