

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyiowa.com
Office: (563) 326-8643 Fax: (563) 326-8257



Item #4
6/11/19

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: June 3, 2019

Re: Approval of the Vacation of an Official Plat of Lot 1 of Fuller's First Addition located in the SW¹/₄ Section 36 of Blue Grass Township.

Kelley Weisrock, property owner, has submitted an application for the vacation of the plat of Lot 1 of Fullers First Addition. Approval of this request will then revert the property back to the previous legal description which is Lot 4 and Lot 5 of Mahoney's 4th Addition. Each of those lots are .84 acres in size which conforms to the minimum lot size for Single Family Residential Zoning (R-1). The property is currently vacant but reverting to the previous lot configuration will allow a residence to be developed on each lot.

Iowa Code - Section 354.22, (Platting – Division and Subdivision of Land: Vacation of Official Plats), requires that the Scott County Board of Supervisors hold a Public Hearing to consider a Vacation of Official Plat. Staff has published the notice twice, as required by statute and also mailed notice of the public hearing to the adjacent property owners within 300 feet of the property. Staff has not received any comments or calls on this request.

Staff would recommend that following the public hearing the Board approve a resolution vacating said plat as requested by the property owner.

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NOTICE OF BOARD OF SUPERVISORS PUBLIC HEARING FOR A VACATION OF OFFICIAL PLAT

Public Notice is hereby given as required by Iowa Code - Section 354.22, (Platting – Division and Subdivision of Land: Vacation of Official Plats), that the Scott County Board of Supervisors will hold a Public Hearing to consider a Vacation of Official Plat on **Thursday, June 13, 2019 at 5 P.M.** The meeting will be held in the **1st Floor Board Room of the County Administrative Center**, located at 600 West Fourth Street, Davenport, Iowa 52801. You are receiving this notice because you are the deed holder of a property within 300 feet of the requested vacated property.

The Board of Supervisors will consider the request of **Kelley J. Weisrock** to formally declare the vacation of Lot 1 of Fuller's First Addition in Blue Grass Township (**Parcel #: 823649301**), which will return to its original two (2) lot configuration of Lots 4 and 5 of B.J. Mahoney's Fourth Subdivision in Blue Grass Township.

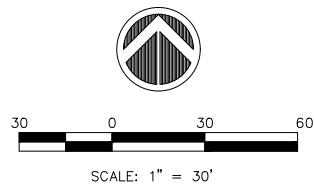
If you have questions or comments regarding the meeting, please call, write or email the Planning and Development Department, 600 West Fourth Street, Davenport, Iowa 52801, 563-326-8643, planning@scottcountyiowa.com or attend the hearing.

Timothy Huey
Director

CODE OF IOWA

354.22 Vacation of official plats.

1. The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition for vacation with the governing body which would have jurisdiction to approve the plat at the time the petition is filed. After the petition has been filed, the governing body shall fix the time and place for public hearing on the petition. Written notice of the proposed vacation shall be served in the manner of original notices as provided in Iowa rules of civil procedure and be served upon proprietors and mortgagees within the official plat that are within three hundred feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa department of natural resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen days between publications, stating the date, time, and place of the hearing.
2. The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:
 - a. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each proprietor along with an accurate description to be used to describe the land after the lots are vacated.
 - b. A resolution by the governing body approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside or dedicated for public use.
 - c. A certificate of the auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.
3. No part of this section authorizes the closing or obstructing of public highways.
4. The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction. Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgagees within the official plat.



PLAT OF SURVEY
FOR THE VACATION
OF
ALL OF LOT 1 OF FULLER'S FIRST ADDITION
(DOCUMENT NUMBER 3555-87), PART OF THE SOUTHWEST QUARTER OF SECTION 36,
TOWNSHIP 78 NORTH, RANGE 2 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA

REVIEW COPY
DO NOT RECORD

[illegible]

IMEG
 PH: 303.768.0873
 FAX: 303.768.5967
 www.imeg-inc.com

MISSISSIPPI, INC.
 Engineering Associates, Inc.

McClure
 Engineering Associates, Inc.

