



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
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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:** Andrew Fangman  
**Date:** February 16, 2012  
**Re:** Resolution Approving Schimdt's South Subdivision

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**INTRODUCTION:** A request has been filed for a combined Preliminary/Final Plat for Schmidt's South Subdivision, a proposed 2 lot 4.627 acre subdivision located in the 5900 Block of South U.S.. Hwy 61.

**BACKGROUND:** On January 4, 2012 Attorney Charles Coulter, representing George E. and Mary A. Schmidt filed a combined Preliminary/Final Plat for Schmidt's South Subdivision. The proposed 2-lot subdivision contains 4.627 acres of real estate that is currently developed with an existing business (The Good Earth Restaurant) on Lot 2 and their personal residence located on Lot 1. If approved, the subdivision will permit the Schmidt's to sell their restaurant and retain ownership of the dwelling. Since the subdivision crosses the corporate limit line of the city, it will also involve a review and approval by Muscatine County. The combined preliminary/final plat is requested since the proposal does not require any public improvements.

**RECOMMENDATION/RATIONALE:** The Planning and Zoning Commission recommends that City Council approve the Final plat for the Schmidt's South Subdivision as attached hereto.

**BACKUP INFORMATION:**

1. Resolution
2. Certificate of Acceptance of Plat
3. Subdivision Application

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

A Resolution Approving the Final Plat of  
Schmidt's South Subdivision, a subdivision in  
the City and County of Muscatine, Iowa

**RECITALS:**

A. The Final Plat of Schmidt's South Subdivision has been presented to the City Council of Muscatine, Iowa, containing the following real estate in the City and County of Muscatine, Iowa:

A parcel of land located in the Northeast Quarter of Section 25, Township 76 North, Range 3 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa: Commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 25 to the Southerly Right of Way of U.S. Highway 61 and the point of beginning; thence South 01°24'21" East 62.94 feet along the West line of the Southwest Quarter of the Northeast Quarter of Section 25 to the Southerly Right of Way of U.S. Highway 61 and the point of beginning; thence North 51°33'00" East 348.68 feet along said right of way; thence North 51°31'18" East 277.39 feet along said right of way; thence South 33°44'00" East 247.68 feet; thence South 46°59'25" West 845.29 feet to the West line of the Southwest Quarter of the Northeast Quarter of Section 25; thence North 01°24'21" West 393.28 feet along said West line to the point of beginning, containing 4.627 acres and is subject to easements of record.

B. The Final Plat has been approved by the Plan and Zoning Commission of the City and fully conforms with all ordinances of the City applicable thereto; and

C. The Muscatine County Board of Adjustment has waived application of the County Subdivision Ordinance, and the Muscatine County Board of Supervisors has approved the waiver; and

D. The platting of the subdivision is in harmony with the Comprehensive Plan now in effect within the City; it is, therefore,

**RESOLVED**, by the City Council of the City of Muscatine, Iowa, as follows:

1. The Final Plat of Schmidt's South Subdivision is approved.
2. The dedication to public use of the easements designated on the Final Plat is accepted.
3. The Mayor and City Clerk are authorized and directed to certify the adoption of this Resolution in order that the plat may be recorded in the Muscatine County Recorder's office.

PASSED, APPROVED, AND ADOPTED on February 16, 2012.

(CITY SEAL)

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DeWayne Hopkins, Mayor

ATTEST:

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Gregg Mandsager, City Clerk

## **SCHMIDT'S SOUTH SUBDIVISION**

### **CERTIFICATE OF ACCEPTANCE OF PLAT**

The undersigned Mayor and City Clerk of the City of Muscatine, Iowa, certify that on February 16, 2012, the Final Plat entitled Schmidt Subdivision was approved by the following Resolution of the City Council of Muscatine, Iowa:

**RESOLVED**, by the City Council of the City of Muscatine, Iowa, that the Final Plat of Schmidt's South Subdivision is approved; the dedication to public use of the easements designated on the Final Plat is accepted; and the Mayor and City Clerk are authorized and directed to certify the adoption of this Resolution in order that the Final Plat may be recorded in the Muscatine County Recorder's office.

