

## COMMUNITY DEVELOPMENT

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

### MEMORANDUM

**To:** Mayor and City Council Members  
**From:** Andrew Fangman, City Planner  
**Cc:** Gregg Mandsager, City Administrator  
Dave Gobin, Community Development Director  
**Date:** October 5, 2017  
**Re:** Voluntary Annexation Request (White Distribution and Supply)

**INTRODUCTION:** A voluntary annexation request has been filed for 10.86 acres, inclusive of right-of-way, in the 3900 block of Park Avenue West.

**BACKGROUND:** White Distribution and Supply on behalf of A. L. Morehouse and D. A. Morehouse Revocable Trust has filed a voluntary annexation request for the WDS Subdivision, a 4.18-acre one lot subdivision, in the 3900 block of Park Avenue West. The proposed annexation would also include 6.68 acres of adjoining right of way of Park Avenue West and Highway 38, as it is required that the City annex all adjoining right of way which will adjoin the City on both sides.

White Distribution and Supply, who currently operates a business on the parcel that adjoins the proposed annexation, is acquiring this 4.18 acres in order to construct a new building and expand their operations. Currently the City of Muscatine's corporate limit line runs 35 feet north of White Distribution and Supply's current property line, and the proposed acquisition will take them across this limit line. Because White Distribution and Supply will need City services such as sewer services and fire protection on their entire expanded site, they are requesting the annexation of these 4.18 acres of the City as the City does not provide these services to areas outside of the City.

The subject area is zoned R-1 (Single Family Residential) within unincorporated Muscatine County. White Distribution and Supply is requesting that the land encompassed in the WDS Subdivision and proposed annexation area be placed into the M-1 Zoning District. This would be an extension of the existing M-1 zoning district that directly adjoins the subject area to the south and east.

#### **RECOMMENDATION/RATIONALE:**

The Planning and Zoning Commission and staff recommends approval of the proposed voluntary annexation request. The proposed new building by WDS is consistent with the light

industrial/warehousing nature of this area, as is the extension of the existing M-1 zoning district which exists both directly to the south and east of the area being requested to be annexed.

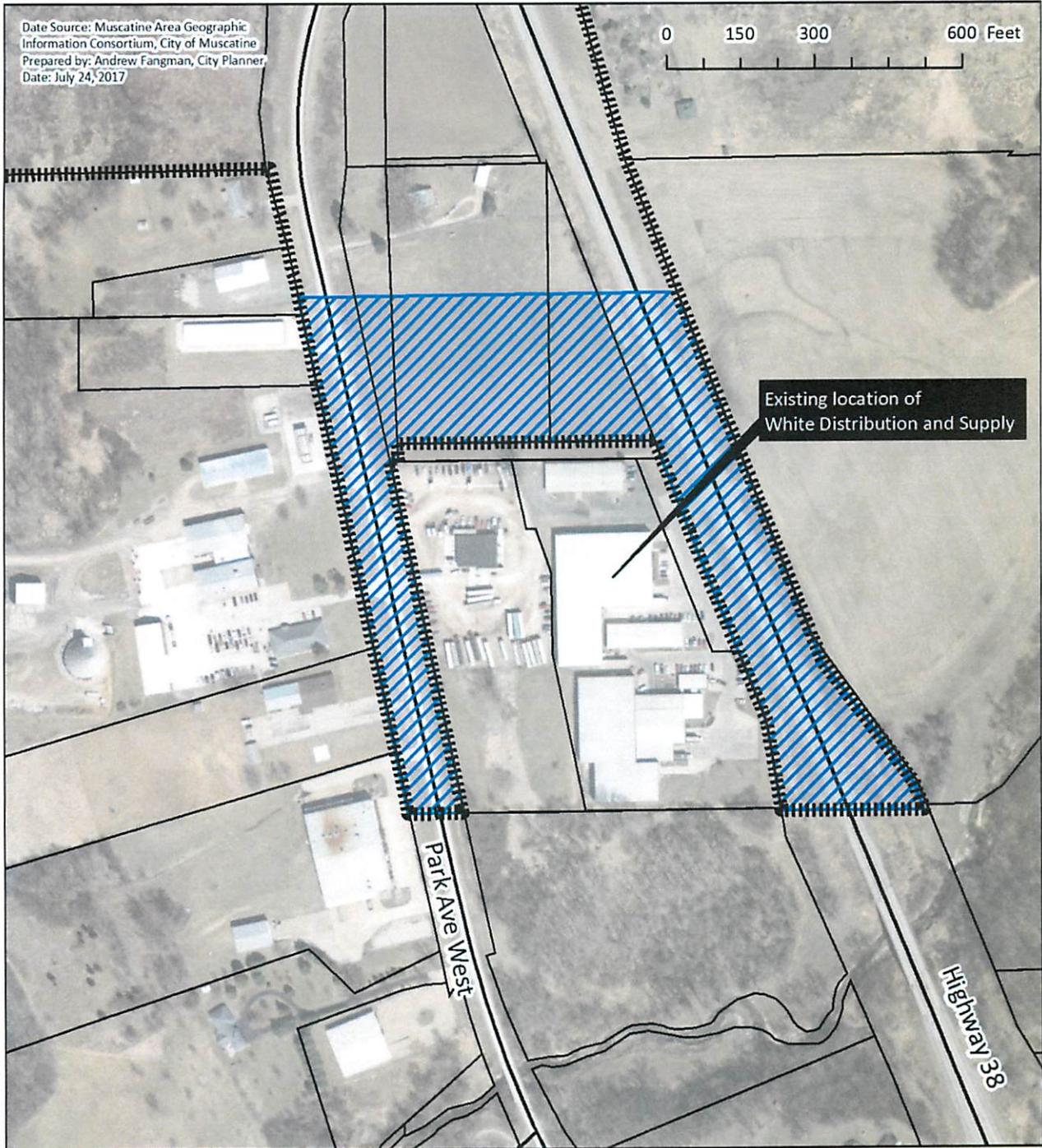
The growth of an existing business is clearly beneficial to the community, and as such the subdivision and voluntary annexation that are necessary to facilitate this business expansion are supportable.

