



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: Andrew Fangman, City Planner
Date: September 20, 2012
Re: Request to set a Public Hearing – Utility Vacation – Lots 22 & 22 Riverbend Second Addition, Clermont Drive

INTRODUCTION: A request to vacate certain utility easements has been submitted on behalf of Stacy Eberhard.

BACKGROUND: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Stacy Eberhard has submitted easement vacation plat that vacates a 10 foot wide utility easement, composed of two adjoining 5' utility easements located on Lot 21 and Lot 22 of the Riverbend Second Addition, on Clermont Drive. The intent is to combine these two parcels, which makes these utility easements unnecessary as the resulting parcel will have all the necessary utility easements located along the perimeter. The Planning Commission reviewed and approved the request to vacate certain utility easements, as requested, during their September 11, 2012 meeting.

RECOMMENDATION/RATIONALE: Prior to City Council action of the request, a public hearing is required. It is recommended that the attached resolution setting a public hearing on the proposed vacation of certain utility easements located at Lot 21 and Lot 22 of the Riverbend Second Addition, on Clermont Drive.

BACKUP INFORMATION:

1. Resolution
2. Public Hearing
3. Plat of Survey

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

RESOLUTION NO. _____

**A RESOLUTION
TO VACATE CERTAIN OF UTILITY EASEMENTS AT LOTS 21 & 22 OF
RIVERBEND SECOND ADDITION IN THE CITY OF MUSCATINE, IOWA**

WHEREAS, a resolution was adopted by the City Council of Muscatine, Iowa, on September 20, 2012 providing for the proposed vacation of all right, title and interest of the City of Muscatine, Iowa, in and to certain utility easement located at Lots 21 & 22 of Riverbend Second Addition in the City Of Muscatine, Iowa; and

WHEREAS, the resolution provided that notice of intention to vacate the access easement should be given by publication of a Public Notice in the Muscatine Journal prior to the meeting of the City Council to be held on October 4, 2012, and the notice was duly published in the newspaper as required by law; and

WHEREAS, the resolution provided for a public hearing on the proposed vacation, and such hearing has been held:

WHEREAS, the City Council found and determined that the proposed vacation of said utility easements would serve the public interest:

**BE IT RESOLVED BY THE CITY COUNCIL OF MUSCATINE, IOWA, AS
FOLLOWS:**

1. The City of Muscatine, Iowa, hereby vacates all rights, title, and interest in and to the following described utility easements:

The adjoining 5-wide utility easements along the lot line between Lots 21 & 22 of Riverbend Second Addition in the City Of Muscatine, Iowa.

2. Any resolution or part thereof in conflict or inconsistent with this resolution is repealed.

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

CITY COUNCIL OF THE CITY
OF MUSCATINE, IOWA

DeWayne M. Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Clerk