F6a

City of Hiawatha

Engineering Department

101 Emmons St., Hiawatha Iowa, 52233-1697
PHONE (319) 393-1515 ext. 511 FAX (319) 393-1516

To: **Mayor and City Council** **Date:** **January 11, 2019**

From: John C Bender PE, City Engineer

Re: **Approval and Acceptance of Permanent Roadway Easements (Attached)**

Description: **Edgewood Road Sewer Extension and Mitchell Drive Forcemain Replacement Taylor and Fink Property**

Report:

The Edgewood Road sewer extension approximately 2000 feet south of Hunt Road was included in a development agreement during the annexation of the Rodney and Vicki Saari property in 2009. We now have a project designed and under construction by Maxwell Construction from Iowa City.

During the design process, it was determined that the property owners had title to the center of Edgewood Road. This is very common until such time as the property is developed and the road right-of-way is dedicated. For that reason, we negotiated permanent easements on the east side of Edgewood Road on the Taylor Property and the Fink property to install and maintain the Edgewood Road sanitary sewer. These easements need to be recorded for the permanent record.

Engineering recommends approval of the attached permanent easements for the Taylor and Fink property, and then recording these documents with Linn County. Any questions please let me know.

Prepared/Return to City of Hiawatha, Kari Graber, 101 Emmons Street Hiawatha, Iowa 52233, Phone: 319-393-1515

RESOLUTION NO. 19-
City Council

RESOLUTION ACCEPTING PERMANENT ROADWAY AND UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY LOCATED AT ALONG EDGEWOOD ROAD; AS AG LAND OWNED BY TRUSTEE SHARON R. TAYLOR IN CONNECTION WITH THE 2018 HIAWATHA SEWER EXTENSION AND FORCEMAIN REPLACEMENT PROJECT

WHEREAS, the City of Hiawatha and Sharon R. Taylor and Richard L. Taylor / Contract Buyer and Grantor of the real property located at along Edgewood Road; as Ag Land owned by Trustee Sharon R. Taylor and legally described as follows: **See Attached Exhibit "A".**

WHEREAS, the two parties have entered into an Agreement for a Permanent Roadway and Utility Easement and Temporary Construction Easement where the Grantor agrees to give the City of Hiawatha a Utility Easement for the purpose of installing sanitary sewer infrastructure facilities related to the 2018 Hiawatha Sewer Extension and Forcemain Replacement Project, upon portions of the real property of the Grantor, and

WHEREAS, the temporary construction easement whose term shall expire upon completion and acceptance of the construction project known as Hiawatha Sewer Extension is located in the City of Hiawatha, Linn County, Iowa, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to accept the permanent Utility Easement and Temporary Construction Easement subject to the conditions as described in the Agreement between the City of Hiawatha and Sharon R. Taylor and Richard L. Taylor / Contract Buyer and Grantor for the purpose including the right to enter upon real estate herein-after described at any time that the City may see fit to construct, reconstruct, maintain, and repair certain roadway and utility facilities, to excavate and refill ditches or trenches, and the right to remove trees, bushes, undergrowth, and other obstructions of any kind or nature interfering with the location, construction, and maintenance of said improvements, and authorize the City Clerk to

record the Utility Easement Agreement in the Office of the Linn County Recorder and thereafter file with the City Engineer.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 16th day of January, 2019.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, Deputy City Clerk

I, Kari Graber, Deputy City Clerk of the City of Hiawatha, Iowa, do hereby certify that the within and foregoing offer was duly approved and accepted by the City Council of the City of Hiawatha, by Resolution No. 19- and said resolution passed and approved on the 16th day of January, 2019.

