



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

## 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:** Steven Boka, Director of Community Development  
**Date:** March 9, 2011  
**Re:** Resolution Approving Salvatore's Subdivision

**INTRODUCTION:** City staff has been working with the engineering firm representing Salvatore R. & Francesca D. Vitale, purchasers of the Whispering Pines Clubhouse, an 11.925-acre parcel of real estate located at 1963 Tipton Road, in Muscatine County but within two-miles of the Muscatine corporate limits.

**BACKGROUND:** The Owners of Whispering Pines Golf Course and Clubhouse are selling the property to interested buyers. As a part of the sale, the existing club house will be sold separately from the golf course but will still be operated together. To facilitate the purchase, a subdivision of the real estate is required.

**RECOMMENDATION/RATIONALE:** Following a notification to adjacent property owners, the Planning Commission conducted an on-site viewing of the property on March 2nd. The Planning Commission subsequently reviewed this request during their March 8<sup>th</sup> regular meeting. Following that review, the Commission approved the request and recommends City Council approval of the Subdivision, as submitted.

### BACKUP INFORMATION:

1. Resolution Approving the Final Plat
2. Certificate of Acceptance of the Final Plat
3. Certificate of the Planning Commission
4. Certificate of True Copy
5. Copy of the Subdivision Plat for Salvatore's Subdivision

**EXHIBIT A**

Prepared by Steve Boka, 215 Sycamore Street, Muscatine, IA 52761 (563) 262-4141

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

**WHEREAS**, there has been filed with the Planning and Zoning Commission of the City of Muscatine, Iowa, and there is now submitted to the City Council of said City, a final plat of the real estate situated within two miles of the Corporate Limits of the City of Muscatine, County of Muscatine, State of Iowa, to-wit:

A PARCEL OF LAND SITUATED IN A PART OF THE SOUTH ONE-HALF OF SECTION 22, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, BEING A SUBDIVISION OF PARCEL "T" AS RECORDED IN THE MUSCATINE COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 2002-00486 MUSCATINE COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "T" (FD. NO. 5 REBAR W/CAP #12088); THENCE SOUTH 82°20'05" WEST, 1,872.80 ALONG THE SOUTHERLY LINE OF SAID PARCEL "T" TO THE NORTHWEST CORNER OF PARCEL "J" AS RECORDED IN THE MUSCATINE COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 2004-02775; THENCE NORTH 50°55'16" WEST, 163.79 FEET ALONG SAID SOUTHERLY LINE OF PARCEL "T"; THENCE NORTH 52°28'31" WEST, 67.85 FEET ALONG SAID SOUTHERLY LINE OF PARCEL "T" TO THE SOUTHEAST CORNER OF LOT 6 OF LAKEVIEW ESTATES AS RECORDED IN THE MUSCATINE COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 1999-03441; THENCE NORTH 24°49'39" EAST, 319.46 FEET ALONG THE EAST LINE OF SAID LOT 6 TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 65°12'34" EAST, 366.08 FEET ALONG SAID NORTHERLY LINE OF SAID PARCEL "T", THENCE NORTH 82°21'01" EAST, 1,582.84 FEET ALONG SAID NORTHERLY LINE TO THE NORTHEAST CORNER OF SAID PARCEL "T" AND THE NORTHWEST CORNER OF LOT 16 OF DOVER KENT ESTATES NO. 7 AS RECORDED IN THE MUSCATINE COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°25'29" EAST, 241.92 FEET ALONG THE EAST LINE OF SAID PARCEL "T" TO THE POINT OF BEGINNING.  
SAID PARCEL CONTAINING 11.925 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

Which plat lays out and subdivides said real estate into 1-lot within two miles of the present corporate limits of the City of Muscatine, Iowa, and

**WHEREAS**, said plat has been approved by the Planning and Zoning Commission of the City of Muscatine, Iowa, and has been examined by the City Council of the City of Muscatine, Iowa;

