

COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Mayor and City Council Members
Cc: Gregg Mandsager, City Administrator
From: Andrew Fangman, Assistant Community Development Director
Date: September 19, 2019
Re: Right of Way Vacation – (PZVROW-4) Hancock Street and Lake Park Boulevard Adjacent to 922 Hancock Street.

INTRODUCTION: Ken and Dana Larue, owners of Non-Emergency Medical Transport, filed a right of way vacation plat for 7,111 square feet of right of way on Hancock Street and Lake Park Boulevard, in three separate areas, all of which directly adjoin their current property located at 922 Hancock Street.

BACKGROUND: Ken and Dana Larue, owners of Non-Emergency Medical Transport, filed a right of way vacation plat for 7,111 square feet of right of way on Hancock Street and Lake Park Boulevard, in three separate areas, all of which directly adjoin their current property located at 922 Hancock Street. There are no current or planned public improvements or utilities located in the right of way being proposed for vacation.

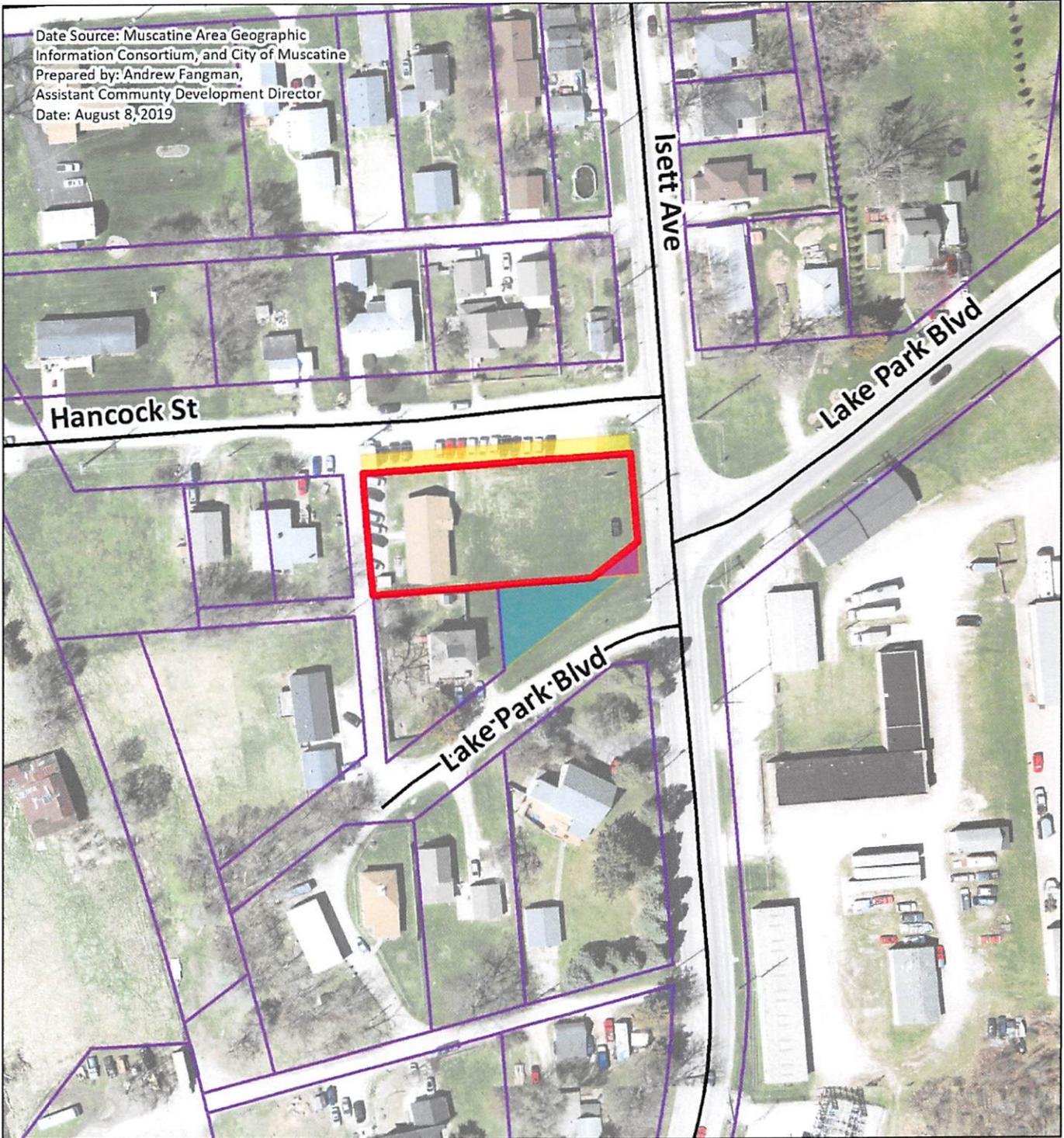
The intent be once this right of way is vacated, the Larue's desire to purchase it from the City of Muscatine. They are planning to construct a new building and other site improvements that accommodate the parking of their business vehicles, the acquisition of this right of way would allow them more flexibility in designing a site layout for this relocation of their parking area.