_____
Kari Gaber, Deputy City Clerk

Prepared by: Kari Graber; Deputy Clerk

Return to: City of Hiawatha

PERMANENT ROADWAY AND UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

For the consideration of $1.00 and other valuable consideration in hand paid, the Sharon R. Taylor and Richard L. Taylor do hereby convey, transfer, and deliver unto the City of Hiawatha, Linn County, Iowa, permanent and temporary easements and rights of way, including the right to enter upon real estate herein-after described at any time that the City may see fit to construct, reconstruct, maintain, and repair certain roadway and utility facilities, to excavate and refill ditches or trenches, and the right to remove trees, bushes, undergrowth, and other obstructions of any kind or nature interfering with the location, construction, and maintenance of said improvements. All disturbed areas to be graded and seeded, and existing concrete driveways to be repaired with 6" PCC concrete pavement.

The grantors and their successors agree not to erect any structures within the permanent easement which would in any manner interfere with the fair exercise of the easement and this easement shall be a covenant running with the land.

That the permanent easement and right of way is located in the City of Hiawatha, State of Iowa, and described as follows:

The most westerly 50.00 feet of even width of the Northwest Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 7 West of the Fourth Principal Meridian, City of Hiawatha, Linn County, Iowa.

The temporary construction easement whose term shall expire upon completion and acceptance of the construction project known as Hiawatha Sewer Extension is located in the City of Hiawatha, State of Iowa and is described as follows:

The most easterly 20.00 feet of even width of the most westerly 70.00 feet of even width of the Northwest Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 7 West of the Fourth Principal Meridian, City of Hiawatha, Linn County, Iowa.

That the grantor warrants that he/she is the sole lawful owner and possessor of the real estate above described, and that he/she has a good and lawful right to convey it free and clear of any claims, charges, liens, or encumbrances and that he/she will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

As a part of the consideration for this grant, the grantor does hereby release any and all claims for damage from whatsoever cause incidental to the lawful exercise of the right herein granted.

