



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 - R.L. Fridley Theatres, Inc. - 2.810 Acres - Mulberry Avenue and U.S. Hwy 61 Bypass- Resolution to Set Public Hearing.

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 December 13, 2011 Charles Coulter, Attorney representing R.L. Fridley Theatres, Inc. has filed an application for the voluntary annexation on 2.8 acre site located in the vicinity of the Mulberry Avenue/U.S. 61 Bypass intersection. This 2.8 acres is the unincorporated portion of a larger parcel upon which the applicant is proposing a commercial subdivision containing a multi-screen theatre complex.

The application was reviewed and recommended 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 providers, township trustees, and the Muscatine County Board of Supervisors. The Code of Iowa also 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.

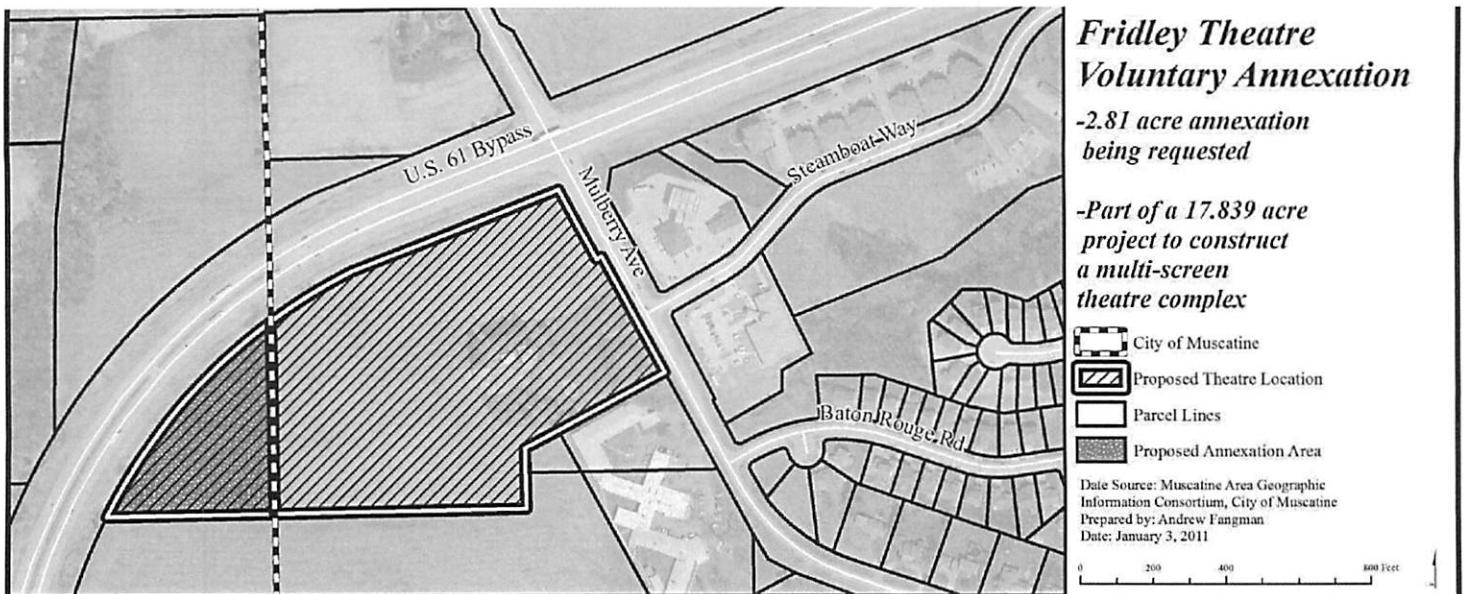


Figure 1: Map of Territory Proposed for Annexation

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 owned by R.L. Fridley Theatres, Inc. for Thursday, April 5, 2012.

BACKUP INFORMATION:

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

Prepared by Andrew Fangman, 215 Sycamore St, Muscatine, IA, 52761 (563) 262-4141

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 2.81 acres of real estate under the provision of Chapter 368.7 of the Code of Iowa, to the City of Muscatine, Iowa, described as:

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.

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

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.

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

Bloomington Township Board of Trustees
Gary Klebe – 2574 180th St.
Gerald Rieke – 2684 Samuel Clemens Rd.
John Weaver – 2674 Huck Finn Rd.

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

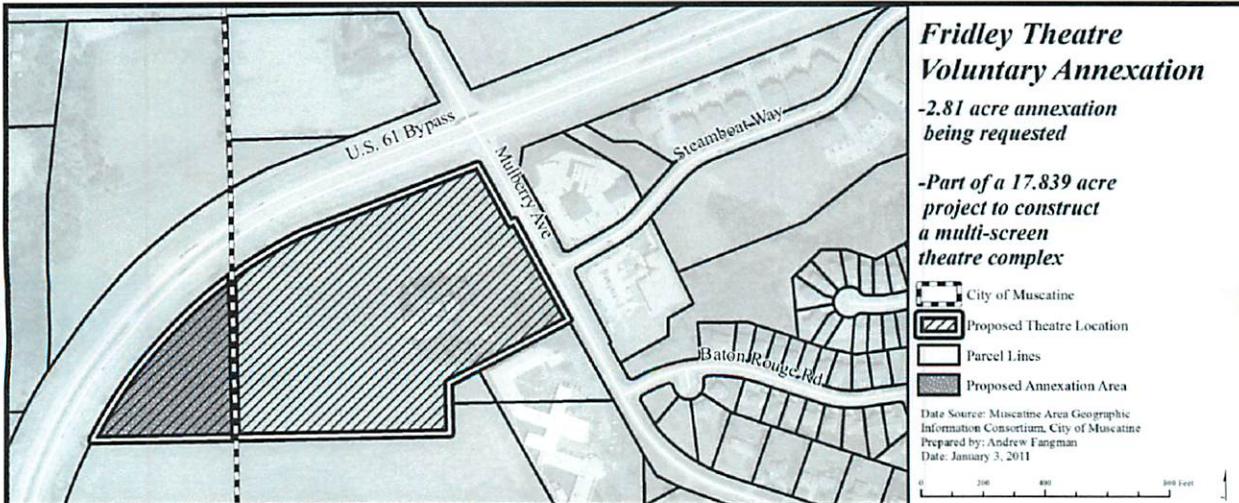
Charles Coulter, Attorney representing R.L Fridley Theatres, Inc. has filed an application for the voluntary annexation on 2.8 acre site located in the vicinity of the Mulberry Avenue/U.S. 61Bypass intersection. These 2.8 acres are the unincorporated portion of a larger parcel upon which the applicant is proposing a commercial subdivision containing a multi-screen theatre complex. The real estate being proposed for annexation is described as:

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The City Council of the City of Muscatine will conduct a public hearing on and to consider this possible voluntary annexation meet 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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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