**BACKUP INFORMATION:**

1. Resolution Approving Annexation

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine  
Prepared by: Andrew Fangman, City Planner  
Date: July 24, 2017

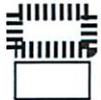
0 150 300 600 Feet



Existing location of  
White Distribution and Supply

Park Ave West

Highway 38



Current City Limits



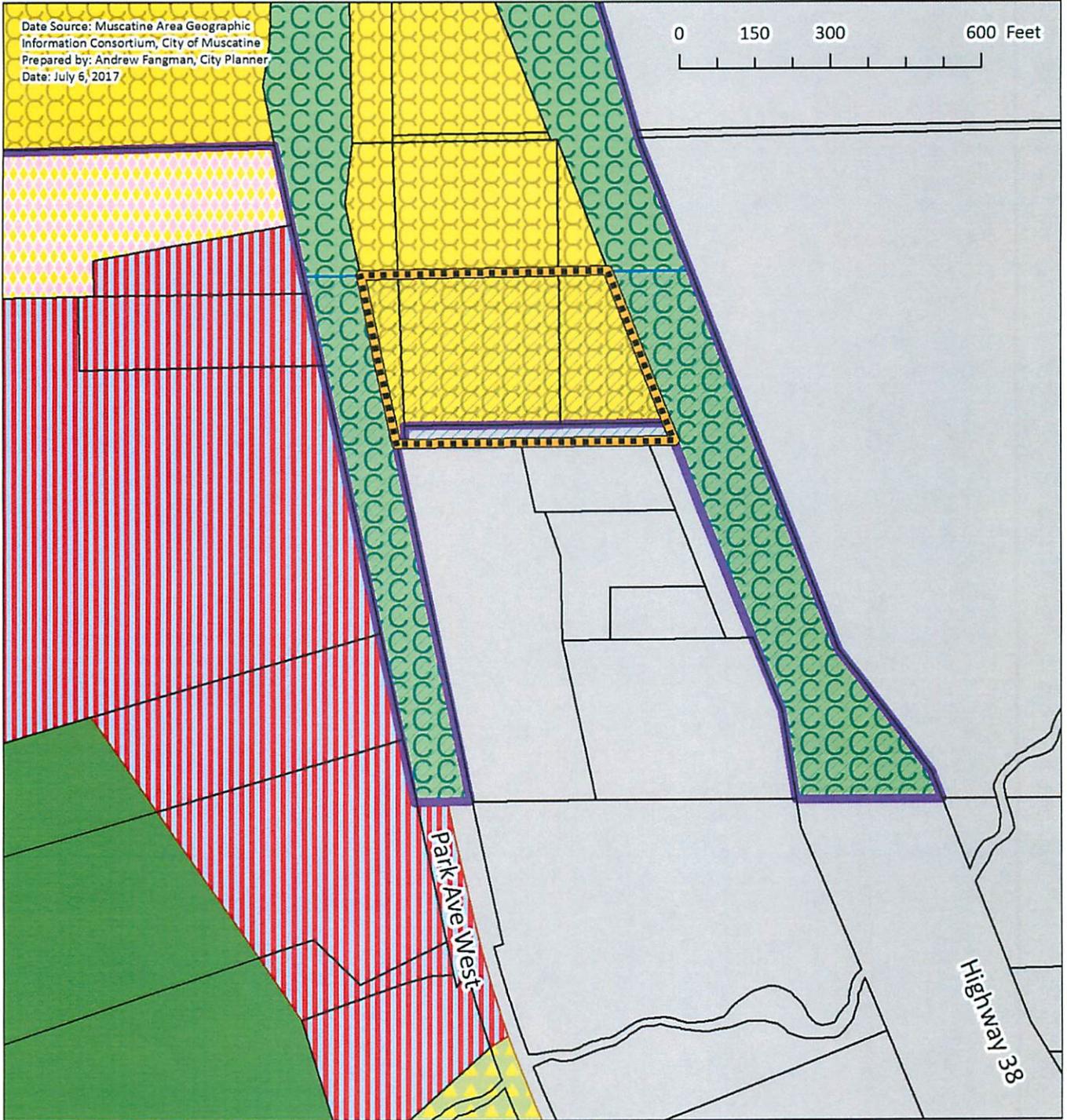
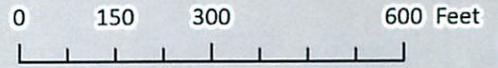
Proposed Annexation Area

Parcel Lines

## Proposed WDS Subdivision Voluntary Annexation



Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine  
 Prepared by: Andrew Fangman, City Planner  
 Date: July 6, 2017



- Proposed WDS Subdivision
  - Current City Limits
  - WDS Annexation Area
- County Zoning Districts**
- Muscatine County-A1
  - Muscatine County-R1

- City Zoning Districts**
- AG-Agricultural
  - C-1 Neighborhood & General Commercial
  - M-1 Light Industrial
  - R-1 Single-Family Residence
  - R-4 Two-Family Residence

**MUSCATINE**  
**WDS Subdivision - PZS-7**  
**& Voluntary Annexation**  
**Zoning Map**



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION VOLUNTARILY ANNEXING CERTAIN REAL  
ESTATE TO THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, the City of Muscatine, Iowa, is a duly organized municipal corporation; and

**WHEREAS**, there has been presented to the City Council an Application for Annexation, as required by Iowa Code 368.7 executed by the owners of the real estate to be annexed, said real estate lying adjacent to the existing corporate limits of the City of Muscatine, Iowa, and being described in **Exhibit A** attached hereto; and

**WHEREAS**, a map showing the relationship of the territory to be annexed to the existing boundaries of the City of Muscatine is attached hereto as **Exhibit B**; and

**WHEREAS**, the Planning and Zoning Commission, on July 11, 2017, voted to recommend approval of the proposed annexation; and:

**WHEREAS**, the City of Muscatine, Iowa, desires to annex said real estate:

**IT IS, THEREFORE RESOLVED BY THE CITY OF MUSCATINE, IOWA, as follows:**

1. The Application of Annexation of the real estate described in the attached **Exhibit C** is approved.
2. The annexed real estate shall be and become part of the City of Muscatine, Iowa, upon receipt of acknowledgement by the Secretary of State for the State of Iowa that it has received the attached map, resolution, and a certificate by the City Clerk that copies of the attached map and this resolution have been filed with the Muscatine County Recorder and the Secretary of State and that copies of this resolution and attached map and legal description have been filed with the Iowa Department of Transportation.
3. The annexed real estate shall be placed into the Light Industrial (M-1) Zoning District, consistent with the zoning of the adjoin parcel already located within the City of Muscatine directly to the east and south of the annexed real estate..

