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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:** **June 30, 2016**

From: John C Bender PE, City Engineer

Re: **Brainiac Development at 1195 Boyson Road**

Description: **Disposal and conveying approximately 0.42 acres identified in Plat of Survey 2075 as a portion of Langston Drive Right-of-way**

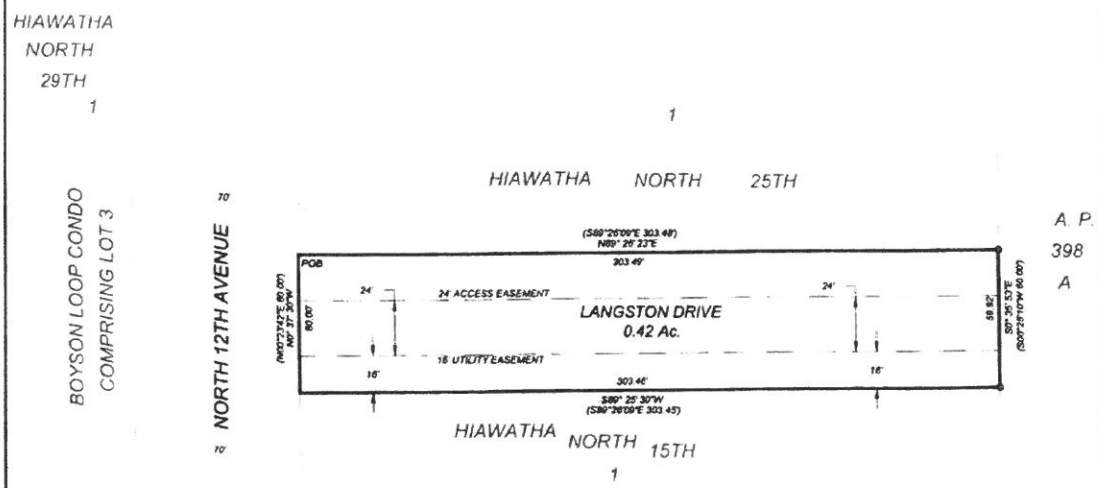
Report: We received one proposal for the Plat of Survey as follows:

Brainiac Development: ___$10,000_____

PLAT OF SURVEY No. 2075
PARCEL A

LEGAL DESCRIPTION - PARCEL A

A part of Hiawatha North Fifteenth Addition to the City of Hiawatha, Linn County, Iowa described as follows:
Beginning at the SW corner of Lot 1, Hiawatha North Twenty-Fifth Addition to said City;
thence N89°26'23"W along the south line of said Lot 1, 303.49 feet to the SE corner of said Lot 1;
thence S00°35'53"E along the east line of said Hiawatha North Fifteenth Addition, 59.92 feet to the NE corner of Lot 1, said Hiawatha North Fifteen Addition;
thence S89°25'30"W along the north line of said Lot 1, Hiawatha North Fifteenth Addition, 303.46 feet to the NW corner of said Lot 1, said Hiawatha North Fifteenth Addition;
thence N00°37'30"W along the west line of said Lot 1, Hiawatha North Fifteenth Addition, 60.00 feet to the Point of Beginning, containing 0.42 acres.



PENDELTON SQUARE CONDO

SURVEYOR: BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IOWA 52402
319-294-9424

PROPRIETOR: CITY OF HIAWATHA, IOWA

- ▲ FOUND SECTION CORNER
- ◆ FOUND 5/8" REBAR OR AS LABELED
- △ SET SECTION CORNER
- ○ SET 1/2" REBAR W/YPC #9647
- POB POINT OF BEGINNING
- () RECORDED AS
- SCM 4"x 4" CONCRETE POST w/DISK
- YPC YELLOW PLASTIC CAP

N

0 25 50 100

NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.

DATE OF SURVEY: 5/8/15

Project No.	Title:			Drawn	Book
455015-10	PLAT OF SURVEY No. 2075	BRAIN ENGINEERING, INC.		SMB 5/31/16	327
	PARCEL A			Checked	Scale: 1"= 50'

June 28, 2016

Brainiac Inc. respectfully offers $10,000 for the vacated property known as Langston Drive in Hiawatha, Ia.

Sincerely,

Chad Abernathey, President
Brainiac Inc.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 137 VACATION AND DISPOSAL OF STREETS §137.05 DISPOSAL OF VACATED STREETS OR ALLEYS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 137, Section 137.05 Disposal of Vacated Streets or Alleys, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

1. Disposal of Vacated Public Ground. The City of Hiawatha has determined the necessity for the disposal of the following vacated properties:

A. Southeast corner of Boyson Road and North Center Point Road including Parcels A and C which give access to Parcel B with an address known as 999 Boyson Road.

(ADD)

B. Langston Drive right-of-way east of 12th Avenue identified in Parcel A, Plat of Survey No. 2075.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 6th day of July, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 6th day of July, 2016, and was posted as Ordinance No. _____ on the _____day of July, 2016.

_____
Kelly Kornegor, City Clerk

DRAFT

RESOLUTION NO. 16-
City Council

RESOLUTION APPROVING THE SALE OF A PORTION OF CITY RIGHT-OF-WAY ON LANGSTON DRIVE, DESCRIBED AS PARCEL A, PLAT OF SURVEY NO. 2075

WHEREAS, the City of Hiawatha owns a 0.42 acre portion of Langston Drive right-of-way, described as Parcel A, Plat of Survey No. 2075, and

WHEREAS, City Council passed Ordinance #_____ approving the disposal of a portion of Langston Drive right-of-way, described as Parcel A, Plat of Survey No. 2075, in connection with a new three story commercial building project on the property located at 1195 Boyson Road, submitted by Brainiac Incorporated, and

WHEREAS, the City of Hiawatha has received an offer from Brainiac Inc., to purchase a portion of right-of-way on Langston Drive, described as Parcel A, Plat of Survey No. 2075 for $10,000.00, and

WHEREAS, the City Council deems the sale of a 0.42 acre portion of Langston Drive right-of-way, described as Parcel A, Plat of Survey No. 2075 to be in the best interests of the City of Hiawatha, and

WHEREAS, the City Council accepts Brainiac Inc.'s, offer of $10,000.00 to purchase said real property, and

NOW THEREFORE, BE IT RESOLVED, the City Council approves and accepts the offer from Brainiac Inc., to purchase a portion of Langston Drive right-of-way, described as Parcel A, Plat of Survey No. 2075.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 6th day of July, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk