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CITY ADMINISTRATOR'S OFFICE MEMO
cityadmin@hiawatha-iowa.com
319-393-1515 ext.523

To: Mayor and City Council

From: City Administrator, Kim Downs

Date: December 14, 2017

RE: Linn County-Lots 16, 17, 18 (Boyson Road Detention Pond) and 23 (Kainz Park)

Council's intentions are to dispose of certain properties to acquire other appropriate land for the use of a dog park and to be used in conjunction of the Cedar Valley Nature Trail for shared use of the parking and restroom facilities.

The Planning and Zoning Commission reviewed city council's request to vacate/dispose of the Boyson Road Detention Pond-Lots 16, 17, and 18 and Kainz Park- Lot 23 based the appropriateness of commercial use and the lack of utilization. The Planning and Zoning Commission unanimously voted recommending vacation and disposal of Auditor's Plat #372 Lot 16, 17, 18 and 23.

These properties are somewhat unique in that within the warranty deeds of all lots there are two restrictions placed on the parcels. The first restriction says the parcels need to stay in the City of Hiawatha's name and to be used for public purpose. The second says if at any time the city no longer wants to use either parcels for public purpose the land would automatically be transferred back to Linn County.

In our efforts to form a public, public, partnership to establish a dog park, Linn County has requested we quit claim deed the four (4)-lots back to them. I will ask council Wednesday night to consider a resolution conveying each of the parcels- Lots 16, 17, 18 and 23 back to Linn County.

Linn County will then hold the necessary public hearings and consider exchanging the deeded four (4)-lots in exchange for Dave Wright's parcel east of the Cedar Valley Nature Trail adjacent to the County's parcel to the south.

With this exchange the County will maintain certain restrictions on Lots 16, 17 18 and 23. Lots 16, 17, 18- the detention pond will need to be maintained and allow for overflow parking for the public as would Lot 23. Each site will need to meet all site plan requirements maintaining current separation to residential properties or allow for appropriate screening or berm.

In January Linn County will then convey Dave Wright's parcel east of the Cedar Valley Trail to the City of Hiawatha for a $1.00. The land will hold similar restrictions as Lots 16, 17, 18 and 23

currently have for public purpose and/or use. The City would then combine these two parcels to be used for a small and large dog park.

Upon the action of the Linn County Supervisors we will come to City Council for the following approval:

- Accept a quit claim deed from Linn County for Dave Wright's parcel east of the Cedar Valley Nature Trail for $1.00
- Enter into a lease agreement with the County for the triangular land piece owned by the county south of Dave Wright's parcel for the use of a dog park
- An agreement between the City and County for the use of the Cedar Valley Nature trail parking lot, restrooms and access to get to the propose dog park.
- City would also enter into an agreement with Dave Wright for the build out of the dog park.

I am available at any time if you have questions regarding the process to transfer the titles of Lots 16, 17, 18 and 23 or any other aspect of the transactions.

Kim

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION AUTHORIZING TRANSFER OF TITLE OF CITY OWNED PROPERTIES KNOWN AS LOTS 16, 17, 18 AND 23 OF AUDITOR'S PLAT 372, BACK TO LINN COUNTY BY QUIT CLAIM DEED IN CONNECTION WITH FUTURE CITY DOG PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, authorizing transfer title of City owned properties locally known and legally described as 665 Boyson Road, Lot 16 of Auditor's Plat No. 372, 675 Boyson Road, Lot 17 of Auditor's Plat No. 372, 695 Boyson Road, Lot 18 of Auditor's Plat No. 372, and 710 Kainz Drive, Lot 23 of Auditor's Plat No. 372, back to Linn County by Quit Claim Deed, and for consideration of $1.00 and other valuable considerations duly paid and acknowledged for said properties in connection with public use and overflow parking for the Cedar Valley Nature Trail and future City dog park.

BE IT FURTHER RESOLVED, directing the City Attorney to prepare the Quit Claim Deed and any other necessary documents to complete the transfer of title of properties as described in this Resolution.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 20th day of December, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk