



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

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, City Planner

Date: March 1, 2012

Re: Voluntary Annexation- Parkview Condominiums and Irish Ivy Subdivision, 16.02 Acres- Resolution to Set Public Hearing

INTRODUCTION: The: 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: The Parkview Condominium Association (in 2011) and the Irish Ivy Subdivision (in 1999 as part of a recorded restrictive covenant) have signed voluntary annexation agreements with the City of Muscatine. The City of Muscatine has extended sanitary sewer to serve the areas being proposed for annexation as was required by both these annexation agreements. Staff has initiated the process to annex these areas in accordance with the voluntary annexation agreements. Additionally the annexation of a 1.8 acre municipally owned parcel located directly the south containing a multi-use trail is being proposed

This proposed annexation covers 16 acres, contains 28 existing homes, and would add an estimated 68 people to the population of the City of Muscatine

The application was reviewed and recommend for approval by the Planning and Zoning Commission at their February 14, 2012 Meeting. The City Council will be provided a further update on this proposed voluntary annexation at the March 8, 2012 In-depth meeting, Prior to any further action on this request, it is necessary for the City Council to set a public hearing and for notice to be provided to all adjacent property owners, utility provides, township trustees, and the Muscatine County Board of Supervisors. The Code of Iowa all requires the Board of Supervisors be given written notice 14 business days prior to any action by City Council on the application for voluntary annexation



Figure 1: Map of Territory Proposed for Annexation

RECOMMENDATION/RATIONALE: It is therefore recommended that the City Council approve the attached resolution setting a public hearing to consider the voluntary annexation 2.81 acres of real estate comprised of the Irish Ivy Subdivision, Parkview Condominiums, and City owned parcel, for Thursday, April 5, 21012

BACKUP INFORMATION:

1. Resolution
2. Public Notice
3. Letter to the Township Trustees
4. Letter to adjacent property owners
5. Letter to utility providers

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC
HEARING ON A PROPOSED ANNEXATION TO AND WITHIN THE
CITY OF MUSCATINE, IOWA**

WHEREAS, a request has been filed to voluntarily annex approximately 16 acres of real estate under the provision of Chapter 368.7 of the Code of Iowa, to the City of Muscatine, Iowa, described as:

Beginning at the northwest corner of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 30, Township 77 North, Range 1 West of the 5th Principal Meridian, in Muscatine County, Iowa thence south $00^{\circ}32'$ west 520.00 feet along the west line of Lot 1 of Kleindolph Subdivision; thence south $01^{\circ}49'00''$ west 214.79 feet along the parcel line of Parcel "B", recorded in Plat Book 10, page 169; thence south $84^{\circ}33'49''$ east 45.17 feet along said parcel line; thence south $67^{\circ}55'47''$ east 177.75 feet along said parcel line; thence south $51^{\circ}59'53''$ east 207.74 feet along said parcel line; thence south $74^{\circ}25'05''$ east 415.68 feet along said parcel line; thence north $43^{\circ}37'20''$ east 68.41 feet along the northerly right-of-way line of Highway 22; thence north $54^{\circ}34'48''$ east 33.88 feet along said right-of-way; thence north $55^{\circ}42'25''$ east 44.5 feet along said right-of-way; thence north $83^{\circ}42'41''$ east 58.04 feet along said right-of-way; thence north $57^{\circ}10'00''$ east 138.18 feet along said right-of-way; thence north $12^{\circ}51'22''$ west 385.59 feet along the east line of Irish Ivy Subdivision line; thence north $89^{\circ}45'$ west 486.08 feet along the south line of Lot 2 of Kleindolph Subdivision; thence north $00^{\circ}17'$ west 471.79 feet along the east line of Lot 1 of Kleindolph Subdivision to the northeast corner of Lot 1 of Kleindolph Subdivision; continuing north to the north right-of-way of Colorado Street; thence west along said right-of-way to the intersection with the west line of Section 30; thence south to point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

WHEREAS, pursuant to said request, the City Council for the City of Muscatine, Iowa, must conduct a public hearing prior to approval of a voluntary annexation as required by Chapter 368 of the Code of Iowa,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, that a public hearing be held on the 5th day of April, 2012, at 7:00 p.m., in the City Hall Council Chambers at City Hall, and the that the attached public notice of the time and place of said public hearing shall be given by publication the Muscatine Journal at least seven (7) but not more than twenty (20) days prior to the established date of the public hearing.

PASSED, APPROVED AND ADOPTED this 1st day of March, 2012.

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON A PROPOSED VOLUNTARY ANNEXATION TO AND WITHIN THE CITY OF MUSCATINE, IOWA

Notice is hereby given that a proposed voluntary annexation has been requested and the Planning & Zoning Commission of the City of Muscatine, Iowa has recommended that the City Council of the City of Muscatine, Iowa, annex the following described real estate, situated in the County of Muscatine, and State of Iowa

Beginning at the northwest corner of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 30, Township 77 North, Range 1 West of the 5th Principal Meridian, in Muscatine County, Iowa thence south $00^{\circ}32'$ west 520.00 feet along the west line of Lot 1 of Kleindolph Subdivision; thence south $01^{\circ}49'00''$ west 214.79 feet along the parcel line of Parcel "B", recorded in Plat Book 10, page 169; thence south $84^{\circ}33'49''$ east 45.17 feet along said parcel line; thence south $67^{\circ}55'47''$ east 177.75 feet along said parcel line; thence south $51^{\circ}59'53''$ east 207.74 feet along said parcel line; thence south $74^{\circ}25'05''$ east 415.68 feet along said parcel line; thence north $43^{\circ}37'20''$ east 68.41 feet along the northerly right-of-way line of Highway 22; thence north $54^{\circ}34'48''$ east 33.88 feet along said right-of-way; thence north $55^{\circ}42'25''$ east 44.5 feet along said right-of-way; thence north $83^{\circ}42'41''$ east 58.04 feet along said right-of-way; thence north $57^{\circ}10'00''$ east 138.18 feet along said right-of-way; thence north $12^{\circ}51'22''$ west 385.59 feet along the east line of Irish Ivy Subdivision line; thence north $89^{\circ}45'$ west 486.08 feet along the south line of Lot 2 of Kleindolph Subdivision; thence north $00^{\circ}17'$ west 471.79 feet along the east line of Lot 1 of Kleindolph Subdivision to the northeast corner of Lot 1 of Kleindolph Subdivision; continuing north to the north right-of-way of Colorado Street; thence west along said right-of-way to the intersection with the west line of Section 30; thence south to point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

The request and recommendation is to voluntarily annex said real estate.

Notice is further given that the City council of the City of Muscatine, Iowa, will conduct a public hearing on said proposed voluntary annexation on Thursday, April 5, 2012, at 7:00 p.m. in the City Hall Council Chambers, at which time all interested parties are invited to comment.

Gregg Mandsager, City Clerk



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March 15, 2012

Members of the Muscatine County Board of Supervisors
County Administration
414 E. 3rd Street
C/O Nancy Schreiber
Muscatine, Iowa 52761

Sweetland Township Board of Trustees
Kenneth Connor – 2876 New Era Rd.
Albert Bermel Jr. – 1730 Sweetland Rd
Richard Leach – 2998 New Era Rd

Dear Members of the Muscatine Board of Supervisors and Sweetland Township Board of Trustees

The Parkview Condominium Association (in 2011) and the Irish Ivy Subdivision (in 1999 as part of a recorded restrictive covenant) have signed voluntary annexation agreements with the City of Muscatine. The City of Muscatine is beginning the process to act on these agreements and annex the real estate covered by these agreements and an adjoining 1.8 acre municipally owned parcel. This voluntary annexation is comprised of the approximately 16 acres of real estate described as:

Beginning at the northwest corner of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 30, Township 77 North, Range 1 West of the 5th Principal Meridian, in Muscatine County, Iowa thence south $00^{\circ}32'$ west 520.00 feet along the west line of Lot 1 of Kleindolph Subdivision; thence south $01^{\circ}49'00''$ west 214.79 feet along the parcel line of Parcel "B", recorded in Plat Book 10, page 169; thence south $84^{\circ}33'49''$ east 45.17 feet along said parcel line; thence south $67^{\circ}55'47''$ east 177.75 feet along said parcel line; thence south $51^{\circ}59'53''$ east 207.74 feet along said parcel line; thence south $74^{\circ}25'05''$ east 415.68 feet along said parcel line; thence north $43^{\circ}37'20''$ east 68.41 feet along the northerly right-of-way line of Highway 22; thence north $54^{\circ}34'48''$ east 33.88 feet along said right-of-way; thence north $55^{\circ}42'25''$ east 44.5 feet along said right-of-way; thence north $83^{\circ}42'41''$ east 58.04 feet along said right-of-way; thence north $57^{\circ}10'00''$ east 138.18 feet along said right-of-way; thence north $12^{\circ}51'22''$ west 385.59 feet along the east line of Irish Ivy Subdivision line; thence north $89^{\circ}45'$ west 486.08 feet along the south line of Lot 2 of Kleindolph Subdivision; thence north $00^{\circ}17'$ west 471.79 feet along the east line of Lot 1 of Kleindolph Subdivision to the northeast corner of Lot 1 of Kleindolph Subdivision; continuing north to the north right-of-way of Colorado Street; thence west along said right-of-way to the intersection with the west line of Section 30; thence south to point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**

The City Council of the City of Muscatine will conduct a public hearing on and to consider this proposed voluntary annexation on April 5, 2012 at 7:00 p.m. in the City Hall Council Chambers, 215 Sycamore Street. Interested parties are invited to attend and comment.

Sincerely,

Andrew Fangman
City Planner





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March 15, 2012

Dear Property Owner:

The Parkview Condominium Association (in 2011) and the Irish Ivy Subdivision (in 1999 as part of a recorded restrictive covenant) have signed voluntary annexation agreements with the City of Muscatine. The City of Muscatine is beginning the process to act on these agreements and annex the real estate covered by these agreements and an adjoining 1.8 acre municipally owned parcel. This voluntary annexation is comprised of the approximately 16 acres of real estate described as:

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Muscatine Power & Water
3205 Cedar Street
Muscatine, IA 52761

Ann Kreiss
Alliant Energy
Oak Street
Muscatine, IA 52761

Qwest
1801 California St, #134
Denver, CO 80202

Dave Hartman
Qwest
3565 Utica Ridge Road
Bettendorf, IA 52722

March 15, 2012

Dear Utility Provider

The Parkview Condominium Association (in 2011) and the Irish Ivy Subdivision (in 1999 as part of a recorded restrictive covenant) have signed voluntary annexation agreements with the City of Muscatine. The City of Muscatine is beginning the process to act on these agreements and annex the real estate covered by these agreements and an adjoining 1.8 acre municipally owned parcel. This voluntary annexation is comprised of the approximately 16 acres of real estate described as:

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