Signed at Muscatine, Iowa, on February\_\_\_\_, 2012.

CITY OF MUSCATINE, IOWA

(CITY SEAL)

By\_\_\_\_\_  
DeWayne Hopkins, Mayor

ATTEST:

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

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on February\_\_\_\_, 2012, by DeWayne Hopkins and Gregg Mandsager as Mayor and City Clerk, respectively, of the City of Muscatine, Iowa.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**CITY OF MUSCATINE, IOWA  
APPLICATION FOR SUBDIVISION OF REAL ESTATE**

Date Filed 01/04/12  
Fee Paid \$250<sup>00</sup> 01/04/12

TO: Muscatine Planning and Zoning Commission

Dear Commissioners:

Pursuant to Section 11-1-2 of the City Code of the City of Muscatine, Iowa, the undersigned hereby requests that the following described real estate in the City of Muscatine, Iowa, to- wit:

Legal Description: See Exhibit A attached

be subdivided into two lots. The real estate is presently zoned part Agricultural and  
part Commercial District.

The purpose of the subdivision request is divide the homestead parcel and the  
restaurant parcel from the farm land.

Respectfully submitted,

George E. Schmidt & Mary A. Schmidt

Name

By Claude R. Boultin, atty

Address

Suite 400, 301 Iowa Ave., Muscatine

Phone 563.264.5000

**NOTE:**

The following must be attached with this application, processing will not be initiated until received:

1. A copy of the Auditor's plat indicating all property within 200 feet of the perimeter of the above described real estate.
2. A list of all persons, with their current addresses, owning property within 200 feet of the perimeter of the above described real estate.
3. Application Fee: \$200.00 plus \$25.00 per lot.

**SCHMIDT'S SOUTH SUBDIVISION  
PRELIMINARY/FINAL PLAT  
NARRATIVE**

**George E. and Mary A. Schmidt, owners of Parcel E1225200011 in the City of Muscatine and Parcel #1225200009 in Muscatine County request approval of the Preliminary/Final Plat. A two lot subdivision containing 4.627 acres and is zoned part Agricultural and part Commercial.**

**The purpose of this subdivision is to separate the house and restaurant from the remaining farmland.**

## **EXHIBIT A**

**Portions of:**

**A. That portion of the Northwest Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 3 West of the 5th P.M. lying South and East of U.S. Highways 61 and 92; and**

**B. That portion of the Southwest Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 3 West of the 5th P.M. lying South and East of U.S. Highways 61 and 92.**

NORTHWEST CORNER  
OF THE SW 1/4 - NE 1/4  
SEC. 25, T16N, R3W

SOUTHERLY R.O.W.  
U.S. HIGHWAY 61

~~NW - NE~~

R3W

LOT 2  
1.865 ACRES

CITY OF

MUSCATINE

GEORGE E. & MARY /  
(SCHMIDT)

SW - NE

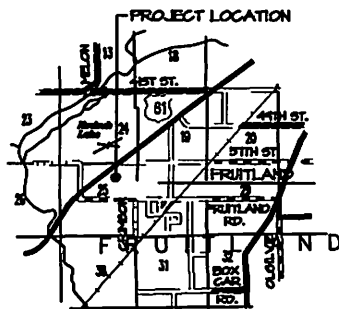
LOT 1  
2.762 ACRES

(DIANE J. RIGGAN)

## LEGEND

- SET 1/2" X 36" REBAR W/ORANGE CAP# 15981
  - FOUND 1/2" REBAR
  - ◎ FOUND 1/2" REBAR W/YELLOW CAP #10316
  - ⦿ FOUND I.D.O.T. REBAR W/ALUMINUM CAP
- (NAME) ADJACENT PROPERTY OWNER
- (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

CENTER OF SECTION 25, T76N, R3W



VICINITY MAP  
NOT TO SCALE