



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

PLANNING, ZONING AND BUILDING SAFETY

Public Health,
Housing Inspections &
Inspection Services

MEMORANDUM

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Steven Boka, Director of Community Development
Date: May 2, 2011
Re: Voluntary Annexation – Resolution to Set Public Hearing

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: On March 9, 2011, Jerry & Cathy Henning submitted an application for the voluntary annexation of 62.05 acres of agricultural property they own that is generally bounded by Menards to the west, Highway 61 to the north and Solomon Avenue to the east. The application was reviewed and recommended for approval by the Planning Commission during their April 12, 2011 meeting. The City Council was provided with an update on this request during their April 14th In-Depth agenda. Prior to any further action on the request, it is necessary for the city to set a public hearing and provide notice of the hearing to all adjacent property owners, utility providers, township trustees, and the Muscatine County Board of Supervisors. The state code also requires that the Board of Supervisors be given notice 14 **business** days prior to any action by the City Council on the application for voluntary annexation.

RECOMMENDATION/RATIONALE: It is therefore recommended that the City Council approve the attached resolution setting a public hearing to consider the voluntary annexation of 62.05 acres of real estate owned by Jerry & Cathy Henning for Thursday, June 2, 2011.

BACKUP INFORMATION:

1. Resolution
2. Public notice
3. Letter to the Township Trustees & Board of Supervisors
4. Letter to adjacent property owners
5. Letter to utility providers
6. Map of territory proposed for annexation

"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 Street, (563) 262-4141, Muscatine, Iowa

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 62.05 acres of real estate under the provisions of Chapter 368.7 of the Code of Iowa, to the City of Muscatine, described as:

The East Half (E ½) of the Northwest Quarter (NW ¼) of Section Nineteen (19), Township Seventy-Seven (77) North, Range One (1) West of the 5th P.M., lying South and East of the center of the public highway running through the Northwest corner thereof.

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, IOWA, that a public hearing be held on the 2nd day of June, 2011, at 7:00 p.m., in the City Hall Council Chambers in City Hall, and that the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal at least seven (7) days but not more than twenty (20) days prior to the established date of the public hearing.

PASSED, APPROVED, AND ADOPTED this 5th day of May, 2011.

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

Attest:

By _____
Richard W. O'Brien, Mayor

Gregg Mandsager, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE FOR A 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:

The East Half (E ½) of the Northwest Quarter (NW ¼) of Section Nineteen (19), Township Seventy-Seven (77) North, Range One (1) West of the 5th P.M., lying South and East of the center of the public highway running through the Northwest corner thereof.

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 hold a public hearing on said request and recommendation on June 2, 2011, at 7:00 p.m., in the City Hall Council Chambers in the City Hall of the City of Muscatine, Iowa, at which time all interested parties are invited to comment.

Gregg Mandsager, City Clerk



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COMMUNITY DEVELOPMENT

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

May 6, 2011

Dennis Hill
Eastern Iowa (REC)
P.O. Box 3003
Wilton, Iowa 52778

Ann Kreiss
Alliant Energy
215 Oak Street
Muscatine, Iowa 52761-4314

Qwest
Dave Hartman
3565 Utica Ridge Road
Bettendorf, Iowa 52722

Dear Utility Provider:

The City of Muscatine, Iowa has received a voluntary annexation request for 62.05 acres of real estate described as:

The East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Seventy-Seven (77) North, Range One (1) West of the 5th P.M., lying South and East of the center of the public highway running through the Northwest corner thereof.

(Site Vicinity Map attached)

The City Council will meet on June 2, 2011 at 7:00 p.m. in the City Hall Council Chambers to consider this voluntary annexation. Interested parties are invited to attend and comment.

Sincerely,

**Steven W. Boka
Director of Community Development**

Encl. – Site Vicinity Map

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May 6, 2011

Dear Property Owner:

The City of Muscatine has received a voluntary annexation request for 62.05 acres of real estate described as:

The East Half (E ½) of the Northwest Quarter (NW ¼) of Section Nineteen (19), Township Seventy-Seven (77) North, Range One (1) West of the 5th P.M., lying South and East of the center of the public highway running through the Northwest corner thereof.

(Site Vicinity Map attached)

The City Council will meet on June 2, 2011, at 7:00 p.m. in the City Hall Council Chambers to consider this voluntary annexation. Interested parties are invited to attend and comment.

Sincerely,

Steven W. Boka
Director of Community Development

Encl. – Site Vicinity Map

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May 6, 2011

Members of the Muscatine County Board of Supervisors
County Administration
414 E. Third 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.

Dear Members of the Board of Supervisors:
Sweetland Township Board of Trustees

The City of Muscatine has received a voluntary annexation proposal for approximately 62.05 acres of real estate, described as:

The East Half (E ½) of the Northwest Quarter (NW ¼) of Section Nineteen (19), Township Seventy-Seven (77) North, Range One (1) West of the 5th P.M., lying South and East of the center of the public highway running through the Northwest corner thereof.

(Site Vicinity Map attached)

The City Council will conduct a public hearing on June 2, 2011, at 7:00 p.m. in the City Hall Council Chambers to consider the voluntary annexation. Interested parties are invited to attend and comment.

Sincerely,

Steven W. Boka
Director of Community Development

Encl. - Site Vicinity Map

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