RECOMMENDATION/RATIONALE: The Planning and Zoning Commission has voted at their August meeting to recommend approval of this request. Staff concurs with this recommendation. the right of way being proposed for vacation serves no useful public purpose. The right of way being proposed for vacation serve no useful public purpose. Staff's recommendation for approval is based on a desire to see the issue caused by the on-street parking with the business located at 922 Hancock Street has caused issue for the neighbors, and that any building made possible by the right of way vacation should address these issues as much as possible while maintaining and protect the residential character of the area as possible. That any approval future approval of site plan making use of the proposed vacated right of way should be guided by these principles.

BACKUP INFORMATION:

1. Ordinance
2. Vacation Plat

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



Areas of Right of Way Proposed for Vacation

Right of Way Vaction (PZVROW-4)



- Area A - 3,241 Sq. Ft.
- Area B - 642 Sq. Ft.
- Area C - 3,228 Sq. Ft.
- Parcel Containing 922 Hancock
- Current Parcel Lines

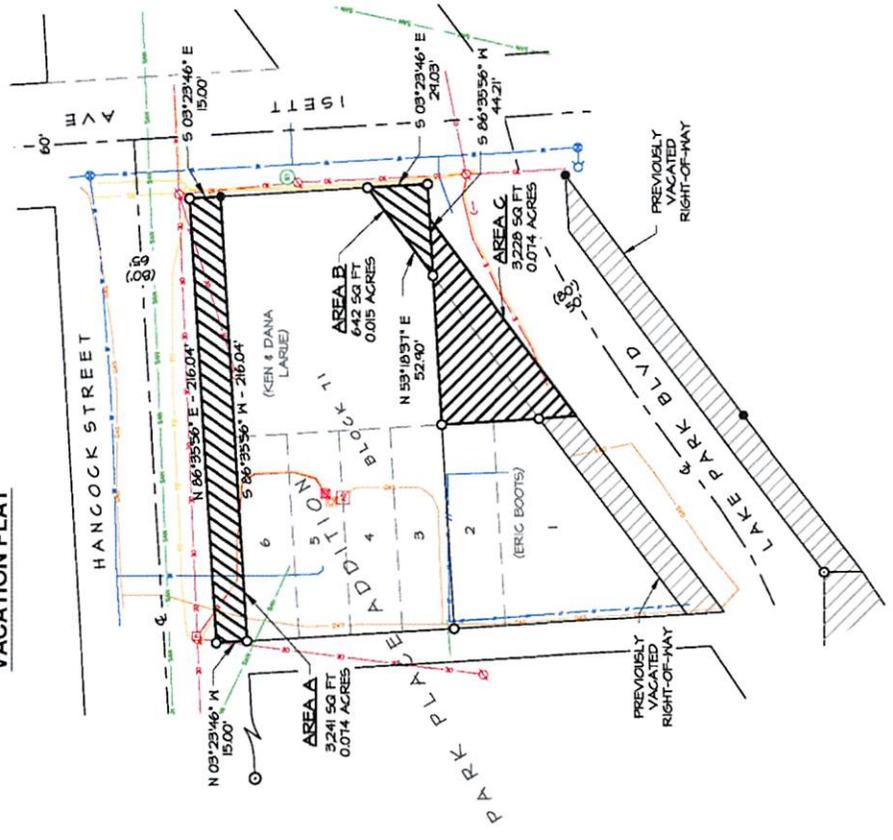
120 60 0 120 Feet



40 0 40
BASIS OF BEARINGS
IOWA REGIONAL COORDINATE SYSTEM
ZONE 14



**RIGHT-OF-WAY
VACATION PLAT**



LEGEND

- SET 1/2" X 36" REBAR W/ YELLOK CAP #10316
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR W/CAP
- POKER POLE
- LIGHT POLE
- ELECTRIC HANDHOLE
- ELECTRIC METER
- ELECTRIC AIR CONDITIONER
- GUY WIRE
- GAS METER
- COMMUNICATIONS RISER
- WATER VALVE
- WATER HYDRANT
- STORM MANHOLE
- OVERHEAD ELECTRIC
- UNDERGROUND FIBER OPTIC
- UNDERGROUND TELECOMMUNICATIONS
- UNDERGROUND GAS
- UNDERGROUND SANITARY SEWER
- WATER MAIN
- FENCE
- (NAME) PROPERTY OWNER
- ▨ TO BE VACATED
- ▨ PREVIOUSLY VACATED

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 duly licensed and qualified to practice land surveying 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 plat: 1

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

Utility	Title	Date
CENTURLINK, LC		
INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY		
MUSCATINE POWER & WATER		
Transmission & Distribution		
Water Production & Distribution		
Communications		

