



COMMUNITY DEVELOPMENT

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

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

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.

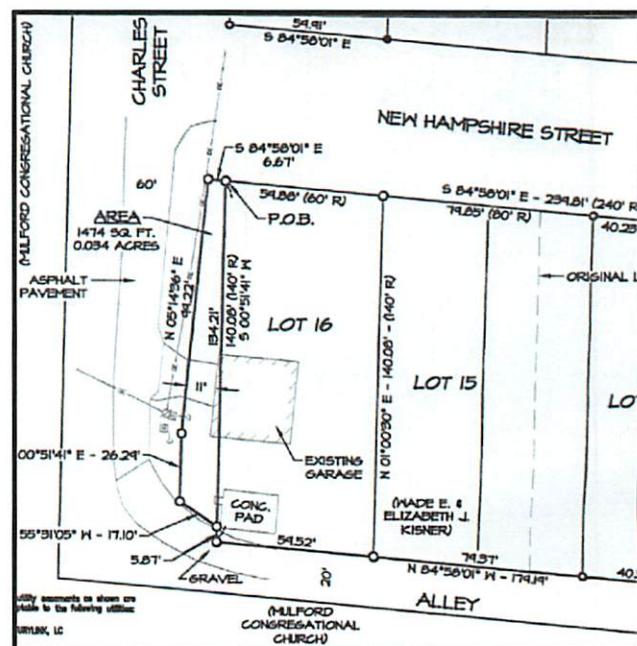
RECOMMENDATION/RATIONALE: The Planning and Zoning Commission reviewed and voted to recommend approval this request to vacate and this unimproved portion of Charles, at their November 12, 2013 meeting.

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 $00^{\circ}51'41''$ WEST 134.21 FEET ALONG THE WEST LINE OF LOT 16; THENCE NORTH $55^{\circ}31'05''$ WEST 17.10 FEET; THENCE NORTH $00^{\circ}51'41''$ EAST 26.29 FEET; THENCE NORTH $04^{\circ}14'36''$ EAST 99.22 FEET; THENCE SOUTH $84^{\circ}58'01''$ 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 _____

