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: **May 25, 2016**

From: **John C Bender PE, City Engineer**

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

Description: **Permanent and Temporary Easements.**

Report:

The reconstruction of North Center Point Road Phase I project with contractor, Ricklefs Excavation from Anamosa Iowa will start on June 13th. The Phase II project will be bid on June 28th.

We have acquired the remaining easements we need to construct both the Phase I contract and the Phase II contract. Engineering recommends accepting the easements.

Any questions please let me know.

F8a

PERMANENT FRANCHISE UTILITY EASEMENT

This instrument is made this 17th day of May, 2016, by **JAMES W. DYER AND RHEA SUZANNE DYER**, Owner, (hereinafter referred to as GRANTOR) of the following described property,

Lot 1, Hartl's First Addition to Hiawatha, Iowa

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 Franchise Utility Duct Bank 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 Franchise Utility Duct Bank 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 Franchise Utility Duct Bank.

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 Franchise Utility Duct Bank 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: James Dyer

By: Rhea Suzanne Dyer

On this 17th day of May, 2016, before me a Notary Public in and for the County of Linn, State of Iowa, personally appeared James and Rhea Dyer 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.

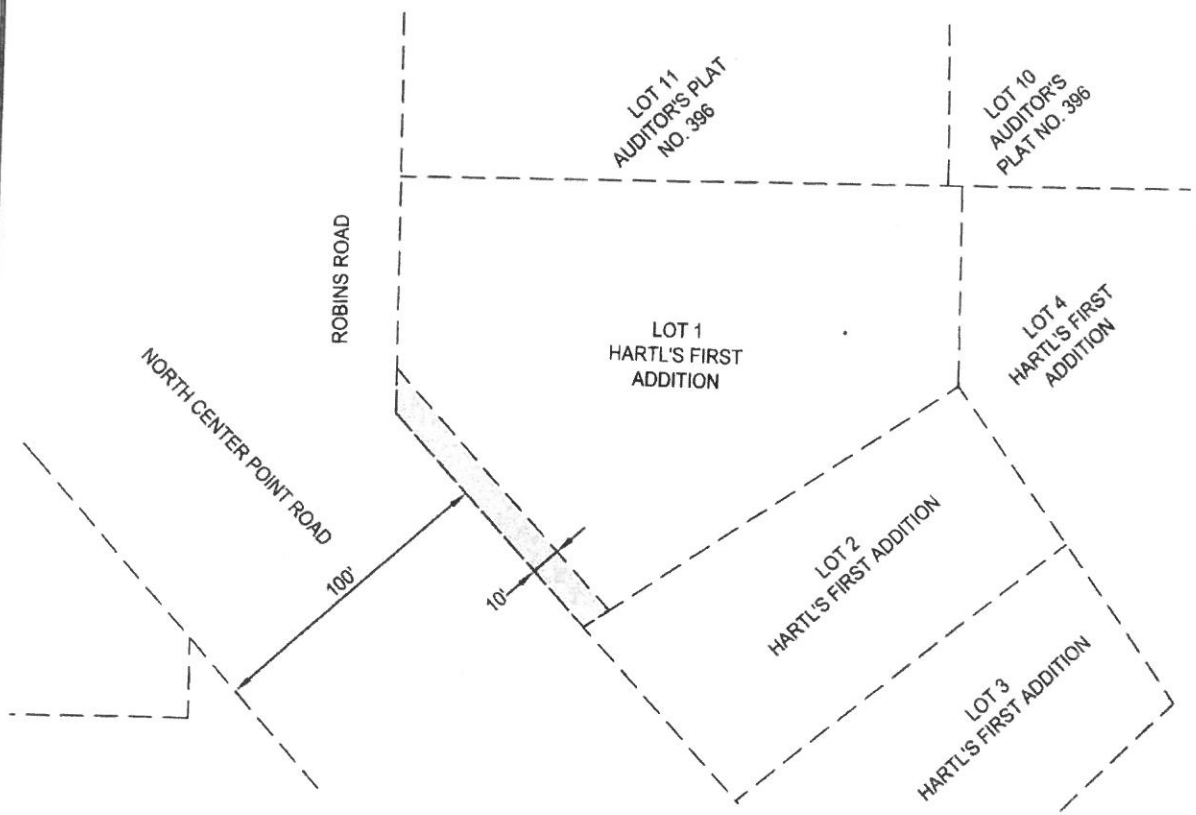
NOTARIAL SEAL IOWA

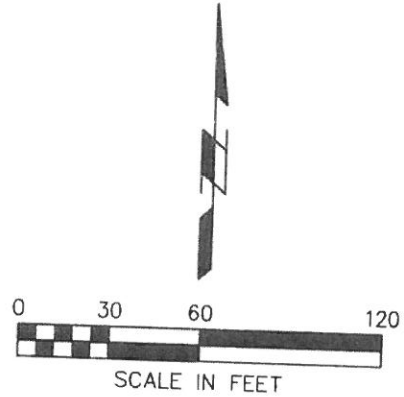
KIMBERLY S HOTT
Commission Number 791739
My Commission Expires
8/26/2018

Kimberly S Hott
Notary Public in and for Linn County, Iowa

EXHIBIT 'A'

PERMANENT FRANCHISE UTILITY EASEMENT
PART OF LOT 1, HARTL'S FIRST ADDITION
TO HIAWATHA, IOWA





EASEMENT AREA:
1,003 SQ. FT.

SURVEY WORK PERFORMED:
07-31-2015

OWNER:
JAMES DYER JR. &
RHEA SUZANNE DYER
1285 RED FOX WAY
MARION, IOWA 52302

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:

Part of Lot 1, Hartl's First Addition to Hiawatha, Iowa more particularly described as follows:

The Southwesterly 10 feet adjacent to North Center Point Road of Lot 1, Hartl's Frist Addition to Hiawatha, Iowa.

Said easement contains 1,003 SQ. FT., subject to easements and restrictions of record.

PROJECT NO. 2151330

SHEET NO. 1 OF 1

PERMANENT FRANCHISE UTILITY EASEMENT
PART OF LOT 1, HARTL'S FIRST ADDITION
TO HIAWATHA, IOWA

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

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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 DRAINAGE EASEMENT ON THE PROPERTY LOCATED AT 91 ROBINS ROAD IN CONNECTION WITH THE 2015-2017 EMMONS STREET/NORTH CENTER POINT ROAD/ROBINS ROAD INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, the City of Hiawatha and James Dyer Jr. and Rhea Revocable Trust / Owner(s) and Grantor(s) of the real property located at 91 Robins Road and legally described as follows:

See Attached Exhibit "A"

have entered into an Agreement for a Permanent Drainage Easement where the Grantor(s) agrees to give the City of Hiawatha a perpetual and continual easement for the purpose of the construction of the Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project including constructing, reconstructing, and maintaining said Drainage Easement upon portions of the real property of the Grantor(s), and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to accept the Permanent Drainage Easement subject to the conditions as described in the Agreement between the City of Hiawatha and James Dyer Jr. and Rhea Revocable Trust / Owner(s) and Grantor(s) for the purpose of the City of Hiawatha to construct a Drainage Easement upon and under a portion of the real property located at 91 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 Drainage Easement Agreement in the Office of the Linn County Recorder and thereafter file with the City Engineer.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of June, 2016.

ATTEST:

Bill Bennett, Mayor

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 _____ day of June, 2016.

Kelly Kornegor, City Clerk