



City Hall, 215 Sycamore St.
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: Andrew Fangman, City Planner
Date: December 5, 2013
Re: Vacation and Sale of a Unimproved Portion of the Charles Street Right of Way

INTRODUCTION: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Jimmy Truitt has submitted a right-of-way vacation plat that vacates a 1,474 square feet unimproved portion of the Charles Street right-of-way located adjacent 2218 New Hampshire Street.

BACKGROUND: Gary Whitacre of Martin & Whitacre Surveyors & Engineers Inc., acting on behalf of Jimmy Truitt has submitted a right-of-way vacation plat that vacates a 1,474 square feet unimproved portion of the Charles Street right-of-way located adjacent 2218 New Hampshire Street. The intent is to accommodate an existing garage that was mistakenly constructed in small portion of the unimproved portion of the Charles Street right-of-way. The current garage was constructed as a replacement for a garage that was destroyed by a tornado in 2007. The permit for the initial garage was issued in error. The current garage was constructed on the slab of the previous garage, without initially obtaining a building permit. When a building permit was applied for, post construction, it was discovered that garage extends into the Charles Street right-of-way.

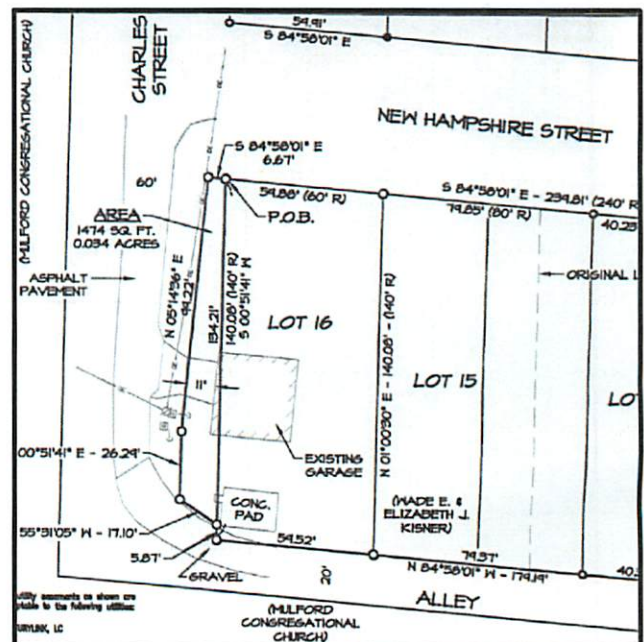
RECOMMENDATION/RATIONALE: The Planning and Zoning Commission reviewed and voted to recommend approval this request to vacate and this unimproved portion of Charles, at their November 12, 2013 meeting.

BACKUP INFORMATION:

1. Ordinance vacating a portion of Charles St
2. Resolution authorizing the sale city property
3. Resolution approving an executed deed
4. Deed
5. Certificate of true copy
6. Plat of Survey



Subject Property



Plat

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

ORDINANCE NO. _____

**AN ORDINANCE VACATING AN UNIMPROVED PORTION OF THE
CHARLES STREET RIGHT-OF-WAY IN THE CITY OF MUSCATINE, IOWA.**

WHEREAS, the Planning and Zoning Commission of the City of Muscatine has recommended approval of the vacation of unimproved portion of the Charles Street right-of-way 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 PART OF CHARLES STREET ADJACENT TO LOT 16 IN BLOCK 2 OF THE GARDEN ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY IOWA. BEGINNING AT THE NORTHWEST CORNER OF LOT 16; THENCE SOUTH 00°51'41" WEST 134.21 FEET ALONG THE WEST LINE OF LOT 16; THENCE NORTH 55°31'05" WEST 17.10 FEET; THENCE NORTH 00°51'41" EAST 26.29 FEET; THENCE NORTH 04°14'36" EAST 99.22 FEET; THENCE SOUTH 84°58'01" EAST 6.67 FEET TO THE POINT OF BEGINNING. CONTAINING 1,474 SQUARE FEET.

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 5th day of December, 2013.