**WHEREAS**, the City Council of the City of Muscatine, Iowa, finds that the plat fully complies with the Statutes of the State of Iowa and the Ordinances of the City of Muscatine, Iowa, relative to plats, additions, and subdivisions within two miles of the Corporate Limits of the City of Muscatine, Iowa, and said plat is conducive to an orderly development of the City of Muscatine, Iowa, and not in conflict with the rights-of-way of any extension of any streets or alleys now established; and

**WHEREAS**, the City Council of the City of Muscatine, Iowa, finds the final plat of Salvatore's Subdivision should be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA**, that said plat named and designated Salvatore's Subdivision is hereby approved and accepted by the City Council of the City of Muscatine, Iowa, and that the Mayor and City Clerk of the City of Muscatine are hereby authorized and directed to certify upon said plat the examination, consent, approval, and acceptance of the same by the City Council of the City of Muscatine, Iowa, in order that said plat may be recorded in the office of the County Recorder among the real estate records of Muscatine County, Iowa.

**PASSED, APPROVED, AND ADOPTED** this 17th day of March, 2011.

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

Attest:

---

Richard W. O'Brien, Mayor

---

Gregg Mandsager, City Clerk

**SALVATORE'S SUBDIVISION  
CERTIFICATE OF ACCEPTANCE OF FINAL PLAT**

STATE OF IOWA, MUSCATINE COUNTY, ss:

We, the undersigned, Richard W. O'Brien, and Gregg Mandsager, of the City of Muscatine, Iowa, do hereby certify that the attached plat named and designated "Salvatore's Subdivision" in Muscatine County, Iowa, was on March 17, 2011, filed in the office of the City Clerk and presented to the City Council of the City of Muscatine, Iowa, by resolution, a true copy of which is hereto attached, marked Exhibit A, and by this reference made a part hereof; and we, the undersigned, as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa, were by said Resolution duly directed to certify such examination, consent, and approval in order to entitle said plat to be recorded in the office of the County Recorder of Muscatine County, Iowa, among the real estate records of Muscatine County, Iowa.

Dated at Muscatine, Iowa, this 17th day of March 2011.

---

Richard W. O'Brien, Mayor

Attest:

---

Gregg Mandsager, City Clerk

STATE OF IOWA, MUSCATINE COUNTY, ss:

Be it Remembered that on this \_\_\_\_ day of \_\_\_\_\_ 2011, before me, a Notary Public in and for the State of Iowa, personally appeared Richard W. O'Brien and Gregg Mandsager, to me personally known, who being by me each duly sworn, did say that they are Mayor and City Clerk of the City of Muscatine, Iowa, respectively, and that the seal affixed to the foregoing instrument is the seal of the City of Muscatine, Iowa; that said instrument was signed and sealed on behalf of the City of Muscatine, Iowa, in accordance with a Resolution passed by the City Council held on the 17th day of March 2011; that Richard W. O'Brien and Gregg Mandsager, as Mayor and City Clerk of the City of Muscatine, Iowa, respectively, severally acknowledged the execution of said instrument to be the voluntary act and deed of the City of Muscatine, Iowa, by its and them voluntarily executed.

Witness my hand and Notarial Seal the day and year last above written.

---

Notary Public in and for the State of Iowa

**CERTIFICATE OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF MUSCATINE, IOWA**

I, the undersigned, Steven W. Boka, do hereby certify that I am the Secretary of the Planning and Zoning Commission of the City of Muscatine, Muscatine County, Iowa, and that the attached Final Plat of Salvatore's Subdivision, a subdivision within two miles of the corporate limits of the City of Muscatine, Muscatine County, Iowa, was approved and recommended by said Commission on the 8<sup>th</sup> day of March, 2011, according to the minutes and records of said Commission in my possession.

Dated at Muscatine, Iowa, this 8th day of March, 2011.

