



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 26, 2011  
**Re:** Resolution to Approve Voluntary Annexation – Henning Property

**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 14<sup>th</sup> In-Depth agenda. A resolution setting a public hearing, together with the required public notice was approved by City Council during their May 5<sup>th</sup> meeting. Notice of the public hearing was sent to all adjacent property owners, utility providers, township trustees, and the Muscatine Board of Supervisors. The Muscatine County Board of Supervisors also received **14 business days** advance notice of the public hearing prior to action by the City Council on the application for voluntary annexation.

**RECOMMENDATION/RATIONALE:** Once all of the required documentation has been signed and recorded with the Muscatine County Recorder, the attached documentation must be submitted to the IDOT and the Secretary of State. When the Secretary of State acknowledges receipt of the materials, the annexation will be complete. It is therefore recommended that the city council approve the attached resolution approving the voluntary annexation of 62.05 acres of real estate owned by Jerry & Cathy Henning.

**BACKUP INFORMATION:**

1. Resolution Approving the Voluntary Annexation
2. Exhibit A – Legal Description
3. Exhibit B – Vicinity Map
4. Exhibit C – Application

**"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 52761

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

**RESOLUTION VOLUNTARILY ANNEXING CERTAIN REAL  
ESTATE TO THE CITY OF MUSCATINE, IOWA**

**WHEREAS, the City of Muscatine, Iowa, is a duly organized municipal corporation; and**

**WHEREAS, there has been presented to the City Council an Application for Annexation, as required by Iowa Code 368.7 (2010), executed by the owners of the real estate to be annexed, said real estate lying adjacent to the existing corporate limits of the City of Muscatine, Iowa, and being described in Exhibit A attached hereto; and**

**WHEREAS, a map showing the relationship of the territory to be annexed to the existing boundaries of the City of Muscatine is attached hereto as Exhibit B; and**

**WHEREAS, the City of Muscatine, Iowa, desires to annex said real estate:**

**IT IS, THEREFORE RESOLVED BY THE CITY OF MUSCATINE, IOWA, as follows:**

- 1. The Application of Annexation of the real estate described in the attached Exhibit C is approved.**
- 2. The annexed real estate shall be and become part of the City of Muscatine, Iowa, upon receipt of acknowledgement by the Secretary of State for the State of Iowa that it has received the attached map, resolution, and a certificate by the City Clerk that copies of the attached map and this resolution have been filed with the Muscatine County Recorder and the Secretary of State and that copies of this resolution and attached map and legal description have been filed with the Iowa Department of Transportation.**
- 3. The City Clerk shall cause this Resolution and the Exhibits attached hereto to be filed with the Secretary of State, the Muscatine County Recorder, and the Iowa Department of Transportation as required as required by Iowa Code 368.7 (2010).**

**PASSED, APPROVED AND ADOPTED this 2nd day of June, 2011.**

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

\_\_\_\_\_  
**Richard W. O'Brien, Mayor**

**Attest:**

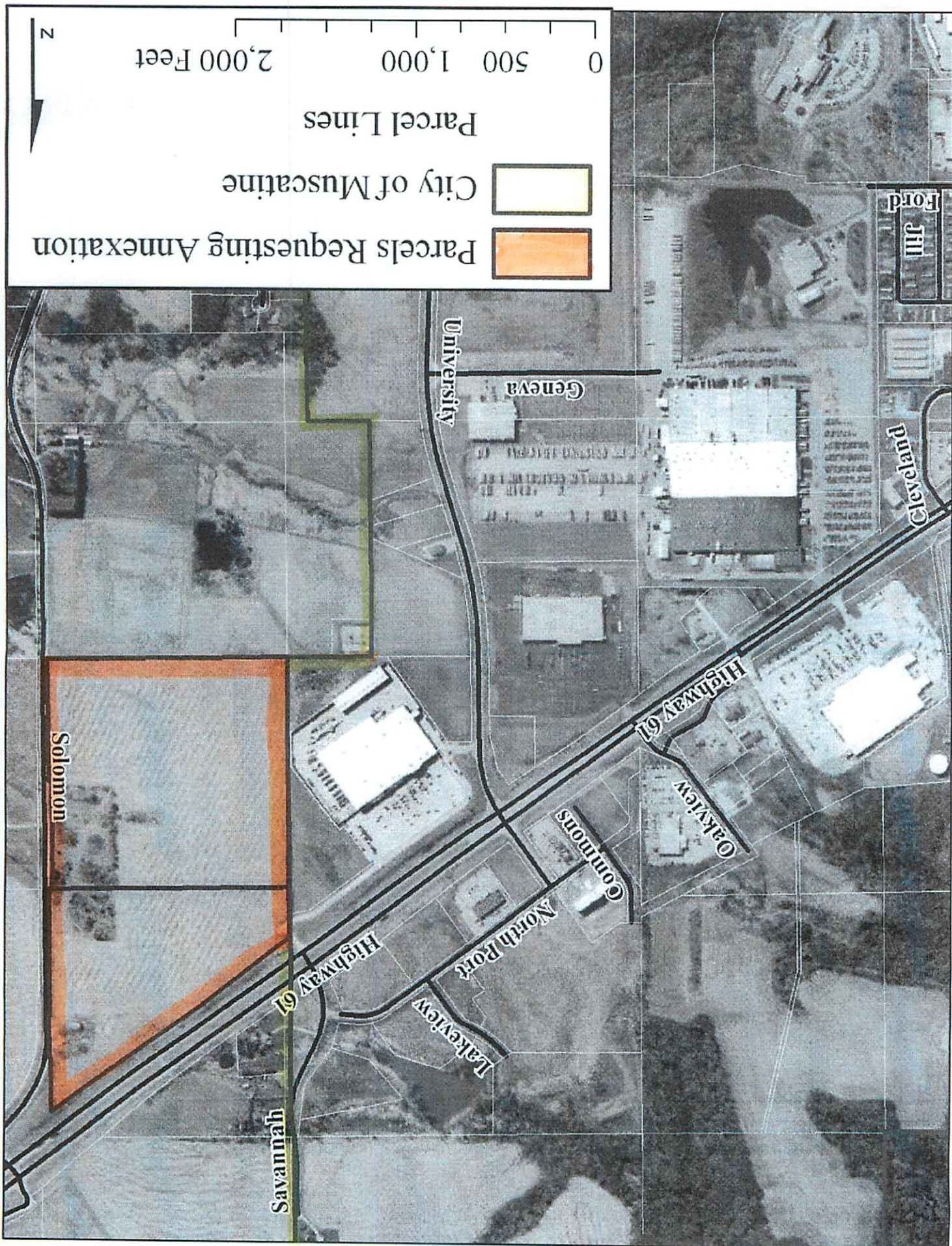
\_\_\_\_\_  
**Gregg Mandsager, City Clerk**