Dated this 25 day of September, 2018

Kim Downs

City of Hiawatha

Kari Graber

City Clerk – Grantee

Sharon R. Taylor, Managing Partner

Trustee – Grantor

Heather Morris

Notary

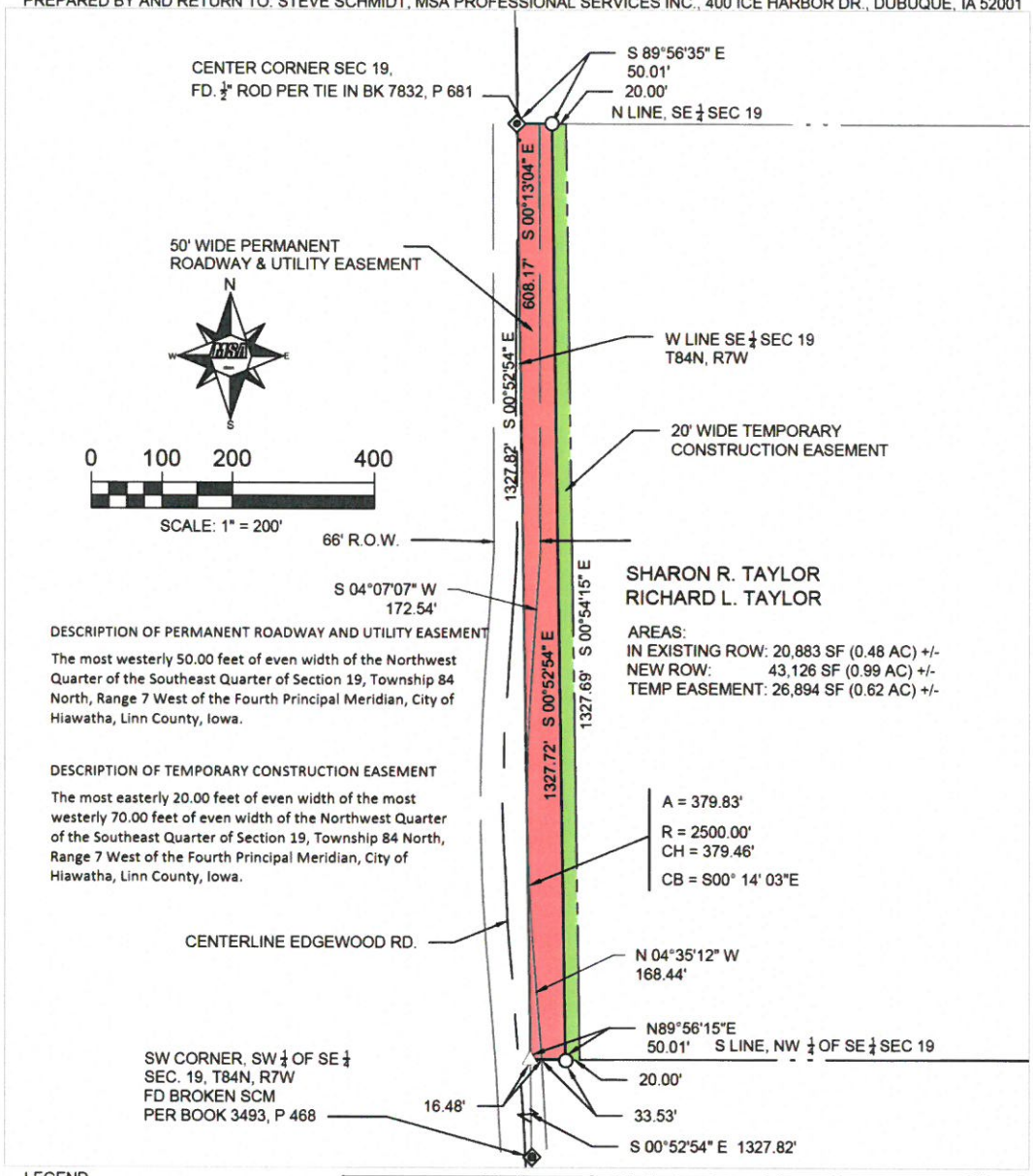
NOTARIAL SEAL IOWA

HEATHER JOY MORRIS
Commission Number 708113
My Commission Expires
2-1-19

Index Legend	
County:	LINN
Section:	19, T84N, R7W
¼ Section:	NW OF SE
City:	HIAWATHA
Subdivision:	N/A
Block:	N/A
Lot(s):	N/A
Proprietor:	SHARON R. TAYLOR, RICHARD L. TAYLOR
Requested By:	THE CITY OF HIAWATHA

FOR RECORDER USE

PREPARED BY AND RETURN TO: STEVE SCHMIDT, MSA PROFESSIONAL SERVICES INC., 400 ICE HARBOR DR., DUBUQUE, IA 52001



DESCRIPTION OF PERMANENT ROADWAY AND UTILITY EASEMENT

The most westerly 50.00 feet of even width of the Northwest Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 7 West of the Fourth Principal Meridian, City of Hiawatha, Linn County, Iowa.

DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT

The most easterly 20.00 feet of even width of the most westerly 70.00 feet of even width of the Northwest Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 7 West of the Fourth Principal Meridian, City of Hiawatha, Linn County, Iowa.

AREAS:
IN EXISTING ROW: 20,883 SF (0.48 AC) +/-
NEW ROW: 43,126 SF (0.99 AC) +/-
TEMP EASEMENT: 26,894 SF (0.62 AC) +/-

LEGEND

○ SET ¾" IRON ROD W/YELLOW CAP #14414

△ SET "MAG" NAIL

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) (date)

PRINTED OR TYPED NAME:

LICENSE NUMBER 14414

MY LICENSE RENEWAL DATE IS DECEMBER 31,

PAGES OR SHEETS COVERED BY THIS SEAL:

1 OF 1	07808011	EASEMENT EXHIBIT	PROJECT NO.: 07808011	F.B.: HIAWATHA	MSA ARCHITECTURE | ENGINEERING | ENVIRONMENTAL FUNDING | PLANNING | SURVEYING 6045 Rockwell Drive NE Cedar Rapids, IA 52402 (319) 364-4773 www.msa-ps.com © MSA Professional Services, Inc.
		CITY OF HIAWATHA LINN COUNTY, IOWA	PROJECT DATE: 4-5-2018	PLOT DATE: 4/6/18	
			DRAWN BY: SJS	CHECKED BY: JE	

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