



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
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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 14th In-Depth agenda. A resolution setting a public hearing, together with the required public notice was approved by City Council during their May 5th 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

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 5th P.M. lying South and East of the center of the public highway running through the Northwest corner thereof.

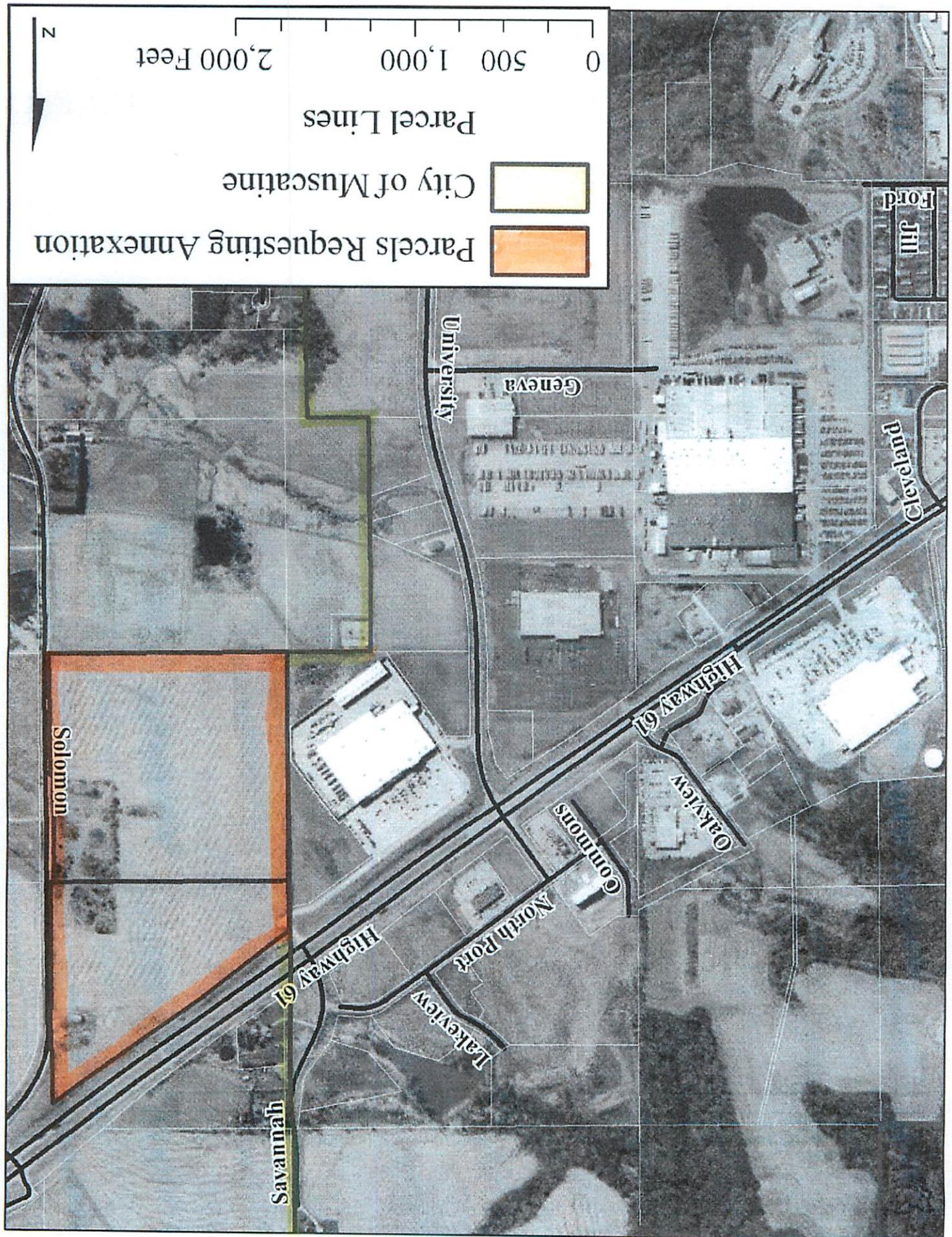


EXHIBIT C

CITY OF MUSCATINE, IOWA

APPLICATION FOR VOLUNTARY ANNEXATION

Annexation Review Criteria:

Date: 3-9-2011

Name: Jerry + Cathy Henning Representative: _____

Address: 11791 Co. Rd. G-44 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: O

Storm Sewer: O

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: O

Residential Dwellings: O

Commercial Structures: O

Industrial Structures: O

"

Other: _____

Total: _____

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

| | | |
|-------------------------|------|--------|
| Agricultural Structures | Land | 438.24 |
| Residential Dwellings | Land | 728.57 |
| 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.