F10b

PERMANENT FRANCHISE UTILITY EASEMENT

This instrument is made this _____ day of _____, 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 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: _____

By: _____

On this 23 day of March, 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.

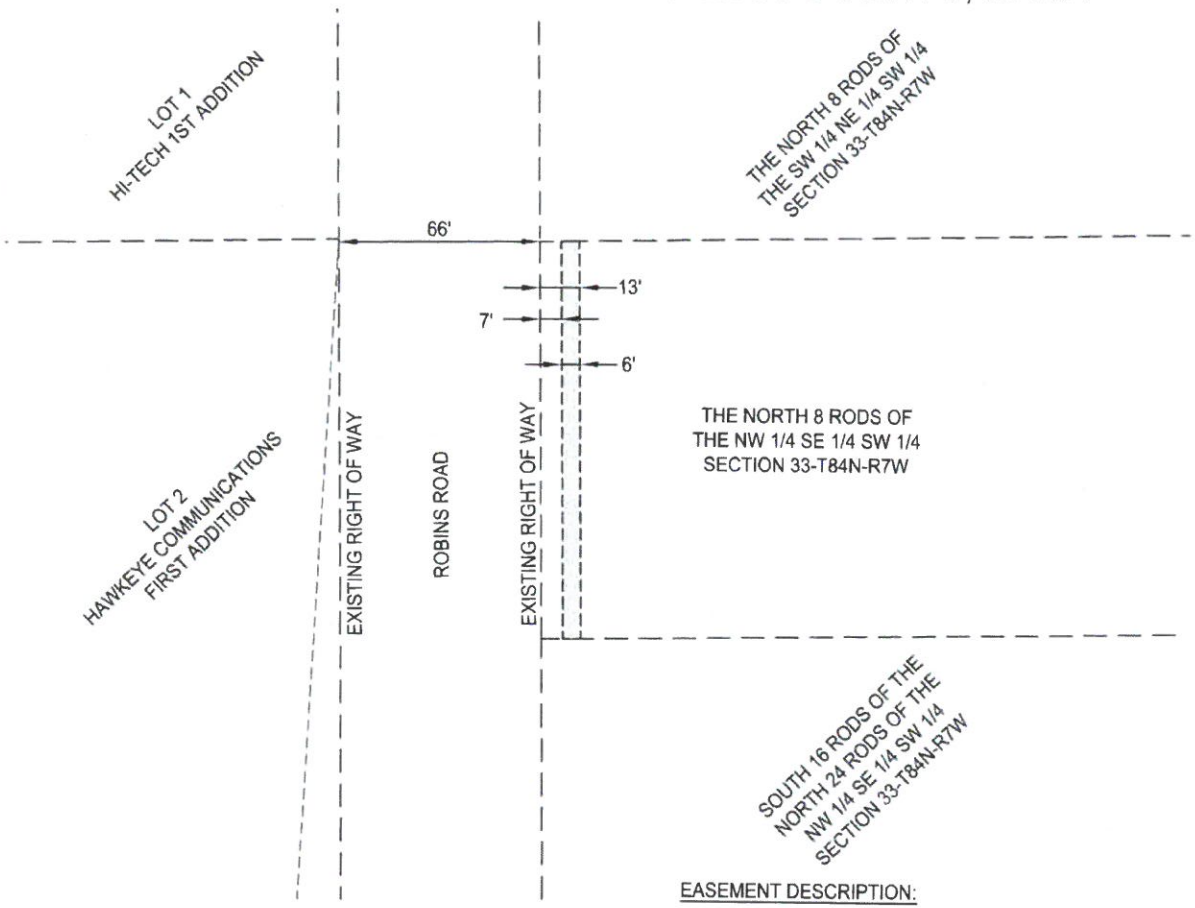
IN WITNESS WHEREOF I hereunto sign my name and affix my notarial seal the day and year last above written.

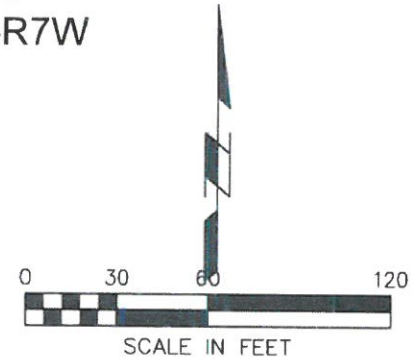
Kari Graber
Notary Public in and for Linn County, Iowa

207 Robins Road

EXHIBIT 'A'

PERMANENT FRANCHISE UTILITY 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:
783 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 13 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, Except the West 7 feet of said North 8 Rods.

Said easement contains 783 SQ. FT., subject to easements and restrictions of record.

PROJECT NO. 2151330

SHEET NO. 1 OF 1

PERMANENT FRANCHISE UTILITY 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, Phone: 319-393-1515

RESOLUTION NO. 16-
City Council

RESOLUTION ACCEPTING PERMANENT FRANCHISE UTILITY EASEMENT 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

WHEREAS, the City of Hiawatha and Hiawatha American Legion Post 735 / Owner and Grantor of the real property located at 207 Robins Road and legally described as follows:

See Attached Exhibit "A"

have entered into an Agreement for a Permanent Franchise Utility Easement where the Grantor 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 a Franchise Utility Duct Bank 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 Franchise Utility Easement subject to the conditions as described in the Agreement between the City of Hiawatha and Hiawatha American Legion Post 735 / Owner and Grantor for the purpose of the City of Hiawatha to construct a Franchise Utility Duct Bank upon and under a portion of the real property located at 207 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 Franchise 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 4th day of May, 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 4th day of May, 2016.

_____
Kelly Kornegor, City Clerk