



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

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

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 and on-site viewing of the request on August 8th 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**

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING TO CONSIDER THE VACATION OF AN
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 Planning & Zoning Commission has recommended the vacation of said public right-of-way (sidewalk) located as follows:

LAND DESCRIPTION -

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 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°19'50" WEST 9.71 FEET ALONG SAID RIGHT OF WAY TO THE SOUTH LINE OF HAHN'S ADDITION; THENCE NORTH 73°47'19" WEST 139.70 FEET ALONG THE SOUTH LINE OF HAHN'S ADDITION TO THE WEST LINE OF HAHN'S ADDITION; THENCE NORTH 16°12'31" 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.

WHEREAS, the City Council should now set a time and place for a public hearing upon said vacation of the above-mentioned public right-of-way,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, IOWA, that a public hearing be held on Thursday, September 20, 2012, 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 publication in the Muscatine Journal as required by the Code of Iowa.

PASSED, APPROVED AND ADOPTED this 6th day of September 2012.

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

DeWayne Hopkins, Mayor

Attest:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING ON THE VACATION OF AN PUBLIC RIGHT-OF-WAY REMNANT 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 vacation of certain right-of-way within the City. This public hearing will be conducted in the City Hall Council Chambers at 7:00 p.m. on Thursday, September 20, 2011.

The real estate being considered for vacation is located as follows:

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 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°19'50" WEST 9.71 FEET ALONG SAID RIGHT OF WAY TO THE SOUTH LINE OF HAHN'S ADDITION; THENCE NORTH 73°47'19" WEST 139.70 FEET ALONG THE SOUTH LINE OF HAHN'S ADDITION TO THE WEST LINE OF HAHN'S ADDITION; THENCE NORTH 16°12'31" 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.

All parties present will be given the opportunity to comment on this proposed vacation of easements and rights-of-way at the public hearing.

Gregg Mandsager, City Clerk