

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

**ORDINANCE NO. 92186-1012**

**AN ORDINANCE VACATING A PUBLIC RIGHT OF WAY REMNANT  
WITHIN THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, a request has been filed to vacate an access (sidewalk) right-of-way remnant situated within the City of Muscatine, Iowa; and

**WHEREAS**, the City Council of the City of Muscatine has conducted a public hearing on said vacation request;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, AS FOLLOWS:**

Section I. The following described real estate be vacated by the City of Muscatine, Iowa:

A PARCEL OF LAND BEING A 10' WIDE WALK LOCATED IN HAHN'S ADDITION TO THE CITY OF MUSCATINE, IN MUSCATINE COUNTY, IOWA.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF HAHN'S ADDITION; THENCE SOUTH 73047'19" EAST 139.72 FEET ALONG THE SOUTH LINE OF LOT 1 TO THE WESTERLY RIGHT OF WAY OF MYRTLE LANE; THENCE SOUTH 16019'50" WEST 9.71 FEET ALONG SAID RIGHT OF WAY TO THE SOUTH LINE OF HAHN'S ADDITION; THENCE NORTH 73047'19" WEST 139.70 FEET ALONG THE SOUTH LINE OF HAHN'S ADDITION TO THE WEST LINE OF HAHN'S ADDITION; THENCE NORTH 16012'31" EAST 9.71 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. PARCEL "BB" CONTAINS 0.031 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

PASSED, APPROVED AND ADOPTED this 4th day of October, 2012.

BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA



  
DeWayne M. Hopkins, Mayor

  
Gregg Mandsager, City Clerk

1<sup>st</sup> Reading September 20, 2012  
2<sup>nd</sup> Reading October 4, 2012  
3<sup>rd</sup> Reading October 4, 2012  
Publication 10-10-12

**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:

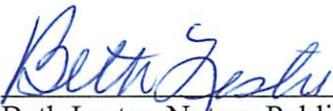
Muscatine City Clerk  
Ordinance No. 92186-1012

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:  
October 10, 2012

Jeff Lee 

**STATE OF IOWA  
MUSCATINE COUNTY**

Subscribed and sworn to before me this  
12th day of October, 2012

  
Beth Lester, Notary Public

	<p align="center">Beth Lester <b>Iowa Notarial Seal</b> Commission number 745921 My Commission Expires 03/20/2013</p>
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REMNANT WITHIN  
THE CITY OF MUSCATINE, IOWA**

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BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF HAHN'S ADDITION; THENCE SOUTH 73°47'19" EAST 139.72 FEET ALONG THE SOUTH LINE OF LOT 1 TO THE WESTERLY RIGHT OF WAY OF MYRTLE LANE; THENCE SOUTH 16°01'50" WEST 9.71 FEET ALONG SAID RIGHT OF WAY TO THE SOUTH LINE OF HAHN'S ADDITION; THENCE NORTH 73°04'719" WEST 139.70 FEET ALONG THE SOUTH LINE OF HAHN'S ADDITION TO THE WEST LINE OF HAHN'S ADDITION; THENCE NORTH 16°01'31" EAST 9.71 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. PARCEL "BB" CONTAINS 0.031 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

**Section II.** Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

**PASSED, APPROVED AND ADOPTED this 4th day of October, 2012.**

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA  
DeWayne M. Hopkins, Mayor**

**Attest:**  
Gregg Mandsager, City Clerk

1st Reading: September 20, 2012  
2nd Reading: October 4, 2012  
3rd Reading: October 4, 2012  
Publication: October 10, 2012

for both beginning and end of the snow emergency shall be included in the initial declaration. The minimum duration will be 48 hours, however, the ending time and date can be amended if necessary because of weather conditions.

**7-18-6 "Alternate Side of Street" Parking During a Snow Emergency.** During a snow emergency, streets that normally permit parking on both sides of the street will be subject to "alternate side of the street" parking. On odd-numbered days of the month, parking is permitted only on the odd-numbered side of the street. Likewise, parking is permitted only on the even-numbered side of the street on even-numbered days.

On all streets where parking is allowed on one side only, if the permitted side (where parking is allowed) is even numbered, vehicles can park on that side only on even-numbered days. If the permitted side (where parking is allowed) is odd-numbered, vehicles can park on that side only on odd-numbered days. No parking is ever allowed on the side of the street where parking is prohibited by posted sign.

**The transition time between the first and second day of a snow emergency is from 12 midnight until 8:00 a.m.** Enforcement of the second snow emergency day does not begin until 8:00 a.m.

The downtown Central Business District (area bounded by Mulberry, Third, Mississippi Drive, and Pine streets) is not affected by these new parking rules. Existing parking restrictions will remain in effect.

**7-18-7 Penalty.** Vehicles in violation of these snow emergency regulations may be ticketed and towed. The ticket fee shall be in the amount of \$35.00 per violation and the owner of the vehicle shall also be responsible for applicable towing and storage fees.

**7-18-8 Conflict of Ordinances.** The provisions of this chapter which become effective during a snow emergency shall take precedence over conflicting ordinances normally in effect, except those relating to traffic accidents, emergency travel of authorized vehicles or emergency traffic directions by a police officer. However, nothing in this section shall be construed to permit parking at any time or place otherwise forbidden by any other provision of law.

**PASSED, APPROVED AND ADOPTED ON THIS 4th day of October, 2012.**

DeWayne Hopkins, Mayor

**ATTEST:**  
Gregg Mandsager, City Administrator

First Reading: September 6, 2012  
Second Reading: September 20, 2012  
Third Reading: October 4, 2012  
Publication: October 10, 2012



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Muscatine, IA 52761-3840  
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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:** Steven Boka, Director of Community Development  
**Date:** August 17, 2012  
**Re:** Vacation Request – Public Access Remnant

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**INTRODUCTION:** A request has been submitted by Martin & Whitacre Surveyors & Engineers on behalf of Salvatore and Stephanie LoBianco, to vacate, sell and transfer a ten-foot (10') wide access remnant intended to provide access to the residentially zoned property located off Myrtle Lane.

**BACKGROUND:** Salvatore and Stephanie LoBianco recently purchased a 3.94-acre parcel located off north of mulberry Avenue and west of Myrtle Lane for the construction of a new single-family residence. As a result, the access easement intended to provide sidewalk access for future development on the property will no longer be necessary. The LoBianco's would like to purchase the remnant from the city to extend utilities to their new home. While the initial intent is to connect to utilities on Myrtle Lane, the LoBianco's may also extend a driveway across the property. The adjacent property owners have been contacted by the LoBianco's and have supplied a letter stating that they are not interested in the property.

**RECOMMENDATION/RATIONALE:** The Planning Commission conducted an on-site viewing of the request on August 8<sup>th</sup> and unanimously approved the request during their August 14, 2012 meeting. Before City Council consideration of a proposed sale and transfer of public property, a public hearing is required. It is recommended that the City Council adopt the attached resolution setting a public hearing for September 20, 2012 to consider the sale and transfer of public property.

**BACKUP INFORMATION:**

1. Resolution
2. Public Notice

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