

RESOLUTION NO. 89979-0107

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING TO CONSIDER THE PARTIAL VACATION OF PHASE II
IN THE COBBLESTONE RIDGE SUBDIVISION**

WHEREAS, a request has been filed to vacate a portion of the approved plat for Phase II of the Cobblestone Ridge Subdivision in City of Muscatine, Iowa; and

WHEREAS, the Planning Commission has reviewed and recommended approval of the partial vacation in Phase II of Cobblestone Ridge, as requested; and

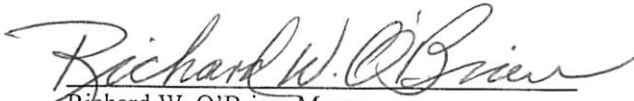
WHEREAS, Section 354.22 of the Code of Iowa sets out the procedures that must be followed prior to any action on the partial vacation request; and

WHEREAS, the City Council should now set a time and place for a public hearing upon said partial vacation of the Plat in accordance with the Code of Iowa Section 354.22,


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, IOWA, that a public hearing be held on Thursday, February 15, 2007, at 7:00 p.m., in the City Hall Council Chambers in City Hall, and that the public notice of the time and place of said hearing shall be given by two separate publications in the Muscatine Journal as required by the Code of Iowa.

PASSED, APPROVED AND ADOPTED this 18th day of January, 2007.

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


Richard W. O'Brien, Mayor




A. J. Johnson, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING ON THE PARTIAL VACATION OF THE PLAT FOR PHASE II IN THE COBBLESTONE RIDGE SUBDIVISION WITHIN THE CITY OF MUSCATINE, IOWA

Public Notice is hereby given that the City Council of the City of Muscatine, Iowa will hold a public hearing on the partial vacation of the plat for Phase II in the Cobblestone Ridge Subdivision located within the City. Said partial plat vacation is being considered in accordance with Iowa Code Section 354.22 is more particularly described as:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 77 NORTH, RANGE 2 WEST AND IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 77 NORTH, RANGE 1 WEST OF THE 5TH P.M., IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. COMMENCING AT THE EAST QUARTER CORNER OF SECTION 25; THENCE NORTH 00°35'03" WEST 62.01 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER TO THE NORTHERLY RIGHT OF WAY OF COLORADO STREET; THENCE SOUTH 89°35'07" WEST 381.60 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 89°36'07" WEST 149.94 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 00°23'59" WEST 291.00 FEET; THENCE NORTH 79°02'26" WEST 66.67 FEET TO THE BEGINNING OF A 178.29 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY WHOSE 166.46 FOOT CHORD BEARS NORTH 38°47'09" EAST; THENCE NORTHEASTERLY AN ARC DISTANCE OF 173.19 FEET; THENCE NORTH 66°36'53" EAST 8.81 FEET TO THE POINT OF BEGINNING; THENCE NORTH 24°53'28" WEST 127.84 FEET TO THE BEGINNING OF A 330.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WHOSE 21.90 FOOT CHORD BEARS SOUTH 73°38'27" WEST; THENCE SOUTHWESTERLY AN ARC DISTANCE OF 21.91 FEET; THENCE SOUTH 75°32'34" WEST 58.10 FEET; THENCE NORTH 12°44'22" WEST 60.03 FEET; THENCE NORTH 14°27'26" WEST 120.00 FEET; THENCE NORTH 71°29'23" EAST 60.34 FEET; THENCE NORTH 68°03'36" EAST 430.00 FEET; THENCE NORTH 58°17'32" EAST 139.77 FEET; THENCE NORTH 89°33'54" EAST 233.91 FEET; THENCE SOUTH 00°35'03" EAST 376.93 FEET; THENCE SOUTH 89°23'26" WEST 297.22 FEET TO THE BEGINNING OF A 414.72 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY WHOSE 32.53 FOOT CHORD BEARS SOUTH 87°08'34" WEST; THENCE SOUTHWESTERLY AN ARC DISTANCE OF 32.54 FEET; THENCE SOUTH 05°06'19" EAST 30.00 FEET TO THE BEGINNING OF A 384.72 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY WHOSE 122.22 FOOT CHORD BEARS SOUTH 75°45'17" WEST; THENCE SOUTHWESTERLY AN ARC DISTANCE OF 122.74 FEET; THENCE SOUTH 66°36'53" WEST 210.23 FEET TO THE POINT OF BEGINNING, CONTAINING 5.920 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

This public hearing will be conducted in the City Hall Council Chambers at 7:00 p.m. on Thursday, February 15, 2007.

