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CITY ADMINISTRATOR'S OFFICE MEMO

cityadmin@hiawatha-iowa.com

319-393-1515 ext.523

To: Mayor and City Council

From: City Administrator, Kim Downs

Date: May 9, 2018

RE: Linn County-Hiawatha Dog Park Build Out

The final documents for the Linn County-Hiawatha Dog Park Buildout have been reviewed and are ready for the City of Hiawatha to acknowledge, accept and approve.

The next steps are as follows:

A. Acknowledge, accept and place on file a quit claim deed of the transfer of land once described as Dave Wright's property along the east side of the Cedar Valley Nature trail directly behind Wright's car wash and adjacent to Linn County's Conservations Lot(s) to the north and south of land described as exhibit "A" (1.58-acres east of 755 North Center Point Road) to the City of Hiawatha for $1.00. This land shall only be used for public purpose and legal and beneficial title remain in Grantee. This simply means if the City would no longer use this parcel for public purpose the land would automatically be transferred back to Linn County the grantee. This action will be contingent to Linn County's final approval.

B. Consider resolution approving a lease agreement with Linn County for the additional land to be used as a dog park. Land described as exhibit "A". This parcel is to the south of the newly transferred land to the city upon the County's formal action. During the term of the agreement the City of Hiawatha will pay annually $1.00 to Linn County for rent. The agreement consists of 15-years with two (2) five (5) year options to renew. This agreement also allows for use of Linn County Trail Head parking lot.
Each party will be liable to the other for all damage to the property of the other for negligence or intentional cause. The City will obtain and maintain its own liability insurance and property damage insurance in the amount of $1M each occurrence and $2M in annual aggregate per location
This action will be contingent to Linn County's final approval.

C. Consider resolution entering into an agreement with Dave Wright providing financial assistance to purchase equipment and other activity for the buildout of the dog park. Estimated total acres of dog park 3.35. Wright agrees to issue a check made to the City of Hiawatha Park's Department in the amount of $100,260.
There has been additional interest with other local business owners and organization in the buildout of the dog park therefore the City and Dave Wright may procure donations/ "in-kind" donations when available to cover buildout cost as well.

Thank you for your consideration to a project that will add to our amenities here in Hiawatha. This project is a public-public-private partnership that when completed will be documented as a quality project that demonstrates working relationships throughout the metro community.

I have asked City Attorney Mark Parmenter to be available Wednesday night to answer any legal questions you may have regarding the documents provided.

Kim

Prepared by and Return to: Mark J. Parmenter, Lederer Weston Craig PLC, 118 Third Avenue SE, P.O. Box 1927, Cedar Rapids, IA 52406; (319) 365-1184
Taxpayer: City of Hiawatha, Iowa, 101 Emmons Street, Hiawatha, IA 52233

QUIT CLAIM DEED

For the consideration of One Dollar(s) and other valuable consideration, Linn County, Iowa, does hereby Quit Claim to City of Hiawatha, Iowa, all our right, title, interest, estate, claim and demand in the following described real estate in Linn County, Iowa:

SEE ATTACHED LEGAL DESCRIPTION – EXHIBIT "A"

so long as the Grantee devotes the above described real property to a public use and legal and beneficial title remain in Grantee. In the event of the breach, violation or failure to perform any provision of the foregoing conditions by Grantee, all rights and interests of Grantee hereunder shall automatically terminate, and title and possession of the above described real property shall automatically vest in Grantor. Should the City of Hiawatha, Iowa, cease to exist as an incorporated municipality, then Grantee's title shall automatically terminate and title and possession of the above described real property shall automatically vest in Grantor.

This deed is exempt according to Iowa Code 428A.2(21).

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

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

Dated: _____

LINN COUNTY, IOWA

By: _____
Name

STATE OF IOWA, COUNTY OF LINN

This instrument was acknowledged before me this _____ day of _____, 2018 by _____ _____, on behalf of Linn County, Iowa.

_____
Signature of Notary Public

EXHIBIT

A

South 42 rods SE ¼ NE ¼ Section 32-84-7, lying E-ly of Highway 150, Linn County, Iowa and that Part of the South ½ SW ¼ NW ¼ Section 33-84-7, lying W-ly right of way of the Illinois Central Railroad Company except P.B.I. First Addition to the City of Hiawatha, Linn County, Iowa and except that part described as follows: Commencing at the West corner, of said Section 33 and proceeding 491.85 feet along the E-ly right-of-way line of the W.C.F. & N.R.R. being a 2504.6 foot radius curve concave-E-ly with a long chord of 491.06 feet and bearing North 6°30'27" East; thence North 12°08' East, 53.14 feet; thence South 59°33'27" East, 268.43 feet; thence South 40°19'28" West, 69.0 feet; thence 429.49 feet along the W-ly right-of-way line of the I.C, Gulf R.R. being on a 1369.3 foot radius curve concave E-ly with a long chord of 427.73 feet and bearing South 34°42'02" West, thence North 87° 37' 48" West, 10.1 feet to the point of beginning and further except the right-of-way of the W.C.F. & N.R.R. Co. and further excepting Manley's First Addition to the City of Hiawatha, Linn County, Iowa and further excepting the Public Highway.

And

Lot 2, Manley's First Addition to the City of Hiawatha, Linn County, Iowa