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

DeWayne M. Hopkins, Mayor

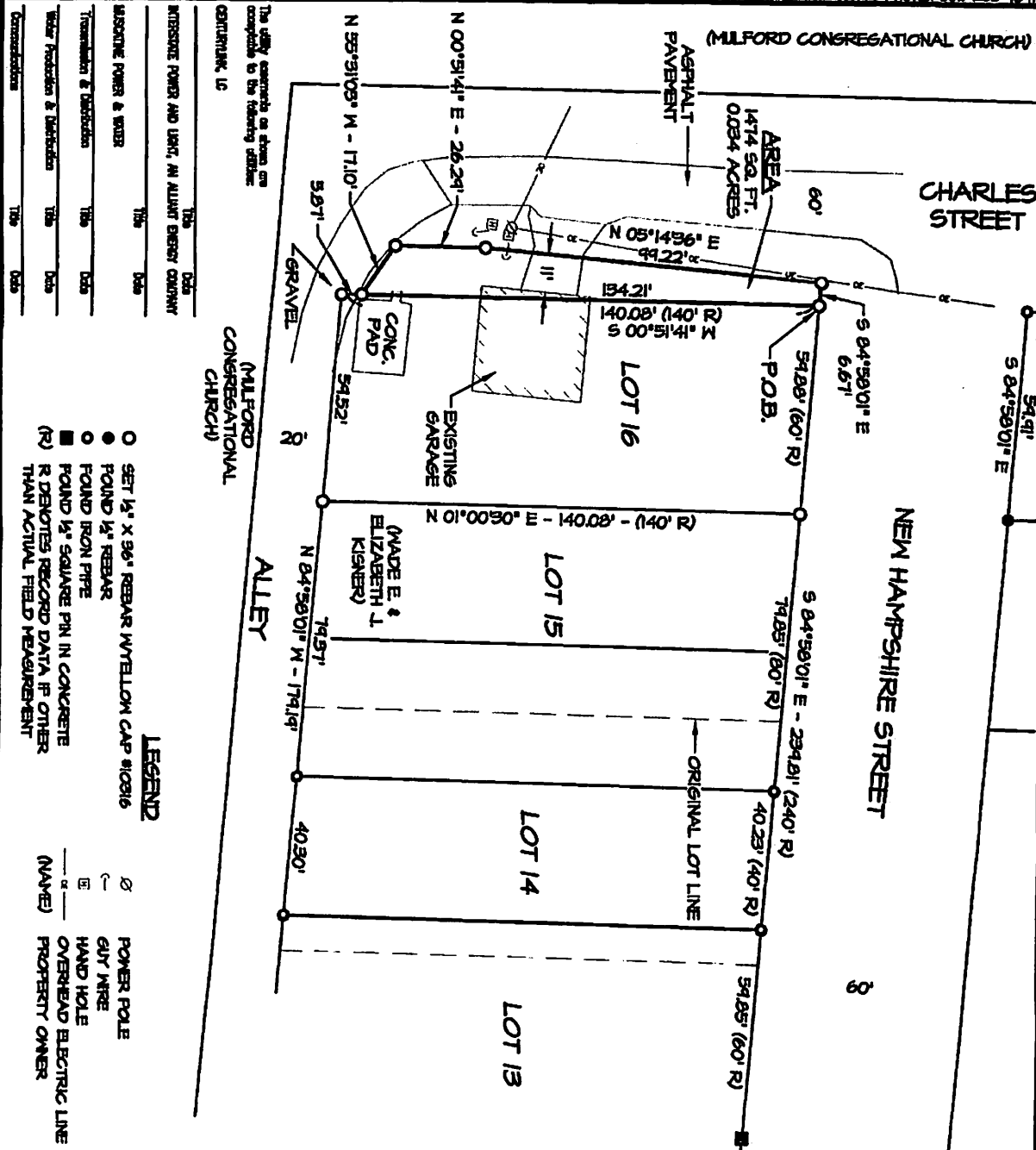
Attest:

Gregg Mandsager, City Clerk

1st Reading_____

2nd Reading_____

3rd Reading_____



INTERESTED POWER AND WATER	175	175
TRANSMISSION & DISTRIBUTION	175	175
WATER PRODUCTION & DISTRIBUTION	175	175
COMMUNICATIONS	175	175

- LEGEND**
- SET 1/2" X 3/8" REBAR WYELSON CAP #10316
 - FOUND 1/2" REBAR
 - FOUND IRON PIPE
 - FOUND 1/2" SQUARE PIN IN CONCRETE
 - (R) R. DEPOSITS RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT

- POWER POLE
- GUY WIRE
- HAND HOLE
- OVERHEAD ELECTRIC LINE
- PROPERTY OWNER

BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE

LAND DESCRIPTION -
A PART OF CHARLES STREET ADJACENT TO LOT 16 IN BLOCK 2 OF GARDEN ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHWEST CORNER OF LOT 16; THENCE SOUTH 07°01'41" WEST 134.21 FEET ALONG THE WEST LINE OF LOT 16; THENCE NORTH 65°31'05" WEST 17.10 FEET; THENCE NORTH 00°51'41" EAST 26.29 FEET; THENCE NORTH 05°14'36" EAST 44.22 FEET; THENCE SOUTH 84°50'01" EAST 54.91 FEET TO THE POINT OF BEGINNING. CONTAINING 1474 SQUARE FEET.

PROPRIETOR, CITY OF MUSCATINE, IOWA

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 land surveyor under the laws of the State of Iowa.

Gary M. Whitacre
Date: _____ Reg. No. 10816
My license renewal date is December 31, 2013

Pages or sheets covered by this sheet: 1

Martin & Whitacre
Surveyors & Engineers, Inc.
P.O. BOX 415 (563)263-7691 MUSCATINE, IOWA

JIMMY TRULLITT
PART OF CHARLES STREET IN GARDEN ADD. MUSCATINE, IA

VACATION PLAT OF
CITY 44 1-200
BOOK SCALE DRN CHKD DATE JOB NO.
CITY 44 1-200 DRN CHKD DATE JOB NO.
REV. 0 1514 SURVEY 127461 SHEET 1 OF 1