Dennis Hill
Eastern Iowa REC
P.O Box 3003
Wilton, IA 52778

March 15, 2012

Dear Utility Provider

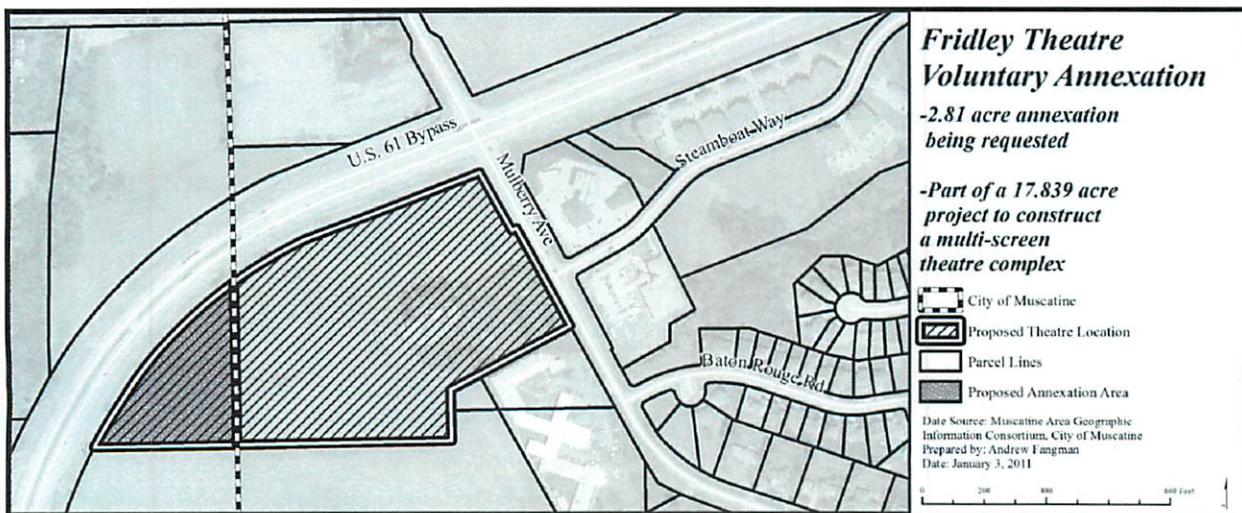
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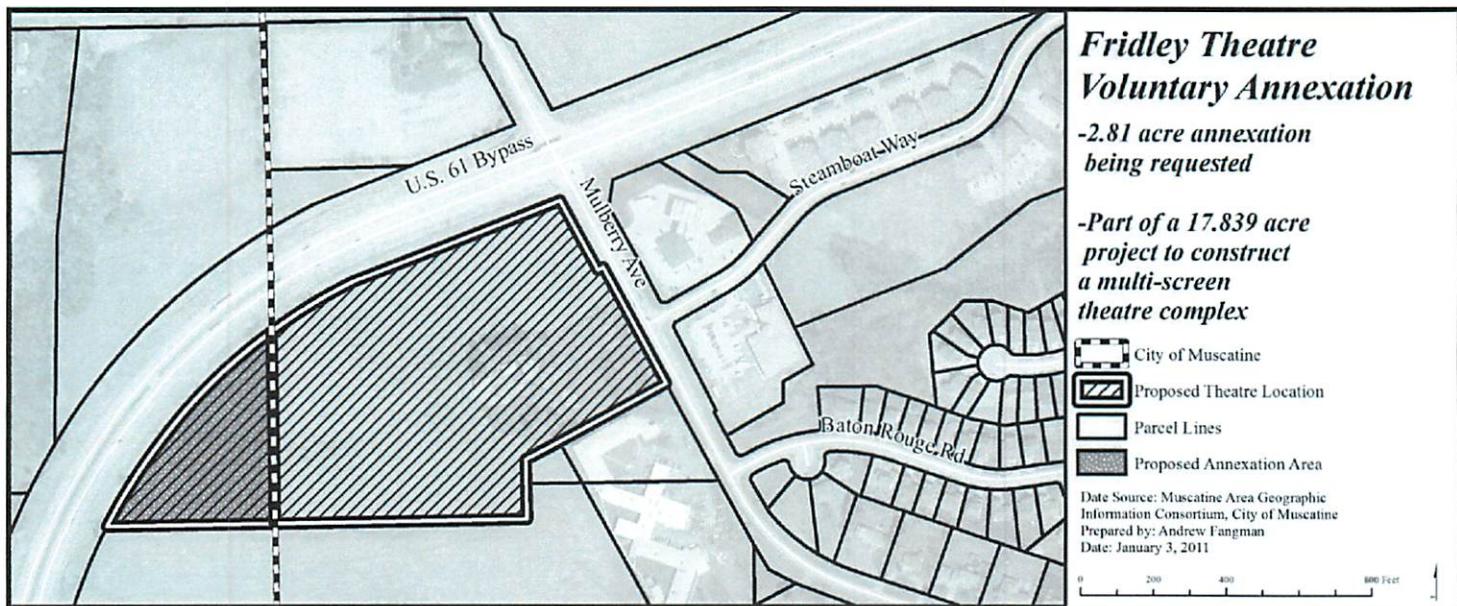
March 15, 2012

Dear Property Owner:

Charles R. Coulter, representing R.L. Fridley Theaters, Inc. has filed an application for voluntary annexation to the City of Muscatine for 2.8 acre of real estate described as:

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Sincerely,

Andrew Fangman
City Planner

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