4. The City Clerk shall cause this Resolution and the Exhibits attached hereto to be filed with the Secretary of State, the Muscatine County Recorder, and the Iowa Department of Transportation as required as required by Iowa Code 368.7

**PASSED, APPROVED AND ADOPTED this 5th day of October, 2017.**

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

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**Diana L. Broderson, Mayor**

**Attest:**

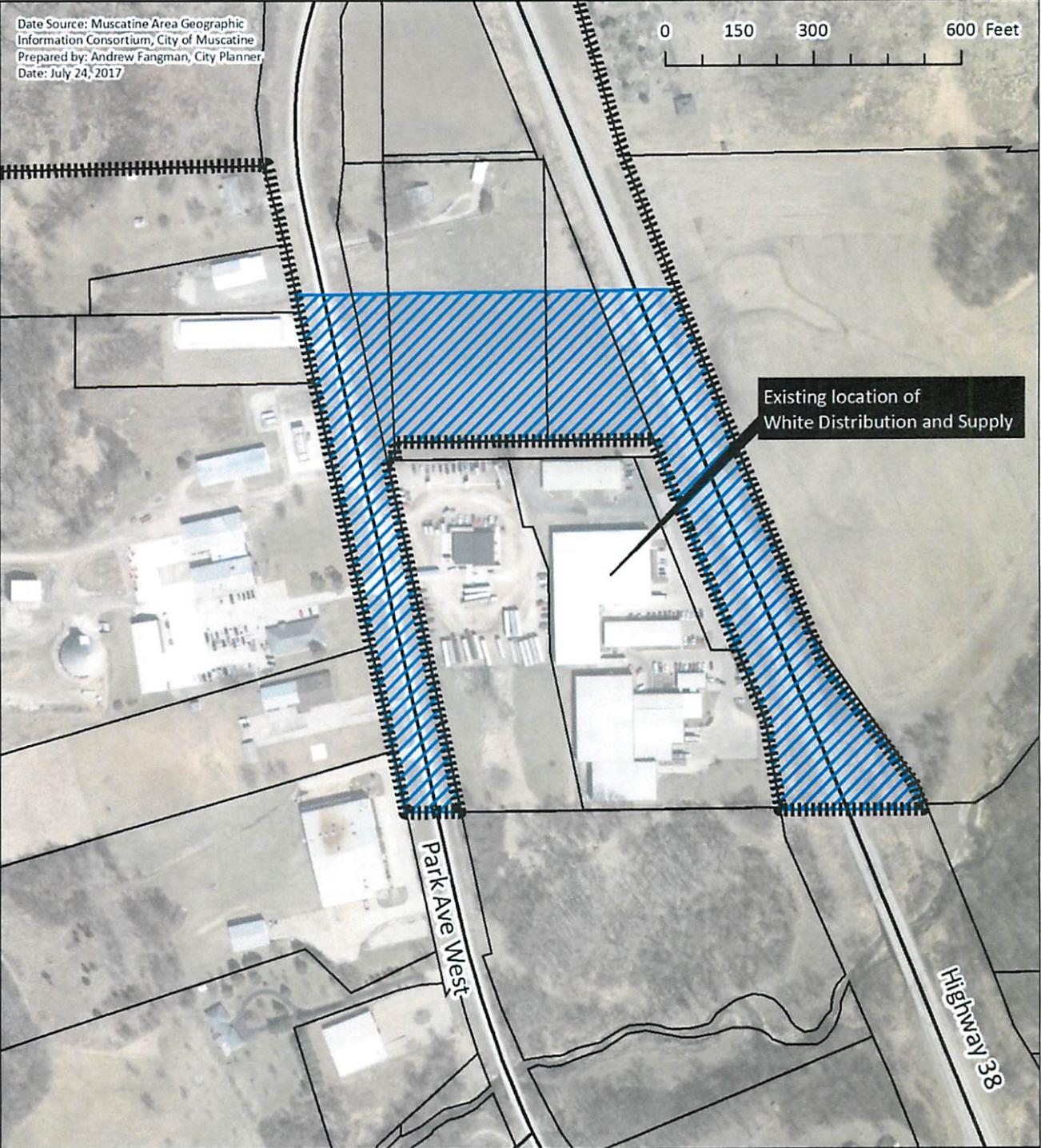
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**Gregg Mandsager, City Clerk**

