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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 9, 2016**

From: John C Bender PE, City Engineer

Re: **Industrial Avenue RISE Reconstruction project**

Description: **Accepting Utility Easement**

Report:

The reconstruction of Industrial Avenue with contractor, Horsfield Construction from Epworth Iowa is now complete. We are now notifying the property owners to finish installing the sidewalks in front of each property.

Anderson Bogert has helped us in the effort to relocate any utility boxes or power poles in the sidewalk alignment. We have negotiated a new utility easement at the corner of Boyson Road and Industrial Avenue. This will allow the power poles to be moved back out of the sidewalk alignment. The following easement is attached;

- Darrel Berry, 698 Boyson Road (utility easement)

Engineering recommends approval of the above easement. The utility easement will be recorded as it is a permanent easement.

Any questions please let me know.

BOYSON RD

UTILITY EASEMENT

This instrument is made this 1st day of June 2016, by Berry Properties LC, Deed Holder, Darrel E. Berry, Contract Buyer, (hereinafter referred to as GRANTOR) of the following described property,

Lot 9, Brown & Dyer's Industrial Park Second Addition

In Linn County, Iowa, and

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

WHEREAS, the GRANTOR has agreed to give the City of Hiawatha, Iowa, a Utility Easement for the purpose of installing sidewalk facilities related to the Industrial Avenue Reconstruction Project, upon portions of the real property of the GRANTOR, for consideration of $1.00 and other valuable consideration duly paid and acknowledged.

See attached "Utility Easement Exhibit"

THEREFORE, for the above consideration the GRANTOR hereby grants unto the City of Hiawatha, Iowa the Easement and rights herein described, which Easement and rights shall be binding upon the GRANTOR.

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: Darrel Berry

By: _____

On this 30th day of MAY, 2016, before me a Notary Public in and for the County of Linn, State of Iowa, personally appeared _____ 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.

Penny Berry

Notary Public in and for Linn County, Iowa

NOTARIAL SEAL IOWA
PENNY BERRY
COMMISSION NUMBER 716494
MY COMMISSION EXPIRES
MAY 31-2017

UTILITY
EASEMENT EXHIBIT

PART OF LOT 9, BROWN & DYER'S INDUSTRIAL PARK SECOND ADDITION
TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA

Prepared by R. Rodney Klien
Anderson-Bogert Engineers & Surveyors, Inc.
4001 River Ridge Dr. N.E. Cedar Rapids, Iowa 52402 (319) 377-4629

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NOTES:
1. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

2. BEARINGS HEREON ARE BASED UPON IOWA STATE PLANE NAD 83 NORTH ZONE.

PROPRIETOR:
DEED HOLDER: BERRY PROPERTIES LC
CONTRACT BUYER: DARREL E. BERRY
GPN: 11321-01009-00000

Legal Description

A UTILITY EASEMENT OVER PART OF LOT 9, BROWN & DYER'S INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9;

THENCE N00°29'40"W ALONG THE EAST RIGHT-OF-WAY LINE OF INDUSTRIAL AVENUE, 176.82 FEET TO THE NORTHWEST CORNER OF SAID LOT 9;

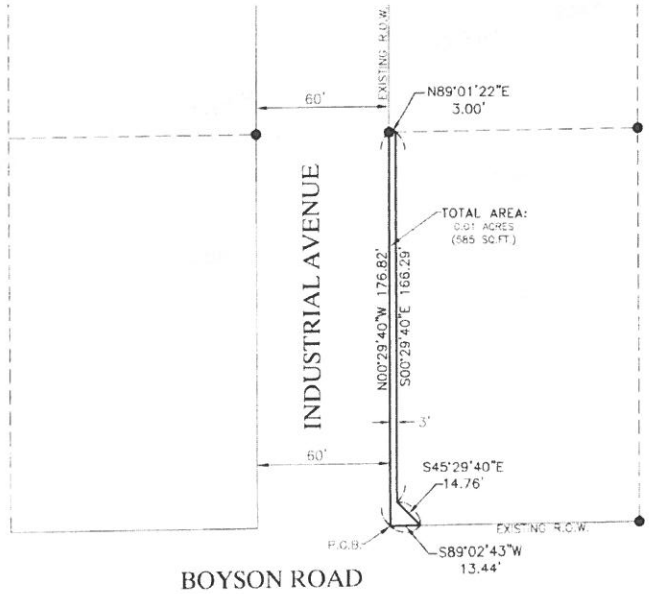
THENCE N89°01'22"E ALONG THE NORTH LINE OF SAID LOT 9, 3.00 FEET;

THENCE S00°29'40"E, 166.29 FEET;

THENCE S45°29'40"E, 14.76 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BOYSON ROAD;

THENCE S89°02'43"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 13.44 FEET TO THE POINT OF BEGINNING CONTAINING 0.01 ACRES (585 SQ.FT.) MORE OR LESS.

SUBJECT TO EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.



Legend

Boundary Line
Adjoining Lot Line
Section Line
Building Setback Line
Found 1/2" Rebar (Unless Noted) ●
Set 5/8"x30" Rebar w/Orange Cap #18646 ○
Set Section/Quarter Corner △
Found Section/Quarter Corner ▲
Measured (M)
Record
Utility Easement

UTILITY EASEMENT EXHIBIT
Project Number: 215018

PARCEL 6
698 BOYSON ROAD

Drawn By: MLS Approved By: RRK
Date: 5/25/16 Scale: 1"=50'
Field Book # 327

Client: Hiawatha!

ANDERSON BOGERT

Sheet No. 1 of 1

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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 UTILITY EASEMENT ON THE PROPERTY LOCATED AT 698 BOYSON ROAD IN CONNECTION WITH THE FY 2015 INDUSTRIAL AVENUE FROM BOYSON ROAD TO NORTH END PAVEMENT RECONSTRUCTION / STORM SEWER IMPROVEMENTS RISE GRANT PROJECT

WHEREAS, the City of Hiawatha and Berry Properties LC, Deed Holder, Darrel E. Berry / Contract Buyer and Grantor of the real property located at 698 Boyson Road and legally described as follows:

See Attached Exhibit "A"

have entered into an Agreement for a Permanent Utility Easement where the Grantor agrees to give the City of Hiawatha a Utility Easement for the purpose of installing sidewalk facilities related to the FY 2015 Industrial Avenue from Boyson Road to North End Pavement Reconstruction / Storm Sewer Improvements RISE Grant Project, upon portions of the real property of the Grantor, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to accept the permanent Utility Easement subject to the conditions as described in the Agreement between the City of Hiawatha and Berry Properties LC, Deed Holder, Darrel E. Berry / Contract Buyer and Grantor for the purpose of the City of Hiawatha installation of sidewalk facilities related to the FY 2015 Industrial Avenue from Boyson Road to North End Pavement Reconstruction / Storm Sewer Improvements RISE Grant Project upon portions of the real property located at 698 Boyson 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 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 15th 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. 16- and said resolution passed and approved on the 15th day of June, 2016.

_____
Kelly Kornegor, City Clerk