

RESOLUTION NO. 2019-0410

**A RESOLUTION SETTING THE TIME AND PLACE TO
CONDUCT A PUBLIC HEARING ON A REQUEST THE REQUEST TO
VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 4C AND LOT B OF
SUNRISE SUBDIVISION (EAST SIDE OF UNIVERSITY DRIVE)**

WHEREAS, a request has been received for the vacation of certain utility easements at Lot 4B and Lot 4C of Sunrise Subdivision described as:

Two public utility easements, each 7.5 feet wide, running along the South boundary line of Lot 4B and the North boundary line of Lot 4C, both in Sunrise Subdivision in the City of Muscatine, Iowa, except the West 20 feet and the East 15 feet of each easement

WHEREAS, The intent is to vacate unused and unneeded utility easements and allow for development across the boundary between Lot 4C and Lot 4B; and

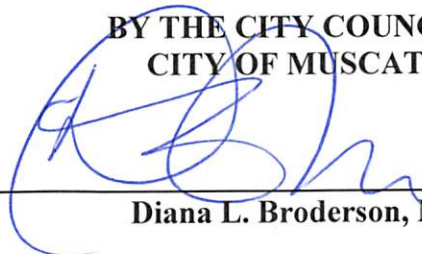
WHEREAS, a public hearing must be conducted by the City Council of Muscatine on the vacation of this utility easement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that a Public Hearing is hereby established. Said hearing to be conducted at 7:00 p.m. on Thursday, January 2, 2020, in the City Hall Council Chambers and the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal as required by the Code of Iowa

PASSED, APPROVED AND ADOPTED this 19th day of December, 2019.



**BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA**



Diana L. Broderson, Mayor

Attest:



Greg Jenkins, Acting City Clerk

***** Proof of Publication *****

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

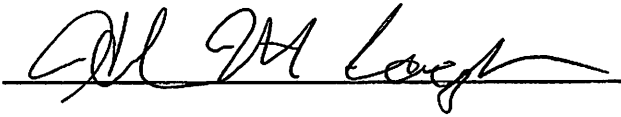
CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 59880

PUBLIC NOTICE
REQUEST THE REQUEST TO VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 4C AND LOT B OF SUNRISE SUBDIVISION (EAST SIDE OF UNIVERSITY DRIVE)
Public Notice is hereby given that the City Council for the City of Muscatine, Iowa, will conduct a Public Hearing to review a request for the vacation of certain utility easements at Lot 4B and Lot 4C of Sunrise Subdivision in the City of Muscatine, Iowa described as: Two public utility easements, each 7.5 feet wide, running along the South boundary line of Lot 4B and the North boundary line of Lot 4C, both in Sunrise Subdivision in the City of Muscatine, Iowa, except the West 20 feet and the East 15 feet of each easement. This Public Hearing will be conducted on Thursday, January 2, 2020, at 7:00 p.m. in the City Council Chambers at City Hall, 215 Sycamore Street. All interested persons are invited to attend and comment on the project at that time.
Greg Jenkins, Acting City Clerk

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



Section: Notices & Legals

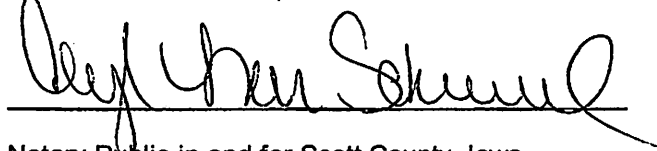
Category: 2627 Miscellaneous Notices

PUBLISHED ON: 12/30/2019

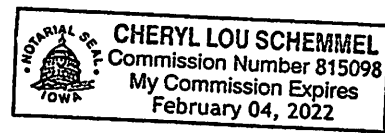
TOTAL AD COST: 15.08

FILED ON: 12/30/2019

Subscribed and sworn to before me by said affiant this 30 day of December 2019.



Notary Public in and for Scott County, Iowa





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

COMMUNITY DEVELOPMENT

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members
From: Andrew Fangman, Assistant Community Development Director
Date: December 13, 2019
Re: Utility Easement Vacation – (PZVE-10) Lots 4C and 4B of Sunrise Subdivision (East of University Drive)