All parties present will be given the opportunity to comment on this proposed vacation and transfer of real estate at the public hearing.

A. J. Johnson, City Clerk

PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk
Public Notice
Cobblestone Ridge Subdivision


Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* two times having been made there in on:


January 23, 2007
February 8, 2007

Jeff Lee 

**STATE OF IOWA
MUSCATINE COUNTY**

Subscribed and sworn to before me this
8th day of February, 2007


Susan F. Honts, Notary Public

	<p>Susan F. Honts Iowa Notarial Seal Commission number 153623 My Commission Expires 10/19/2007</p>
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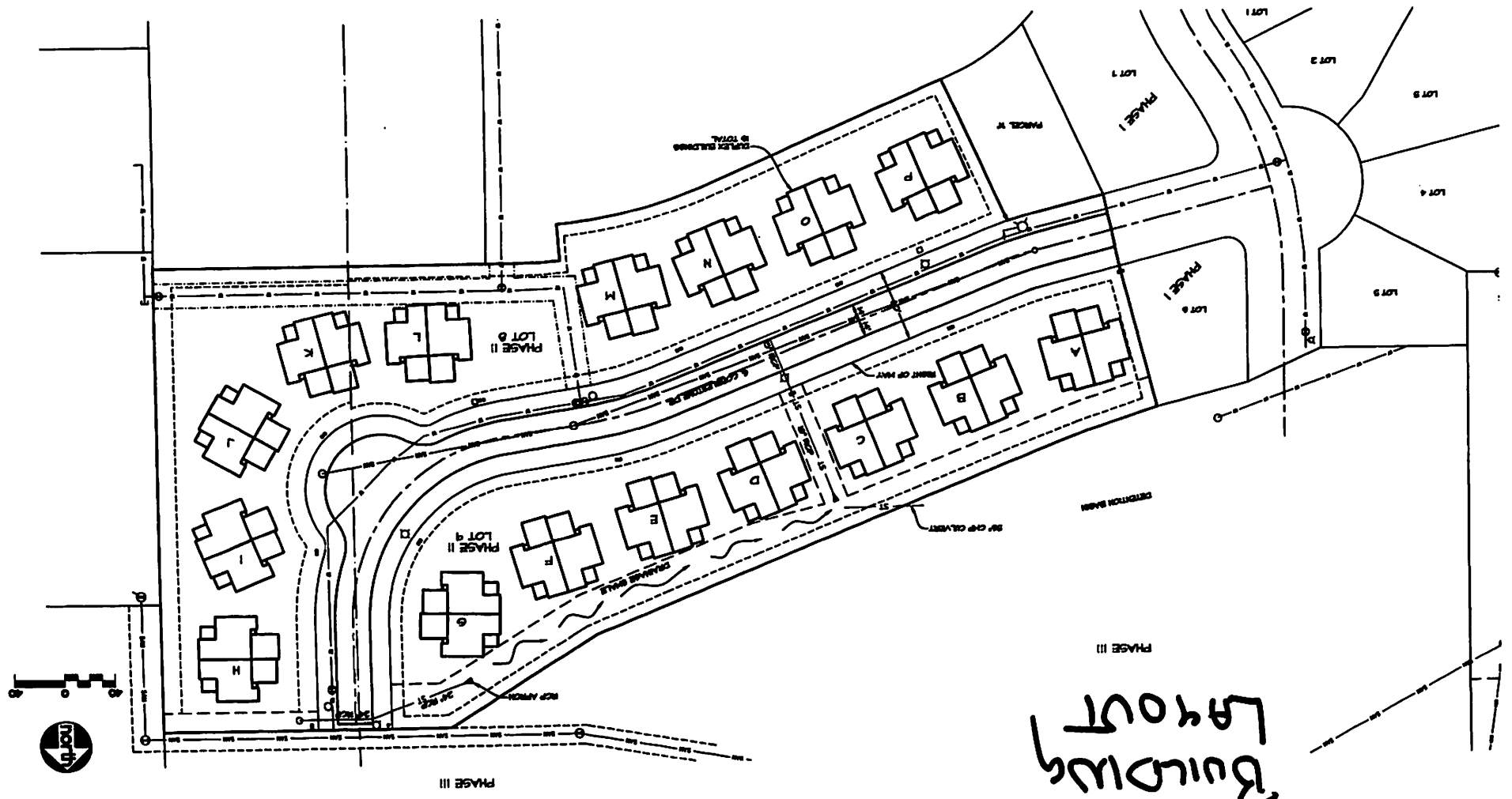
A.J. Johnson, City Clerk