---

Steven W. Boka, Secretary  
Planning and Zoning Commission  
City of Muscatine, Iowa

Steven Boka, 215 Sycamore Street, Muscatine, Iowa 52761 563-262-4141

**CERTIFICATE OF TRUE COPY**

I, Nancy Lueck, Director of Finance of the City of Muscatine, Iowa, certify that attached hereto are true copies of the following:

1. Resolution No. \_\_\_\_ - \_\_\_\_ approving the Final Plat of Salvatore's Subdivision, a subdivision within two miles of the corporate limits of the City of Muscatine, Iowa.
2. Certificate of Acceptance of Final Plat (original).

All related to the subdivision of real estate described in those documents, and that all were duly adopted and approved by the City Council and Mayor of the City of Muscatine, Iowa, and the originals are on file in the official records at City Hall for the City of Muscatine, Iowa.

---

Nancy Lueck, Finance Director

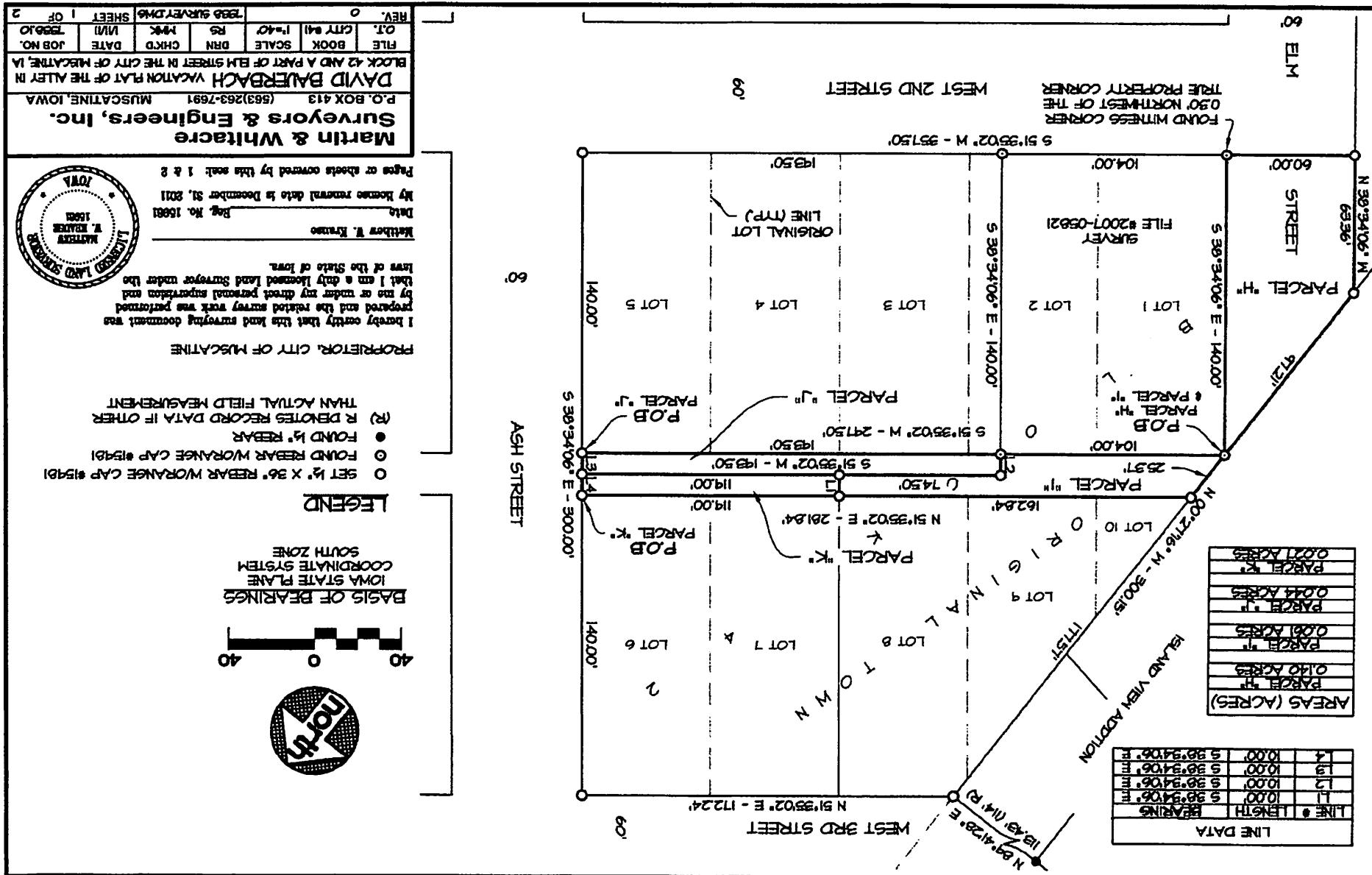
Subscribed in my presence and sworn to before the undersigned notary public by Nancy Lueck on this \_\_\_\_ day of \_\_\_\_\_, 2011.

