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CHARLES R. COULTER
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OF COUNSEL
ROBERT D. LAMBERT, P.C.¹
ROBERT L. LANDE
CLEMENS (CAL) A. WERNER, JR.

¹ ALSO ADMITTED IN ILLINOIS
² ADMITTED IN ILLINOIS ONLY

STANLEY, **L**ANDE & **H**UNTER

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

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PHONE 319.248.9000 FAX 319.248.9001

December 13, 2011

SUITE 900
201 WEST SECOND STREET
DAVENPORT, IOWA 52801
FAX: 563/326-6266
563/324-1000

SUITE 400
301 IOWA AVENUE
MUSCATINE, IOWA 52761
FAX 563/263-8775
563/264-5000

SUITE 204
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Writer's E-mail Address:
chuckcoulter@slhlaw.com

To: Steve Boka

Re: Voluntary Annexation

To supplement our letter request of December 12 on behalf of R. L. Fridley Theatres, Inc., we enclose the City's form of Application and the \$200 filing fee.

Please let us know if you need anything further at this time.

STANLEY, LANDE & HUNTER

By 

Charles R. Coulter

CRC/me
M09935-1B
Enc.
Cc: Fridley Theatres
Martin & Whitacre

CITY OF MUSCATINE, IOWA

APPLICATION OF VOLUNTARY ANNEXATION

Annexation Review Criteria:

Date: December 13, 2011

Name: R. L. Fridley Theatres, Inc. Representative: Chuck Coulter
Address: 1321 Walnut St., Des Moines Address: Ste. 400, 301 Iowa Ave., Muscatine
Telephone: 515.983.9287 IA 50309 Telephone: 563.264.5000 or 319.248.9000
chuckcoulter@slhlaw.com

I. Area Proposed for Annexation:

General Location: SW Corner, Mulberry & 61 Bypass

Township(s) Location
of Area Proposed
for Annexation: Sec. 28, Twp. 77 N, R. 2 W

Attach Legal Description: Attached to letter

Provide Surveyed Map: Attached to letter

Total Acres: 2.810 acres

Total Population: -0-

II. Attach Statement of Intent (Briefly describe the reasons for requesting the annexation).

Existing Zoning: R-1 Residential

Existing Land Uses: Agricultural

Is any portion located in a flood zone?
No

Proposed Zoning: S-3 Large Scale Mixed Use

Is Subdivision Proposed? Not at htis time

Adjacent Zoning: City S-1, S-3, R-1

County S-1, R-1

Adjacent Land Uses: Agricultural, Nursing Home

III. Access to Proposed Annexation:

Major Streets: Mulberry Avenue, Cedar Street (future)

Rail: None

River: None

No Existing Access: At this time

Proposed Access: Mulberry Avenue

IV. Existing Available Utilities:

Water: 8" main on Mulberry Avenue

Sanitary Sewer: Existing sanitary manhole on Mulberry

Storm Sewer: None. Highway 61 ROW ditches

Electricity:

Municipal:

REC: Within Mulberry Avenue ROW

Natural Gas: Within Mulberry Avenue ROW

V. Proposed Utility Extensions: Water and Sewer

VI. Existing Fire District: Muscatine Fire Department

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

Agricultural Structures: None

Residential Dwellings: None

Commercial Structures: None

Industrial Structures: None

Other: None

Total:

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

Agricultural Structures: _____ Land _____

Residential Dwellings: _____ Land _____

Commercial Structures: _____ Land _____

Industrial Structures: _____ Land _____

Other: _____ Land \$4,820

Total: _____

IX. Name and Mailing Addresses of Township Trustees of Area Proposed for Annexation: **Bloomington Township**

Gary Klebe, 2574 180th Street, Muscatine

John Weaver, 2674 Huck Finn Road, Muscatine

Tom Johanns, 2686 Becky Thatcher, Muscatine

Have Trustees of Township Been Notified of Proposal?