NO.	REVISIONS	DETAILS	DATE

Martin & Whitmore
Surveyors & Engineers, Inc.
 P.O. BOX 418
 MUSCATINE, IOWA
 IOWA REGISTRATION NO. 1421
 IOWA REGISTRATION NO. 1421

OPERATIONAL ROAD - PHASE II
SITE IMPROVEMENT PLAN
 PROJECT NO. 088138

DATE 11/07/04
 SHEET 1 / 1



BUILDING LAYOUT

MEMO

TO: A. J. Johnson, City Administrator

FROM: Steven Boka, Director of Planning, Zoning & Building Safety

SUBJECT: Request to Vacate a Portion of Final Plat for Phase II of Cobblestone Ridge Subdivision.

DATE: January 11, 2007

On June 7, 2004, City Council approved the final plat for Phase II of the Cobblestone Ridge Subdivision. Phase II created 21 building lots for single family development within the RL, Large Scale Residential Zoning District. However, due to changing market conditions, the Owners wish to abandon the detached single family concept in favor of developing condominiums that would consist of attached duplex structures. (plan copy attached). The Planning Commission conducted an on-site viewing of the request on December 6th and notice was provided to abutting property owners within 200 feet of this development. The Planning Commission subsequently approved the change in the plan and a request to approve the replat of Phase II.

Prior to requesting City Council action on the replat of Phase II, the attorney for the Owners contacted my office with a request to have a portion of the original plat of Phase II vacated in accordance with Iowa Code Section 354.22. Essentially the vacation of the original plat is intended to prevent any title confusion as the property is developed and sold. The vacation request will not require alteration of the existing road serving the subdivision, nor will it alter exterior boundaries for Phase II. However, it will allow all internal property lines and easements to be eliminated and permit zero lot line development needed for the construction of attached duplex style single-family homes. A copy of the replat and building layout is attached for reference.

The Planning Commission reviewed and approved the request to vacate a portion of Phase II of the Cobblestone Ridge Subdivision during their January 9th meeting.

The next step in the process requires that a public hearing be scheduled and conducted prior to any official action by the City on the vacation request. The Code of Iowa further requires that a public notice on the hearing be published on two separate occasions with at least 14 days between publications. Therefore, I have attached a resolution and public notice concerning the request to vacate a portion of the original Phase II plat for Cobblestone Ridge Subdivision.

Please place this resolution on the City Council agenda for their consideration during the January 18th meeting.

Donelson, Fran

From: Boka, Steve
Sent: Thursday, January 11, 2007 11:22 AM
To: Johnson, AJ
Cc: Donelson, Fran
Subject: Agenda Item #2 for 1/18/07
Attachments: CobblestoneRidgePhaseII-VacatePlat.doc

Attached hereto, please find the cover memo, resolution to set a public hearing, public notice, and support materials related to the request to vacate a portion of the final plat of Phase II of Cobblestone Ridge. The cover memo provides a detailed explanation of this request.

Fran, I will provide you a hard copy as well as three separate plans as background material for City Council.

Also, it is important to note that the public notice **must be published on two separate occasions in the Muscatine Journal with 14 days between publications!**

I have scheduled the public hearing for February 15th in order to allow an appropriate amount of time between publication of the notices.

Please place the resolution setting a public hearing on the agenda for City Council consideration during their January 18th meeting.

If you have questions concerning the attached, please call.