## **Exhibit A** Voluntary Annexation– Legal Description of Annexation Area

Commencing at the northwest corner of Section 24, Township 77 North, Range 2 West of the 5th principal meridian; thence north  $89^{\circ}04'34''$  east 1126.56 feet along the north line of the northwest quarter of Section 24; thence south  $12^{\circ}26'05''$  east 267.87 feet; thence south  $88^{\circ}51'42''$  west 56.09" to an intersection with the westerly right of way line of Park Avenue West, the point of beginning; thence north  $88^{\circ}51'42''$  east 112.18 feet to the easterly right of way line of Park Avenue West; thence continuing north  $88^{\circ}51'42''$  east 499.04 feet to the westerly right of way line of State Highway 38; thence continuing north  $88^{\circ}51'42''$  east to the easterly right of way line of State Highway 38; thence southeasterly along the easterly right of way line of State Highway 38 to an intersection with the south line of the north half of the northwest quarter of Section 24; thence westerly along said south line to an intersection with the westerly line of the City of Muscatine Annexation approved by Resolution No. 72454 on file with in City Clerk Office of the City of Muscatine as Public Document No.72454; thence northwesterly along said annexation line to the north line of said annexation; thence continuing westerly along said annexation line to a point where said line turns southerly; thence continuing southerly along said annexation line to the north line of Lot 1 Ruan Add; thence continuing westerly along said annexation line to intersection of the easterly right of way line of Park Avenue West; thence southeasterly along said right of way line to an intersection with the south line of the north half of the northwest quarter of Section 24; thence westerly along said south line to an intersection with the westerly right of way line of Park Avenue West; thence northwesterly along said right of way line to the point of beginning.

# Exhibit B Voluntary Annexation– Map of Annexation Area



Current City Limits



Proposed Annexation Area

Parcel Lines

## Proposed WDS Subdivision Voluntary Annexation



# Exhibit C Voluntary Annexation- Annexation Application

## EICHELBERGER LAW OFFICE PC

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July 6, 2017

Mr. Andrew Fangman  
City of Muscatine  
215 Sycamore Street  
Muscatine, IA 52761

Re: White Distribution & Supply, LLC

Dear Andrew:

As you know, we represent White Distribution & Supply, LLC, which is planning to purchase approximately four acres of property located along Highway 38, north of Muscatine, from the Morehouse Revocable Trust. We have already submitted an application to the City to subdivide the property into a one lot subdivision. We will be submitting a similar application to Muscatine County for their consideration as well.

As part of the proposed purchase transaction, White Distribution requests that the City of Muscatine annex the property described on enclosed Exhibit A, and as depicted on the enclosed plat, into the City of Muscatine. When the annexation is completed, White Distribution requests that the property be rezoned to M-1 Light Industrial.

If you have any questions, please feel free to call.

Thank you for consideration of this matter.

Very truly yours,

EICHELBERGER LAW OFFICE PC

By  \_\_\_\_\_  
John R. Eichelberger

JRE/tec  
Enclosures  
cc: White Distribution & Supply, LLC (w/ encs.)  
15242

# Exhibit C Voluntary Annexation– Annexation Application

July 6, 2017

**COPY**

Mr. Andrew Fangman  
215 Sycamore Street  
Muscatine, IA 52761

Mr. Eric S. Fumas  
3810 Park Avenue West  
Muscatine, IA 52761

Morehouse-White Development Transaction

Dear Mr. Fangman and Mr. Fumas.

I am the Trustee of the A. L. Morehouse and D. A. Morehouse Revocable Trust dated September 1, 2004 (the "Trust"), which owns property along Highway 38, north of Muscatine. The Trust has negotiated to sell approximately four acres of its property to White Distribution & Supply, LLC ("White"). White intends to improve the property to construct a new warehouse.

As part of the proposed transaction, White will require that the property be appropriately subdivided, annexed into the City of Muscatine and rezoned. The sale transaction will not close until those matters have been completed.

The purpose of this letter is to confirm that the Trust consents to all actions required by Muscatine County and the City of Muscatine, which are reasonably necessary for White to achieve its goal of purchasing the property and constructing the warehouse. The Trust is prepared to execute such documents as our necessary to assist White in completing the transaction.

Sincerely,

A. L. Morehouse and D. A. Morehouse Revocable Trust

By Alpha L. Morehouse TTE  
Alpha L. Morehouse  
Trustee