FULLER'S FIRST ADDITION SCOTT COUNTY, IOWA	PLAT OF VACATION - LOT 1
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IMEG Project No: 18003121.00
File Name: 18003121_00-BNDRY.dwg
© COPYRIGHT 2018 ALL RIGHTS RESERVED
Field Book No:####
Drawn By: JLR
Checked By: JWA
Date: 11/19/18
PLAT-1
Sheet 1 of 1

LEGEND

- | | |
|-----------|------------------------|
| ● | REBAR, FOUND |
| ▲ | REBAR WITH CAP, FOUND |
| ————— | SURVEY BOUNDARY |
| ————— | LOT LINES |
| - - - - - | BUILDING SETBACK LINES |
| — — — — — | R.O.W. LINE |

SCOTT COUNTY ZONING/BUILDING DEPARTMENT.
THIS PLAT OF SURVEY HAS BEEN REVIEWED AND
APPROVED BY THE ZONING/BUILDING DEPARTMENT
ON

THIS _____ DAY OF _____, 2018.

ZONING/ BUILDING REPRESENTATIVE

PLANNING AND ZONING COMMISSION

BY: _____

DATE: _____

NOTES:

1. LOT 1 OF FULLER'S FIRST ADDITION SHALL BE VACATED WITH THE ACCEPTANCE OF THIS PLAT BY SCOTT COUNTY OFFICIALS AND THE RECORDING OF SAME WITH THE RECORDER'S OFFICE
2. EACH LOT IS RESPONSIBLE FOR INDEPENDENT SANITARY SEWAGE COLLECTION AND TREATMENT SYSTEMS, ALL AS DIRECTED BY COUNTY HEALTH DEPARTMENT REGULATIONS.
3. THE LEGAL DESCRIPTION FOR THESE LOTS ARE AS FOLLOWS:

LOT 4 OF B.J. MAHONEY'S FOURTH ADDITION;
EXCEPT FOR RIGHT OF WAY OF 110TH AVENUE
AS PREVIOUSLY ACQUIRED BY SCOTT COUNTY

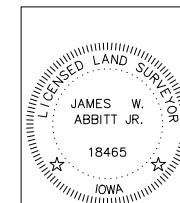
LOT 5 OF B.J. MAHONEY'S FOURTH ADDITION;
EXCEPT FOR RIGHT OF WAY OF 110TH AVENUE
AS PREVIOUSLY ACQUIRED BY SCOTT COUNTY

LAND SURVEYOR

IMEG CORP.
CONTACT: JAMES W. ABBITT JR.
4500 BLACKHAWK COMMONS DRIVE
ROCK ISLAND, ILLINOIS 61201
563-514-4626

ATTORNEY

VOLLERSTEN BRITT & GORSLINE
JAIME NOEL
5119 UTICA RIDGE ROAD
DAVENPORT, IA 52807
563-324-0441



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.

Signature: _____
James W. Abbitt Jr.

Date _____ Reg. No. 18465

My license renewal date is December 31, 2018.

Pages or sheets covered by this seal:

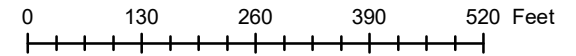
_____ THIS SHEET ONLY.





