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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: **Emmons/North Center Point/Robins Intersection Improvement Project**

Description: **Alliant Utility Easements.**

Report:

The reconstruction of North Center Point Road Phase I project with contractor, Ricklefs Excavation from Anamosa Iowa is well under way. Alliant will lower all the overhead electric lines when the joint utility trench has been constructed.

We secured easements from property owners in order to install the joint utility trench. Alliant is requesting 2 additional easements from the City on property we currently own. The reason is to connect the new underground lines to existing utility poles. The properties are:

- 85 Robins Road
- 405 Clark street

Engineering recommends approving these easements in order to continue with the relocation of the power lines.

Any questions please let me know.

Prepared by: Interstate Power & Light (319) 362-3507
Return to: Joshua Moore JCG Land Services, Inc. – 1921 51st St NE Suite 3 – Cedar Rapids, IA 52402 (319) 362-3507
SPACE ABOVE THIS LINE FOR RECORDER

ELECTRIC LINE EASEMENT
(UNDERGROUND – IPL as Grantee)

For and in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **City of Hiawatha** ("Grantor(s)"), **ADDRESS: 85 Robins Rd Hiawatha, IA 52233** do(es) hereby warrant and convey unto Interstate Power and Light Company, an Iowa Corporation, its successor and assigns, ("Grantee"), a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures and equipment, (including associated surface mounted equipment) and construction for transmitting electricity, communications and all Corporate purposes together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of **Linn**, and the State of Iowa:

The easement area being the Easterly 5 feet,

That part of a parcel located in the Southwest ¼ of Section thirty-three (33), Township eighty-four (84) North, Range Seven (7), West of the 5th P.M., more particularly described as follows:

Lot 1, "Auditor's Plat No.396", Linn County, Iowa, subject to the public highway; and Lot 2, and the East 3 Feet North 112 Feet Lot 3, "Auditor's Plat No.396", Linn County, Iowa, Subject to the easements, covenants and restrictions of record.

together with all the rights and privileges for the full enjoyment or use thereof for the aforesaid purpose.

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above.

Grantor(s) also conveys the right and privilege to trim, cut down or control the growth of any trees or other vegetation on said described land and such other trees and vegetation adjacent thereto as in the judgment of the Grantee may interfere with construction, reconstruction, maintenance, operation, repair, use of said line or lines, or associated equipment.

Grantee, its contractor or agent, may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement.

The Grantor(s) also grants to the Grantee the right of ingress and egress to said line or lines, under lands now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, operating, patrolling, repairing and removing said line or lines, or associated equipment and the Grantee agrees to pay to the Grantor(s) or its tenants all damages done to the lands (except the cutting and trimming of trees or other vegetation), fences, livestock or crops of the Grantor(s) or its tenants, by the Grantee or its employees while constructing, reconstructing, patrolling or repairing said line or lines.

Signed this _____ day of _____, 2016

GRANTOR(S):

By:_____

By:_____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF_____)

COUNTY OF_____) ss:

On this _____ day of _____, AD. 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared

_____

_____

_____

_____to me personally known

or _____provided to me on the basis of satisfactory evidence

to be the persons(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL_____
(Sign in Ink)

_____
(Print/type name)

Notary Public in and for the State of _____

CAPACITY CLAIMED BY SIGNER

_____ INDIVIDUAL
_____ CORPORATE
Title(s) of Corporate Officers(s):

_____

_____

_____ N/A
_____ Corporate Seal is affixed
_____ No Corporate Seal procured

_____ PARTNER(s)
_____ Limited Partnership
_____ General Partnership

_____ ATTORNEY-IN-FACT
_____ EXECUTOR(s),
_____ ADMINISTRATOR(s),
_____ or TRUSTEE(s):
_____ GUARDIAN(s)
_____ or CONSERVATOR(s)
_____ OTHER

_____

_____

SIGNER IS REPRESENTING:
List name(s) of persons(s) or entity(ies):

_____

_____

Linn County, Iowa

Date Printed: 6/6/2016 10:02:28 AM

N
W E
S

0 40 80 Feet

1 inch = 75 feet

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Linn County makes no warranties, expressed or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. In no event shall Linn County be liable for lost or any consequential or incidental damages caused by the use of this map.

Linn County Auditor's Department
935 2nd St SW
Cedar Rapids, IA 52404
(319) 892-5300

DRAFT

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

RESOLUTION NO. 16-
City Council

RESOLUTION ACCEPTING PERMANENT ELECTRIC LINE EASEMENT ON THE PROPERTY LOCATED AT 85 ROBINS ROAD IN CONNECTION WITH THE 2015-2017 EMMONS STREET/NORTH CENTER POINT ROAD/ROBINS ROAD INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, the Interstate Power and Light Company and the City of Hiawatha / Owner(s) and Grantor(s) of the real property located at 85 Robins Road and legally described as follows:

The easement area being the Easterly 5 feet,

That part of a parcel located in the Southwest ¼ of Section thirty-three (33), Township eighty-four (84) North, Range Seven (7), West of the 5th P.M., more particularly described as follows:

Lot 1, "Auditor's Plat No. 396", Linn County, Iowa, subject to the public highway; and Lot 2, and the East 3 Feet North 112 Feet Lot 3, "Auditor's Plat No. 396", Linn County, Iowa, Subject to the easements, covenants and restrictions of record.

have entered into an Agreement for a Permanent Electric Line Easement, see attached Exhibit 'A' where the Grantor(s) agrees to give Interstate Power and Light Company a perpetual and continual easement for the purpose of constructing, reconstructing, maintaining, operating, repairing, patrolling and removing an underground electric and telecommunications line or lines consisting of wires, transformers, switches and other necessary fixtures and equipment and construction for transmitting electricity and communications, in connection with the Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to accept the Permanent Electric Line Easement subject to the conditions as

described in the Agreement between Interstate Power and Light Company and the City of Hiawatha / Owner(s) and Grantor(s) for the purpose of constructing, reconstructing, maintaining, operating, repairing, patrolling and removing an underground electric and telecommunications line or lines consisting of wires, transformers, switches and other necessary fixtures and equipment and construction for transmitting electricity and communications on a portion of the real property located at 85 Robins Road, and for consideration of $1.00 and other valuable considerations duly paid and acknowledged for said easement, and authorize the City Clerk to record the Electric Line Easement Agreement in the Office of the Linn County Recorder and thereafter file with the City Engineer.

AYES:
NAYS:
ABSENT:

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

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, 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. 16- and said resolution passed and approved on the 6th day of July, 2016.

_____
Kelly Kornegor, City Clerk