## **EXHIBIT A**

**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 5<sup>th</sup> P.M. lying South and East of the center of the public highway running through the Northwest corner thereof.**



EXHIBIT B





# EXHIBIT C

CITY OF MUSCATINE, IOWA

## APPLICATION FOR VOLUNTARY ANNEXATION

### Annexation Review Criteria:

Date: 3-9-2011  
Name: Jerry + Cathy Henning Representative: \_\_\_\_\_  
Address: 11791 Co. Rd. G44 X Address: \_\_\_\_\_  
Muscatine, Iowa 52761-8675  
Telephone: 563 263-3677 Home Telephone: \_\_\_\_\_  
563 299-2978 Cell  
563 299-3724 Cell

#### I) Area Proposed for Annexation:

General Location: East of Menards, South of Highway 61

Township(s) Location  
of Area Proposed  
for Annexation: Sweetland

Attach Legal Description: attached

Provide Surveyed Map: \_\_\_\_\_

Total Acres: 62.05

Total Population: 0

#### II) Attach Statement of Intent (Briefly Described the Reasons for Requesting the Annexation).

Existing Zoning: Ag

Existing Land Uses: Ag

Is any portion located in a flood zone? NO

Proposed Zoning: Ag

Is Subdivision Proposed? NO

Adjacent Zoning: City S-3

County AG

Adjacent Land Uses: Commercial + AGRICULTURAL

III) Access to Proposed Annexation:

Major Streets: \_\_\_\_\_

Rail: \_\_\_\_\_

River: \_\_\_\_\_

No Existing Access: \_\_\_\_\_

Proposed Access: \_\_\_\_\_

IV) Existing Available Utilities:

Water: Wc 11

Sanitary Sewer: 0

Storm Sewer: 0

Electricity:

- Municipal: \_\_\_\_\_

- REC: YES

Natural Gas: YES

V) Proposed Utility Extensions: NO NC

\_\_\_\_\_  
\_\_\_\_\_

VI) Existing Fire District: Wilton

VII) Total Number of Structures in Area Proposed for Annexation:

Agricultural Structures: 0

Residential Dwellings: 0

Commercial Structures: 0

Industrial Structures: 0

Other: \_\_\_\_\_

Total: \_\_\_\_\_

VIII) Total Assessed Value per County Assessor's Records:

Agricultural Structures	Land	438.24 728.57
Residential Dwellings	Land	0
Commercial Structures	Land	0
Industrial Structures	Land	0
Other	Land	
Total		

IX) Name and Mailing Addresses of Township Trustees of Area Proposed for Annexation:

Kenneth Connor 2876 NEW ERA Rd. Muscatine, Ia. 52761  
Albert Bermel Jr. 1730 Sweetland Rd. Muscatine, Ia. 52761  
Richard Leach 2998 NEW ERA Rd. Muscatine, Ia. 52761

Have Trustees of Township Been Notified of Proposal?

NO

Additional information may be requested at the discretion of the Planning Commission or City Council.