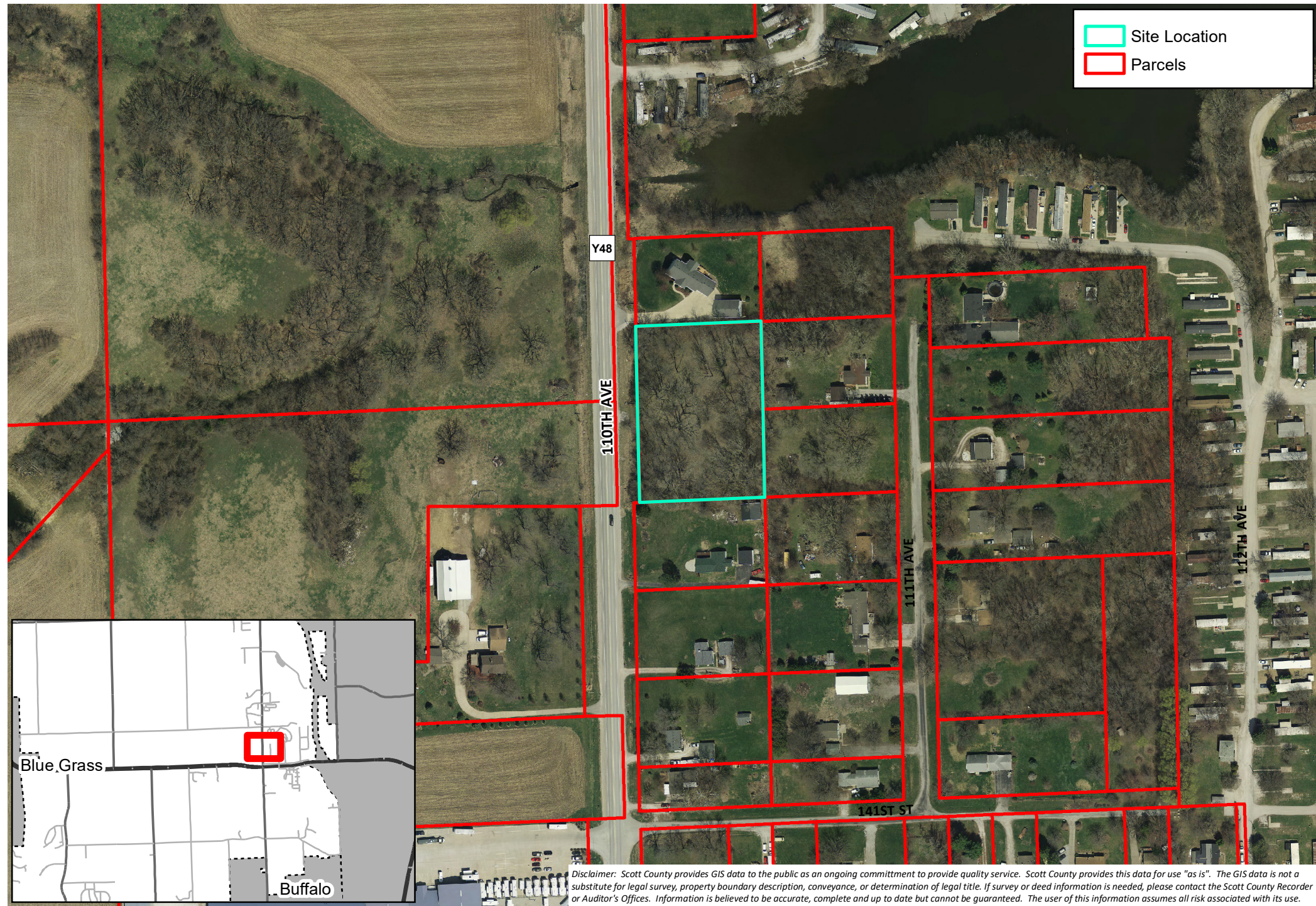
Location - Weisrock Vacation of Plat

Scott County, Iowa

1 inch = 219 feet



-  Site Location
-  Parcels



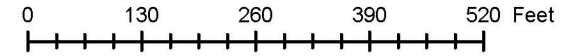
Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.