Martin & Whitacre
Surveyors & Engineers, Inc.
P.O. BOX 413 MUSCATINE, IOWA 52761
INFO@MARTIN-WHITACRE.COM (563)265-7891

SURVEYOR: GARY W. WHITACRE
PROPRIETORS: KEN & DANA LARJE

REQUESTOR: KEN & DANA LARJE
LOCATION: PART OF HANCOCK STREET RIGHT OF WAY & PART OF LAKE PARK BLVD RIGHT OF WAY IN THE CITY OF MUSCATINE, IOWA

SURVEY TYPE: VACATION PLAT

FILE NO.	BOOK	SCALE	DRN	CH'D	DATE	JOB NO.
REV. 0	1255	1"=40'	JMS	GH4	06/04/14	040414

SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, Inc.
P.O. BOX 413 MUSCATINE, IOWA 52761
INFO@MARTIN-WHITACRE.COM (563)265-7891

LAND DESCRIPTION -

ORDINANCE NO. _____

AN ORDINANCE VACATING RIGHT-OF-WAY (HANCOCK STREET AND LAKE PARK BOULEVARD ADJACENT TO 922 HANCOCK STREET) IN THE CITY OF MUSCATINE, IOWA

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended approval of the vacation of a portion of street and right-of-way by 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:

PARCEL "DD" –

THE SOUTH 15 FEET OF HANCOCK STREET IN PARK PLACE ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA LYING EAST OF THE ALLEY IN BLOCK 71 OF PARK PLACE ADDITION AND WEST OF ISETT AVENUE. CONTAINING 3,241 SQUARE FEET. (*Area A*)

PARCEL "EE" –

A PART OF LAKE PARK BOULEVARD IN PARK PLACE ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. COMMENCING AT THE NORTHEAST CORNER OF LOT 2 IN BLOCK 71 OF PARK PLACE ADDITION; THENCE NORTH 86°35'56" EAST 71.83 FEET TO THE POINT OF BEGINNING; THENCE NORTH 53°18'37" EAST 52.90 FEET TO THE WEST LINE OF ISETT AVENUE; THENCE SOUTH 03°23'46" EAST 29.03 FEET; THENCE SOUTH 86°35'56" WEST 44.21 FEET TO THE POINT OF BEGINNING. CONTAINING 642 SQUARE FEET AND SUBJECT TO EASEMENTS OF RECORD. (*Area B*)

PARCEL "FF" –

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF BLOCK 71 OF PARK PLACE ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA; THENCE NORTH 86°35'56" EAST 99.16 FEET; THENCE SOUTH 53°18'37" WEST 118.63 FEET TO THE EASTERLY LINE OF LOTS 1 AND 2 IN BLOCK 71 EXTENDED; THENCE NORTH 03°23'46" WEST 65.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3,228 SQUARE FEET AND SUBJECT TO EASEMENTS OF RECORD. (*Area C*)

Vacation and Easement Plat is hereto attached as Exhibit A

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 19th day of September, 2019.

