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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: August 26, 2011
Re: Vacation of Access Easement – 2307 Grandview Avenue

INTRODUCTION: As a part of the review and approval of the Chin Subdivision in 1987, the city required the final plat to include an access easement intended to serve all lots within the subdivision via a single entry point from Grandview Avenue.

BACKGROUND: Since the Chin Subdivision was platted in 1987, the property has developed without the use of the access easement. Recently, the owner of Lot 3 acquired Lot 4 and would like to eliminate the access easement crossing Lot 4 so it can be used for existing and future commercial use(s). The remaining 2 vacant lots are held under single ownership and will continue to be served by the access easement crossing Lot 3. The Planning Commission reviewed the request during their August 9, 2011 meeting and has recommended approval.

RECOMMENDATION/RATIONALE: Since the entire subdivision will continue to be served by existing street openings or the remaining access easement, the access easement crossing Lot 4 is no longer needed. A reservation for all other existing easements of record will be maintained. Therefore, following the public hearing, it is recommended that City Council approve the attached resolution approving the vacation of the access easement on Lot 4 of the Chin Subdivision.

BACKUP INFORMATION:

1. Resolution
2. Vacation Plat

Prepared by Steven Boka, 215 Sycamore St, Muscatine, IA, 52761 (563) 262-4141

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE VACATION OF AN
EXISTING ACCESS EASEMENT LOCATED ON LOT 4 OF THE
CHIN SUBDIVISION IN THE CITY OF MUSCATINE, IOWA**

WHEREAS, a resolution was adopted by the City Council of Muscatine, Iowa, on August 18, 2011 providing for the proposed vacation of all right, title and interest of the City of Muscatine, Iowa, in and to the access easement located on Lot 4 of the Chin Subdivision in the City of Muscatine, Iowa; and

WHEREAS, the resolution provided that notice of intention to vacate the access easement should be given by publication of a Public Notice in the Muscatine Journal prior to the meeting of the City Council to be held on September 1, 2011, and the notice was duly published in the newspaper as required by law; and

WHEREAS, the resolution provided for a public hearing on the proposed vacation, and such hearing has been held:

**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 access easement:

A STRIP OF LAND 35 FEET WIDE BEING A PART OF CHIN SUBDIVISION IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF THE CHIN SUBDIVISION; THENCE NORTH 35°11'57" WEST 30.01 FEET ALONG THE EAST LINE OF LOT 4 TO THE POINT OF BEGINNING AND THE BEGINNING OF A 5629.58 FOOT RADIUS NONTANGENT CURVE CONCAVE NORTHWESTERLY WHOSE 290.10 FOOT CHORD BEARS SOUTH 57°23'16" WEST; THENCE SOUTHWESTERLY AN ARC DISTANCE OF 290.13 FEET TO THE WEST SIDE OF LOT 4; THENCE NORTH 00°44'24" WEST 40.63 FEET ALONG THE WEST LINE OF LOT 4 TO THE BEGINNING OF A 5594.58 FOOT RADIUS NONTANGENT CURVE CONCAVE NORTHWESTERLY WHOSE 267.07 FOOT CHORD BEARS NORTH 57°17'10" EAST; THENCE NORTHEASTERLY AN ARC DISTANCE OF 267.10 FEET TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH 35°11'57" EAST 35.01 FEET ALONG THE EAST LINE OF SAID LOT 4 TO THE POINT OF BEGINNING, CONTAINING 0.224 ACRES.

2. Any resolution or part thereof in conflict or inconsistent with this resolution is repealed.

PASSED, APPROVED AND ADOPTED this 1st day of September, 2011.

CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

Richard O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Clerk