---

Notary Public in and for the State of Iowa



PRESENTED BY: MATTHEW L. KRUEGER • ATTORNEY AT LAW  
ATTORNEYS & COUNSELORS • NUMBER 1042, BOX 458, MUSCATINE, IOWA 52641 / PHONE: 563-263-1641



LAND DESCRIPTION TO BE VACATED -

THAT PART OF ELM STREET LYING WEST OF BLOCK 42 AND NORTH OF THE SOUTH LINE OF BLOCK 42 EXTENDED; AND ALSO THE ALLEY IN BLOCK 42, ALL IN THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.

LAND DESCRIPTION PARCEL "H" -

A PART OF ELM STREET LOCATED IN THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
THAT PART OF ELM STREET LYING WEST OF BLOCK 42 AND NORTH OF THE SOUTH LINE OF BLOCK 42 EXTENDED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 140.00 FEET; THENCE SOUTH 51°35'02" WEST 60.00 FEET; THENCE NORTH 38°34'06" WEST 63.36 FEET; THENCE NORTH 00°27'16" WEST 97.21 FEET TO THE POINT OF BEGINNING. PARCEL "H" CONTAINS 0.140 ACRES.

LAND DESCRIPTION PARCEL "I" -

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 42; THENCE NORTH 00°27'16" WEST 26.37 FEET; THENCE NORTH 51°35'02" EAST 182.84 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 74.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 104.00 FEET TO THE POINT OF BEGINNING. PARCEL "I" CONTAINS 0.061 ACRES

LAND DESCRIPTION PARCEL "J" -

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE NORTHEAST CORNER OF LOT 5, IN BLOCK 42; THENCE SOUTH 51°35'02" WEST 193.50 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 193.50 FEET; THENCE SOUTH 38°34'06" EAST 10.00 FEET TO THE POINT OF BEGINNING. PARCEL "J" CONTAINS 0.044 ACRES.

LAND DESCRIPTION PARCEL "K" -

A PART OF THE ALLEY IN BLOCK 42, OF THE CITY OF MUSCATINE, ACCORDING TO THE ORIGINAL PLAT THEREOF, MUSCATINE COUNTY, IOWA.  
BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, IN BLOCK 42; THENCE SOUTH 38°34'06" EAST 10.00 FEET; THENCE SOUTH 51°35'02" WEST 119.00 FEET; THENCE NORTH 38°34'06" WEST 10.00 FEET; THENCE NORTH 51°35'02" EAST 119.00 FEET TO THE POINT OF BEGINNING. PARCEL "K" CONTAINS 0.027 ACRES.

Martin & Whitacre Surveyors & Engineers, Inc.						
P.O. BOX 413 (563)263-7691 MUSCATINE, IOWA						
DAVID BAUERBACH VACATION PLAT IN BLOCK 42 AND A PART OF ELM STREET IN THE CITY OF MUSCATINE, IOWA						
FILE O.T.	BOOK CITY 41	SCALE 1"=40'	DRN RS	CHK'D MMK	DATE 1988.10	JOB NO.
REV. 0	1988 SURVEY DMS			SHEET 2 OF 2		