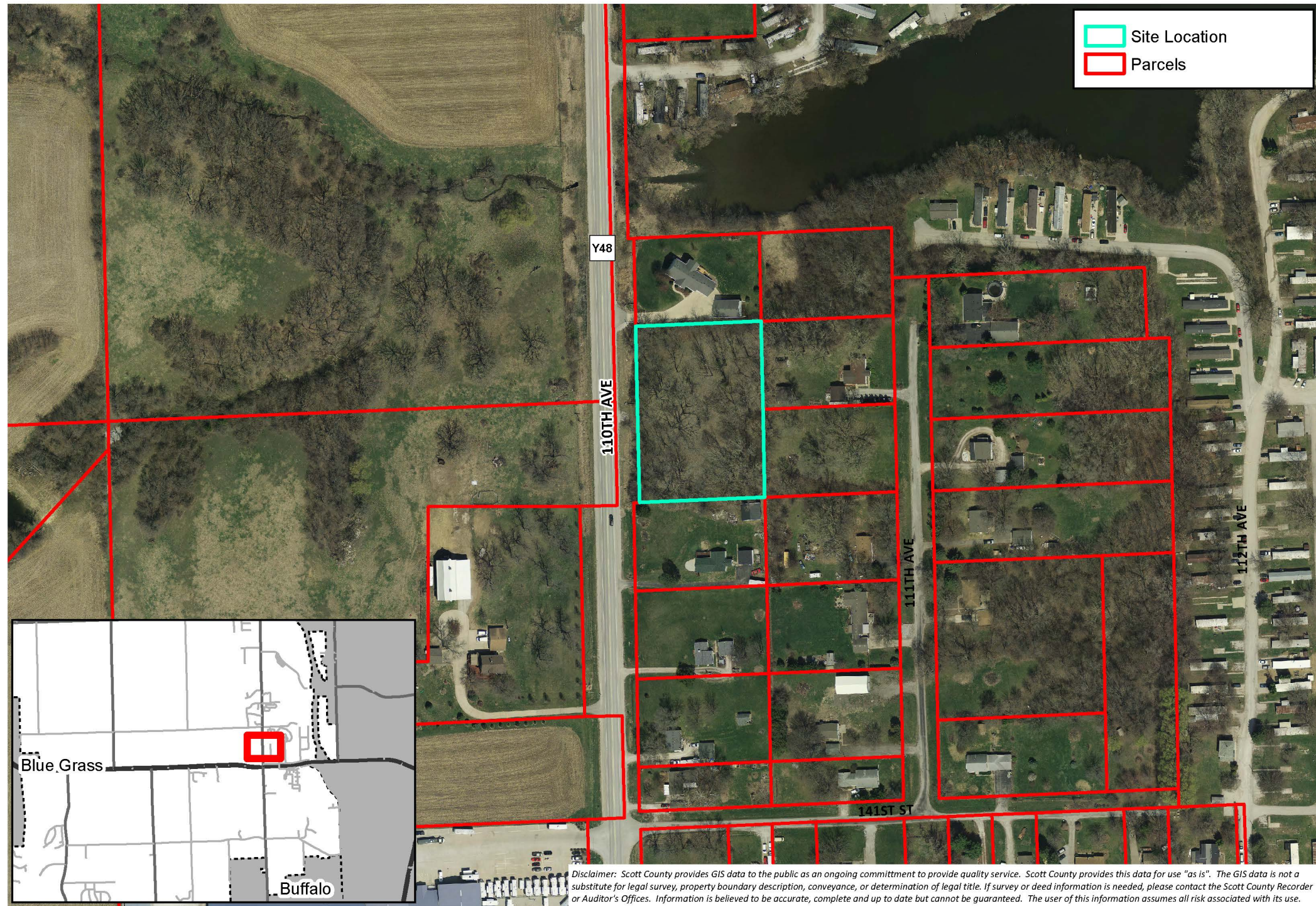
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THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____.
DATE

SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
June 13, 2019

APPROVAL OF THE VACATION OF THE PLAT OF FULLER'S FIRST ADDITION

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

- Section 1. The property owner of Fuller's First Addition located in the SW¼ Section 36 of Blue Grass Township filed a petition to vacate the official plat of the property.
- Section 2. Iowa Code Chapter 354.22, Platting – Division and Subdivision of Land: Vacation of Official Plats, requires that the Scott County Board of Supervisors hold a Public Hearing to consider a Vacation of Official Plat.
- Section 3. Notice of this Public Hearing was published twice, as required by statute and also the notice of the public hearing was mailed to the adjacent property owners within 300 feet of the property.
- Section 4. The Board of Supervisors held a public hearing on this date to hear comments on the proposed vacation of said plat.
- Section 5. The Board of Supervisors hereby approves the vacation of the plat of Fuller's First Addition in accordance with the provisions of Iowa Code Chapter 354.22.
- Section 6. This resolution shall take effect immediately.