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

Diana Broderson, Mayor

Attest:

Gregg Mandsager, City Clerk

1st Reading _____

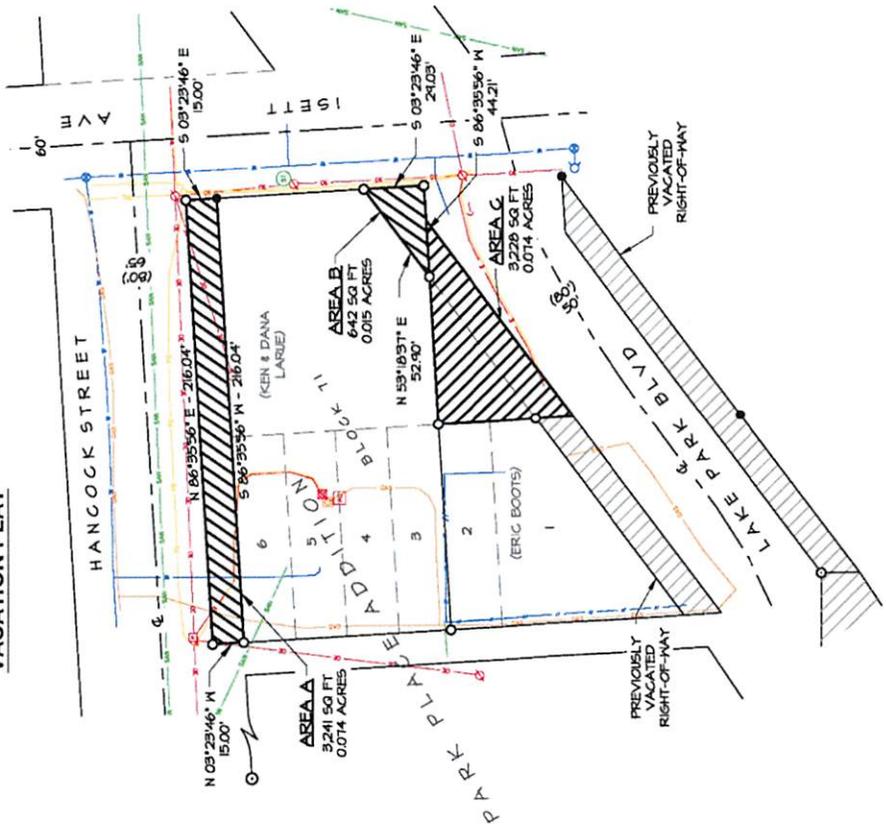
2nd Reading _____

3rd Reading _____

Exhibit A



RIGHT-OF-WAY VACATION PLAT



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INTERSTATE POWER AND LIGHT, AN ALLIANT ENERGY COMPANY	Title	Date
MUSKOGEE POWER & WATER	Title	Date
Transmission & Distribution	Title	Date
Water Production & Distribution	Title	Date
Communications	Title	Date

LEGEND

- SET 1/2" x 3/8" REBAR MYTELON CAP #10316
- FOUND 1/2" REBAR
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- UNDERGROUND SANITARY SEWER
- WATER MAIN
- FENCE
- (NAME) PROPERTY OWNER
- TO BE VACATED
- PREVIOUSLY VACATED

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 V. Williams
 Reg. No. 10216
 My license renewal date is December 31, 2019
 Pages or sheets covered by this seal: 1

SURVEY COMPANY / RETURN TO:

Martin & Whitacre
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 P.O. BOX 413 MUSCATINE, IOWA 52761
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FILE NO.	BOOK	SCALE	DRN	CHKD	DATE	JOB NO.
		1"=40'	J-5	GMH	04/14	840414
REV.	0					8404 VACATION.DWG
						SHEET 1 OF 1