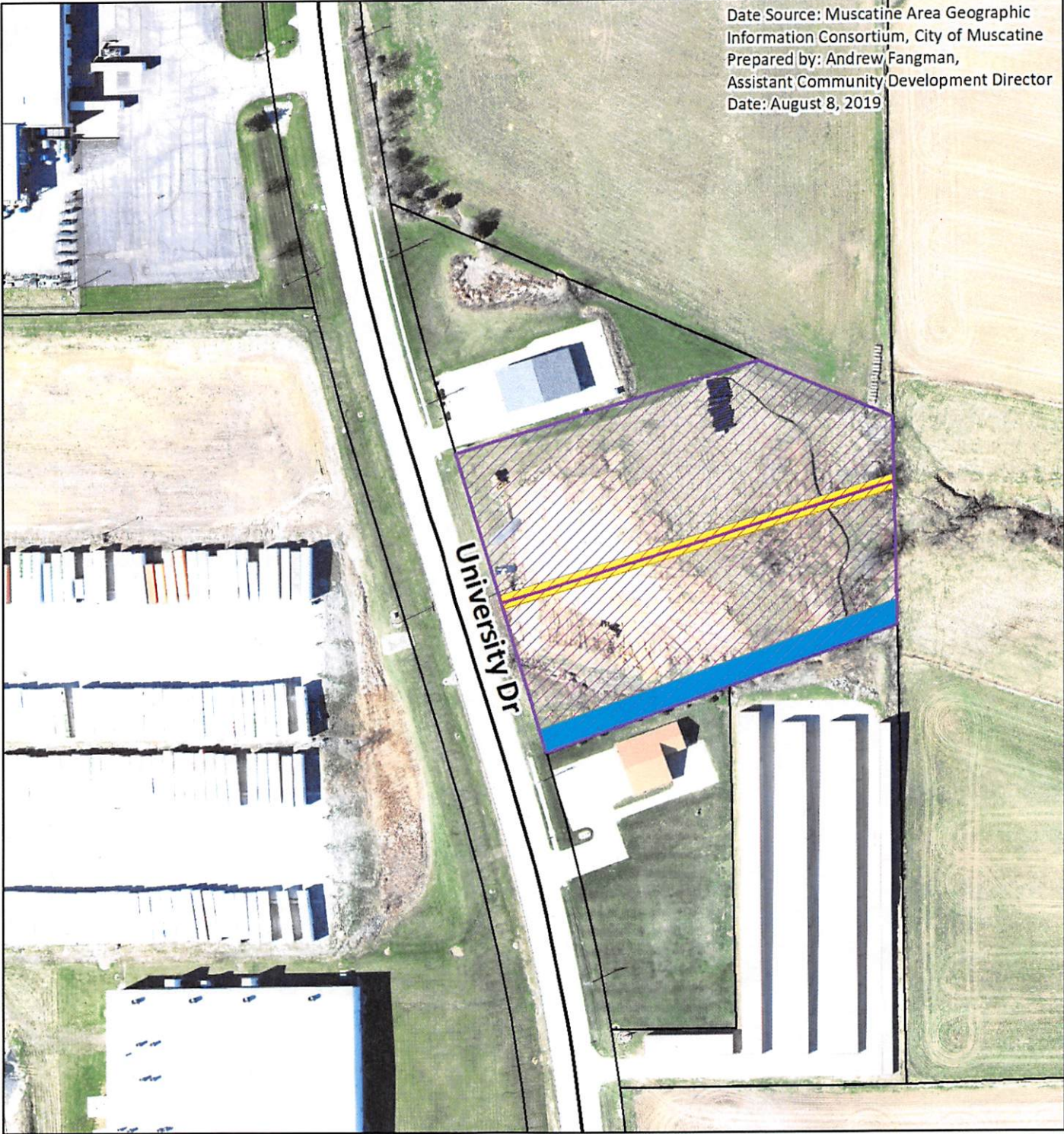
INTRODUCTION: A request to vacate certain utility easements has been submitted by University Storage LLC.

BACKGROUND: University Storage has submitted a utility easement vacation plat, that would if approved by City Council, would vacate a 15' wide utility easement that is comprised of two adjoining 7.5' utility easement on Lots 4C and 4B of Sunrise Subdivision, as illustrated in the attached map. The intent is to vacate unused and unneeded utility easements and allow for development across the boundary between Lot 4C and Lot B. The applicant is also proposing to dedicate a 25' wide easement, along the south edge of Lot 4C, to accommodate the construction of a storm sewer line and any other potential future utility extensions.

City Council took action on this item on September 18, 2019, however an error in the legal description necessitates redoing City Council action on this utility easement vacation.

RECOMMENDATION/RATIONALE: Prior to City Council action of the request, a public hearing is required. It is recommended that the attached resolution setting a public hearing, for 7:00 p.m. on Thursday, January 2, 2030 regarding the proposed vacation of certain utility easements.

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
Prepared by: Andrew Fangman,
Assistant Community Development Director
Date: August 8, 2019



PZVE-10 Proposed Vacation of Certain Utility Easements at Lots 4C & 4B of Sunrise Subdivision



Proposed New Utility & Stormwater Easement



Lots 4C & 4B



Utility Easements Proposed for Vacation

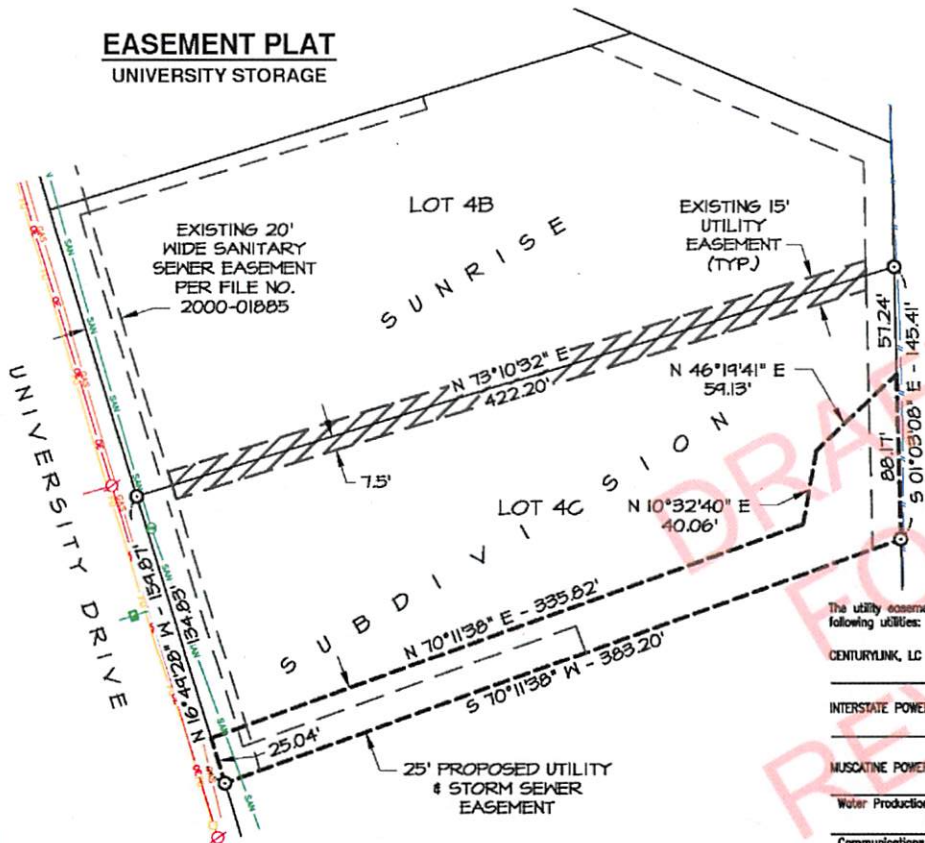


Parcel Lines

0 25 50 100 150 200



EASEMENT PLAT
UNIVERSITY STORAGE



BASIS OF BEARINGS
IOWA STATE PLANE COORDINATE SYSTEM
SOUTH ZONE

LAND DESCRIPTION -

A PERMANENT EASEMENT BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH PM., CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
THE SOUTHERLY 25 FEET OF LOT 4C IN SUNRISE SUBDIVISION, IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

The utility easements as shown are acceptable to the following utilities:

CENTURYLINK, LC	Title	Date
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	Title	Date
MUSCATINE POWER & WATER	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date
EASTERN IOWA LIGHT & POWER COOPERATIVE	Title	Date

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 Professional Land Surveyor under the laws of the State of Iowa.



Gary W. Whitacre
 Date _____ Reg. No. 10316
 My license renewal date is December 31, 2019

Pages or sheets covered by this seal: 1

SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, Inc.
 P.O. BOX 413 MUSCATINE, IOWA 52761
 INFO@MARTIN-WHITACRE.COM (563)263-7691
 SURVEYOR: GARY W. WHITACRE
 PROPRIETOR(S): UNIVERSITY STORAGE, LLC
 REQUESTOR: CITY OF MUSCATINE, IOWA

LEGEND

- FOUND 1/2" REBAR W/ YELLOW CAP #10316
- ⊗ POWER POLE
- COMMUNICATIONS RISER
- GAS — UNDERGROUND GAS
- SAN — UNDERGROUND SANITARY SEWER

PUBLIC NOTICE

REQUEST THE REQUEST TO VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 4C AND LOT B OF SUNRISE SUBDIVISION (EAST SIDE OF UNIVERSITY DRIVE)

Public Notice is hereby given that the City Council for the City of Muscatine, Iowa, will conduct a Public Hearing to review a request for the vacation of certain utility easements at Lot 4B and Lot 4C of Sunrise Subdivision in the City of Muscatine, Iowa described as:

Two public utility easements, each 7.5 feet wide, running along the South boundary line of Lot 4B and the North boundary line of Lot 4C, both in Sunrise Subdivision in the City of Muscatine, Iowa, except the West 20 feet and the East 15 feet of each easement.

This Public Hearing will be conducted on Thursday, January 2, 2020, at 7:00 p.m. in the City Council Chambers at City Hall, 215 Sycamore Street.

All interested persons are invited to attend and comment on the project at that time.

Greg Jenkins, Acting City Clerk