No

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

Application Fee: \$200.00

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Writer's E-mail Address:
chuckcoulter@slhlaw.com

The Honorable Mayor and
Members of the City Council
City Hall
Muscatine, IA 52761

Dear Friends:

On behalf of the Fridley Theatres group, we want to thank you for the opportunity to present at last Thursday's in-depth City Council meeting their plans for a multi-screen theatre complex at the corner of Mulberry Avenue and the Highway 61 By-pass. As the only complex like this in the State of Iowa, they expect it to be a destination for Muscatine residents as well as residents in the surrounding area.

Their goal is to be able to break ground in March and open the theatres in November 2012. As a first of the multiple steps involved in this process, Fridley Theatres requests that the City of Muscatine annex to the City the 2.810 acres described on the enclosed Exhibit A and depicted on the enclosed Annexation Plat.

As you know, this parcel is part of the 17.839 acres that will be involved in the total development and is located adjacent to but outside the City's corporate boundaries. When the annexation is completed, we request that the parcel be rezoned to S-3 Large Scale Mixed Use Development, which will be an extension of the S-3 District we will request for the 15.029 acres within the City limits and the S-3 District across Mulberry Avenue from this property.

We also request that the City initiate procedures to include the 15.029 acres in a tax increment district at this time. The annexation parcel should be included following annexation.

The Honorable Mayor and
Members of the City Council

December 12, 2011

Thank you for your consideration.

Very truly yours,

STANLEY, LANDE & HUNTER

By 
Charles R. Coulter

CRC/me
M09935-1B

Enc.

Cc: R. L. Fridley Theatres, Inc.
Martin & Whitacre Surveyors & Engineers

EXHIBIT A
LEGAL DESCRIPTION

A part of Parcel D located in the North Half of Section 28, Township 77 North, Range 2 West of the 5th P.M., in Muscatine County, Iowa, more particularly described as follows:

Commencing at the North Quarter corner of Section 28; thence South 01° 22' 48" East 907.89 feet along the North-South Quarter Section line of Section 28 to the Southerly right-of-way of Primary Road No. U.S. 61 and the point of beginning; thence continuing South 01° 22' 48" East 508.85 feet along said Section line; thence South 89° 09' 00" West 438.13 feet to the Southerly right-of-way of Primary Road No. U.S. 61; thence North 36° 16' 27" East 568.50 feet along said right-of-way; thence North 57° 33' 17" East 106.63 feet along said right-of-way to the point of beginning, containing 2.810 acres.

PREPARED BY: GARY W. WHITACRE, MARTIN & WHITACRE SURVEYORS & ENGINEERS, INC., P.O. BOX 413, MUSCATINE, IOWA 52761 / PHONE: 563-263-7691

ANNEXATION PLAT



BASIS OF BEARINGS
IOWA STATE PLANE COORDINATE SYSTEM
SOUTH ZONE

ANNEXATION DESCRIPTION -

A PART OF PARCEL D LOCATED IN THE NORTH HALF OF SECTION 28, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., IN MUSCATINE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 28; THENCE SOUTH 01°22'48" EAST 907.89 FEET ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 28 TO THE SOUTHERLY RIGHT OF WAY OF PRIMARY ROAD NO. U.S. 61 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°22'48" EAST 508.85 FEET ALONG SAID SECTION LINE; THENCE SOUTH 89°09'00" WEST 438.13 FEET TO THE SOUTHERLY RIGHT OF WAY OF PRIMARY ROAD NO. U.S. 61; THENCE NORTH 36°16'27" EAST 588.50 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 57°33'17" EAST 106.03 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING, CONTAINING 2.810 ACRES.

PROPRIETOR: R. L. FRIDLEY THEATRES, INC.
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Gary W. Whitacre
Date DEC 12, 2011 Reg. No. 10316
My license renewal date is December 31, 2011

Pages or sheets covered by this seal: 1



**Martin & Whitacre
Surveyors & Engineers, Inc.**

P.O. BOX 413 (563)263-7691 MUSCATINE, IOWA

R. L. FRIDLEY THEATRES, INC.
ANNEXATION PLAT TO THE CITY OF MUSCATINE, IOWA

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
28-TN-24	7453	1"=100'	PM	SWW	12/12/11	7453.11
REV.	0	7453 ANNEXATION.DWG			SHEET	1 OF 1

