F86

PERMANENT SIDEWALK EASEMENT

This instrument is made this 20 day of MAY, 2016, by **HIAWATHA AMERICAN LEGION POST 735**, Owner, (hereinafter referred to as GRANTOR) of the following described property,

The North 8 Rods of the NW 1/4 SE 1/4 SW 1/4 of Section 33-84-7, Linn County, Iowa, subject to Public Highway, Locally known as 203, 205, and 207 Robins Rd., Hiawatha, Iowa, 52233

and

WHEREAS, the GRANTOR states he is the titleholder in fee simple of the real property known and described as set out above, and

WHEREAS, the City of Hiawatha, Iowa proposes to construct a Public Sidewalk upon and under a portion of the above real property owned by the Grantor, and;

WHEREAS, the GRANTOR has agreed to give the City of Hiawatha, Iowa, a perpetual and continual easement for the purpose of construction of the **"North Center Point Road/Emmons/Robins Road Intersection Project** including constructing, reconstructing, and maintaining said Public Sidewalk upon portions of the real property of the GRANTOR, for consideration of $1.00 and other valuable consideration duly paid and acknowledged.

See attached Exhibit 'A'

THEREFORE, for the above consideration the GRANTOR hereby grants unto the City of Hiawatha, Iowa and their assigns a perpetual and continual easement for the purpose of constructing, reconstructing, and maintaining the Public Sidewalk.

The Grantor further agrees to erect no buildings, obstructions, or other improvements upon or under the property covered by this Easement which would interfere with the construction, reconstructions, or maintenance of said Public Sidewalk without first obtaining permission from the City of Hiawatha, Iowa.

Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

By: _____

By: _____

On this 20th day of May, 2016, before me a Notary Public in and for the County of Linn, State of Iowa, personally appeared Richard Pierce to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that they have executed the same as their voluntary act and deed.

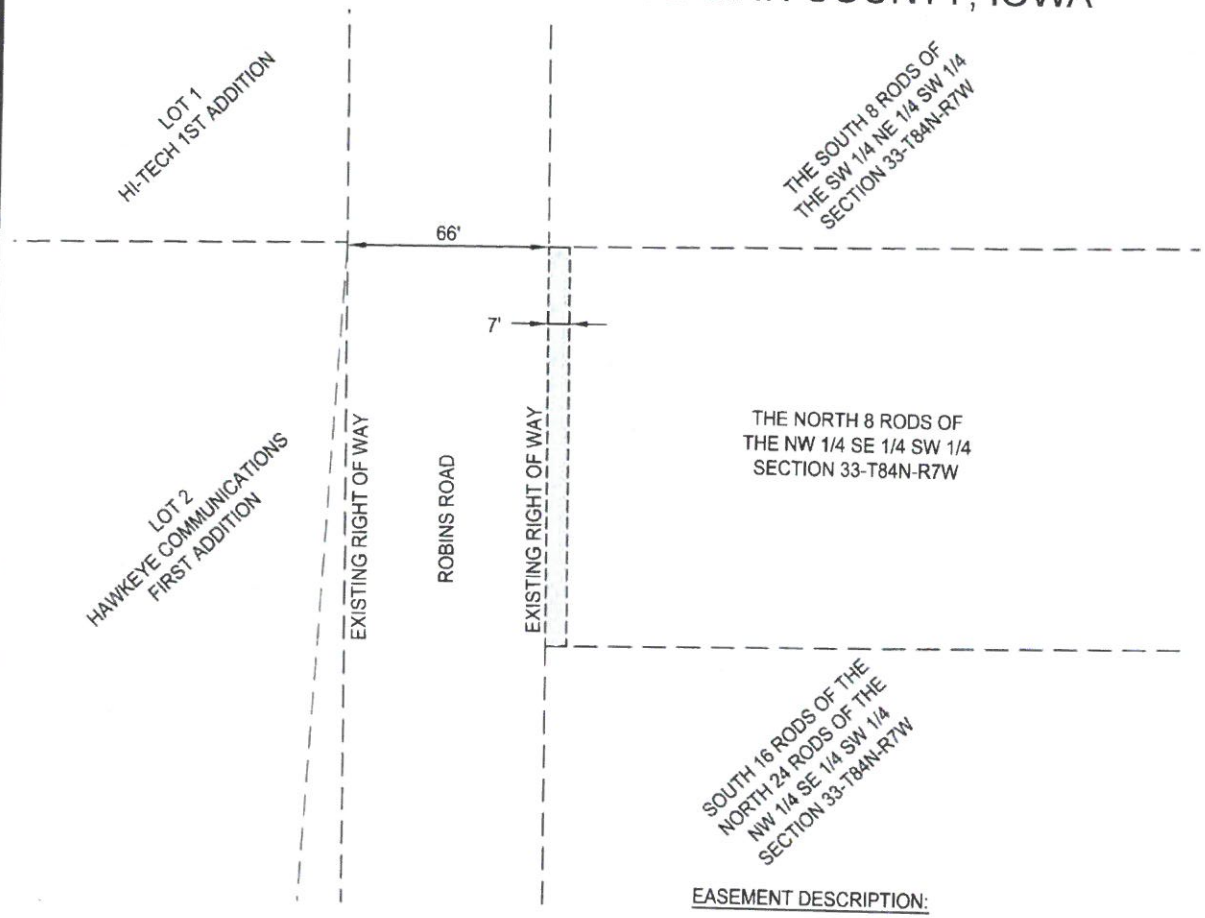
IN WITNESS WHEREOF I hereunto sign my name and affix my notarial seal the day and year last above written.

