



# City of Muscatine

ITEM NUMBER 2022-0397

## AGENDA ITEM SUMMARY

DATE: 10/6/2022

### STAFF

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Andrew Fangman, Assistant Community Development Director

### SUBJECT

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Resolution Setting a Public Hearing for October 20, 2022 on Vacating a Trail Easement

### EXECUTIVE SUMMARY

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A resolution setting a public hearing vacating a trail easement located along the northern edge of Lot 2 of the GSTC Industrial Park (5101 Sevig Street). Prior to the vacation of an easement, a public hearing is required. This resolution sets such a public hearing for October 20, 2022.

### STAFF RECOMMENDATION

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Staff recommends approval.

### BACKGROUND/DISCUSSION

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The City obtained this trail easement in 2014. It was intended to be used for what ultimately became the Kent-Stein Park to Deep Lakes Park Trail. The constructed route of the trail did not, however, require utilization of this trail easement. There is no current or future need for this trail easement. As its existence hinders further development on this parcel, its vacation is being requested.

### CITY FINANCIAL IMPACT

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None.

### ATTACHMENTS

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1. Public Notice Hearing on Trail Easement Vacation
2. Resolution Setting on Vacating a Trail Easement

**PUBLIC NOTICE**

**A PUBLIC HEARING ON A REQUEST THE REQUEST TO VACATE A TRAIL EASEMENT AT LOT 2 OF  
GSTC INDUSTRIAL PARK**

**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 a trail easement at Lot of the GSTC Industrial Park inn the City of Muscatine, Iowa described as:**

A PARCEL OF LAND FOR A PERMANENT EASEMENT FOR TRAIL PURPOSES SITUATED IN PARTS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 76 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20 (FD. P.K. NAIL IN PAVEMENT); THENCE NORTH 88°21'56" EAST, 950.27 FEET ALONG THE NORTH LINE OF PROPERTY CONVEYED TO WAL-VIEW DEVELOPMENTS, LLC. PER WARRANTY DEED 2013-02204 AS RECORDED IN THE MUSCATINE COUNTY RECORDER'S OFFICE TO THE POJNT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 88°21'56" EAST, 1,498.73 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF THE IOWA CHICAGO & EASTERN RAILROAD (FORMER CHICAGO, ROCK ISLAND, & PACIFIC RAILWAY CORPORATION); THENCE SOUTH 41°10'00" WEST, 34.07 FEET ALONG SAID WESTERLY LINE; THENCE SOUTH 88°21'56" WEST, 1,476.17 FEET; THENCE NORTH 00°16'40" WEST, 25.01 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND FOR PERMANENT EASEMENT CONTAINING 0.854 ACRES MORE OR LESS

**This Public Hearing will be conducted on October, October 20, 2022, at 6:00 p.m. in the City Council Chambers at City Hall, 215 Sycamore Street. All interested persons are invited to attend and comment on the proposed vacation at that time.**

**The hearing will be held during the regular Muscatine City Council meeting. Public participation will be also be offered electronically. The GoToMeeting link and call-in information will be published on the official agenda at the City's website no later than October 18th. Following such hearing, the Muscatine City Council may take action on said proposal without further notice or opportunity for hearing. If you are a person requiring a special accommodation for a disability or language barrier, please contact the City at 563-262-4141 at least three (3) business days in advance of the meeting date.**

RESOLUTION NO. 2022-0397

**A RESOLUTION SETTING THE TIME AND PLACE TO CONDUCT  
A PUBLIC HEARING ON VACATING A TRAIL EASEMENT**

**WHEREAS**, the City of Muscatine obtained this trail easement, recorded as Document Number 2014-02354 in Muscatine County Recorder’s Office in 2014, located along the northern edge of Lot 2 of the GSTC Industrial Park (5101 Sevig Street), said trail and utility easement more particularly described as:

A PARCEL OF LAND FOR A PERMANENT EASEMENT FOR TRAIL PURPOSES SITUATED IN PARTS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 76 NORTH, RANGE 2 WEST OF THE 5TH PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20 (FD. P.K. NAIL IN PAVEMENT); THENCE NORTH 88°21’56” EAST, 950.27 FEET ALONG THE NORTH LINE OF PROPERTY CONVEYED TO WAL-VIEW DEVELOPMENTS, LLC. PER WARRANTY DEED 2013-02204 AS RECORDED IN THE MUSCATINE COUNTY RECORDER’S OFFICE TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 88°21’56” EAST, 1,498.73 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF THE IOWA CHICAGO & EASTERN RAILROAD (FORMER CHICAGO, ROCK ISLAND, & PACIFIC RAILWAY CORPORATION); THENCE SOUTH 41°10’00” WEST, 34.07 FEET ALONG SAID WESTERLY LINE; THENCE SOUTH 88°21’56” WEST, 1,476.17 FEET; THENCE NORTH 00°16’40” WEST, 25.01 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND FOR PERMANENT EASEMENT CONTAINING 0.854 ACRES MORE OR LESS


**WHEREAS**, this trail easement was intended to be used for what ultimately became the Kent-Stein Park to Deep Lakes Park Trail. The ultimately constructed route of the trail did not require utilization of this trail easement;

**WHEREAS**, there is no current or anticipate future need for this trail easement; and


**WHEREAS**, a public hearing must be conducted by the City Council of Muscatine prior to the vacation of an easement.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine, that a Public Hearing is hereby established to review to allow the public to comments on the proposed ordinance revising weed and vegetation management regulations contained within the City Code of Muscatine. Said hearing to be conducted at 6:00 P.M. on Thursday, October 20, 2022, in the City Hall Council Chambers, and that the attached public notice of the time and place of said public hearing shall be given by publication in the Muscatine Journal at least seven (7) days but not more than twenty (20) days prior to the established date of the public hearing.

**PASSED, APPROVED, AND ADOPTED** by the City Council for the City of Muscatine, Iowa, on this, the 6<sup>th</sup> day of October 2022.

  
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Carol Webb (Oct 11, 2022 13:49 CDT)  
Carol Webb, City Administrator



  
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Dr. Brad Bark (Oct 11, 2022 13:08 CDT)  
Brad Bark, Mayor

\*\*\* 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 138544

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

*Timothy J. Simpson*

Section: Notices & Legals

Category: 2627 Miscellaneous Notices

PUBLISHED ON: 10/13/2022

TOTAL AD COST: 49.50

FILED ON: 10/14/2022

Subscribed and sworn to before me by said affiant this 14 day of October 2022

*Michelle Graham*

Notary Public in and for Scott County, Iowa

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