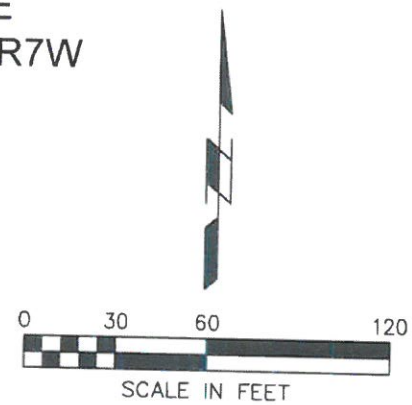
Debra J Larson
Notary Public in and for Linn County, Iowa

NOTARIAL SEAL IOWA
DEBRA J LARSON
COMMISSION NUMBER 734247
MY COMMISSION EXPIRES
May 2, 2017

EXHIBIT 'A'

PERMANENT SIDEWALK EASEMENT
PART OF THE NORTH 8 RODS OF THE
NW 1/4 SE 1/4 SW 1/4 SECTION 33-T84N-R7W
TO LINN COUNTY, IOWA





EASEMENT AREA:
914 SQ. FT.

SURVEY WORK PERFORMED:
07-31-2015

OWNER:
HIAWATHA AMERICAN LEGION
POST 735
C/O ROBERT C. JONES
207 ROBINS ROAD
HIAWATHA, IOWA 52233

SURVEY REQUESTED BY:
CITY OF HIAWATHA
101 EMMONS STREET
HIAWATHA, IOWA 52233

SURVEYOR / CONTACT:
WADE D. WAMRE, PLS
SHIVE-HATTERY, INC
316 SECOND ST. SE, SUITE 500
CEDAR RAPIDS, IA 52401
319-364-0227
wwamre@shive-hattery.com

SURVEY LEGEND

- EXISTING LOT LINE
- EASEMENT LINE
- EASEMENT AREA

EASEMENT DESCRIPTION:

The North 8 Rods of the NW 1/4 SE 1/4 SW 1/4 of Section 33-84-7, Linn county, Iowa, subject to Public Highway, Locally known as 203, 205, and 207 Robins Rd., Hiawatha, Iowa, 52233 more particularly described as follows:

The West 7 feet of the North 8 Rods of the NW 1/4 SE 1/4 SW 1/4 of Section 33-84-7, Linn county, Iowa, subject to Public Highway, Locally known as 203, 205, and 207 Robins Rd., Hiawatha, Iowa.

Said easement contains 914 SQ. FT., subject to easements and restrictions of record.

PROJECT NO. 2151330

SHEET NO 1 OF 1

PERMANENT SIDEWALK EASEMENT
PART OF THE NORTH 8 RODS OF THE NW 1/4 SE 1/4 SW 1/4 SECTION 33-T84N-R7W
TO LINN COUNTY, IOWA

DATE	2/5/2016	SCALE	1"=60'
DRAWN	cen	FIELD BOOK	1227
APPROVED		REVISION	

SHIVE-HATTERY
ARCHITECTURE | ENGINEERING | PLANNING
Iowa | Illinois | Indiana | Missouri
http://www.shive-hattery.com

DRAFT

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

RESOLUTION NO. 16-
City Council

RESOLUTION ACCEPTING PERMANENT EASEMENT FOR SIDEWALK ON THE PROPERTY LOCATED AT 207 ROBINS ROAD IN CONNECTION WITH THE 2015-2017 EMMONS STREET/NORTH CENTER POINT ROAD/ROBINS ROAD INTERSECTION IMPROVEMENTS PROJECT - AGREEMENT BETWEEN THE CITY OF HIAWATHA AND HIAWATHA AMERICAN LEGION POST 735

WHEREAS, the City of Hiawatha (herein referred to as the City) and Hiawatha American Legion Post 735 Grantor of the property located at 207 Robins Road and legally described as follows:

The North 8 Rods of the NW ¼ SE ¼ SW ¼ of Section 33-84-7, Linn County, Iowa, subject to Public Highway, Locally known as 203, 205, and 207 Robins Rd., Hiawatha, Linn County, Iowa

have entered into an agreement for a Permanent Sidewalk Easement for the purpose of installing sidewalk facilities related to the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project upon portions of the above property and Deed Holder and Grantor agree to erect no buildings, obstructions, or other improvements upon or under the property covered by said easement without permission by the City, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to accept the Permanent Sidewalk Easement as described in the agreement between the City of Hiawatha and Hiawatha American Legion Post 735 Grantor upon portions of property legally described above and for consideration of $1.00 duly paid and acknowledged for said easement and further authorize the Mayor and City Clerk to execute the Permanent Easement for Sidewalk, and Easement Agreement be recorded in the Office of the Linn County Recorder and thereafter filed with the City Engineer.

AYES:
NAYS:
ABSENT:

DRAFT

PASSED AND APPROVED this 1st day of June, 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. _____ and said resolution passed and approved on the 1st day of June, 2016.

_____
Kelly Kornegor, City Clerk