F10a

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: April 14, 2016

From: John C Bender PE, City Engineer

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

Description: Accepting Temporary Construction/Permanent Easements

Report:

The reconstruction of North Center Point Road with contractor, Ricklefs Excavation from Anamosa Iowa (lowest bidder), requires temporary construction easements, permanent easements and one real estate purchase for a reserved right-of-way from PAKAR Management.

The attached property owner list identifies the property owner and the address of each easement. Also included is a map of the easement type and location. Almost all the easements have been approved and signed; a few are not at this time. We are still meeting with the property owners and if any of the easement documents are not sign by Wednesday, we will remove them from the Council agenda.

Engineering recommends approval and acceptance of the above easements. The utility and sidewalk easements will be recorded as they are permanent. The temporary easements will not be recorded.

Any questions please let me know.

Property Owners List

Alyce Ballard
400 N Center Point Road
Hiawatha, IA 52233
319-393-2071

Beulah Flatjord
102 Fisher Street
Hiawatha, IA 52233
319-393-3384

Structure Builders Inc
101 Fisher Street
Hiawatha, IA 52233

Mailing Address
3436 Barnsley Cir
Marion, IA 52302
Kent Backen

55 Robins Residential Coop Inc
C/O Tim Terry
55 Robins RD
Hiawatha, IA 52233
.

Mailing Address
PO Box 75006
Cedar Rapids, IA
52407

James Dyer Jr. & Rhea Revocable Trust
91 Robins Road
Hiawatha, IA
52233

Mailing Address
1285 Red Fox Way
Marion, IA 52302

Clean Car Inc.
95 Center Point RD
Hiawatha, IA 52233
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Mailing Address
1100 N Center
Point Road
Hiawatha, IA
52233
Robert Wright

Kinch & Jami Donithan
100 Center Point RD
Hiawatha, IA 52233
.

Mailing Address
223 Ashworth Ct. S
Hiawatha, IA
52233

Jeramy Gorman
114 Oak Street
Hiawatha, IA 52233

59-95 East Clark Street & 102 Oak St
101 Emmons Street
Hiawatha, IA
.

Mailing Address
6006 Greentree RD
Madison, WI 53711

Pakar Management
97 N Center PT RD
Hiawatha, IA 52233
.

Mailing Address
4160 Riverview Road
Cedar Rapids, IA .
52411

Godaddy.com, Inc.
1 Parsons Dr
Hiawatha, IA 52233
.

Mailing Address
14455 N Hayden Rd
Suite 219
Scottsdale, AZ .
85260

Hiawatha American Legion Post 735
c/o Robert C Jones
207 Robins Rd
Hiawatha, IA 52233

Max Hanson
101 E Clark St
Hiawatha, IA 52233

Mailing Address
3440 Sunburst Ave
Marion, IA 52302

Source: Johnson County Auditor's Office

PERMANENT DRAINAGE EASEMENT

This instrument is made this 15 day of April, 2016, by **JERMAY J. GORMAN**, Owner, (hereinafter referred to as GRANTOR) of the following described property,

All Lot 7 and All Lot 8, Except therefrom the West 67.5 feet thereof, "Auditor's Plat No. 396, Linn County, 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 Drainage Easement 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 Drainage Easement 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 Drainage Easement.

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 Drainage Easement 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 15 day of APRIL, 2016, before me a Notary Public in and for the County of Linn, State of Iowa, personally appeared Jermay Gorman 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.

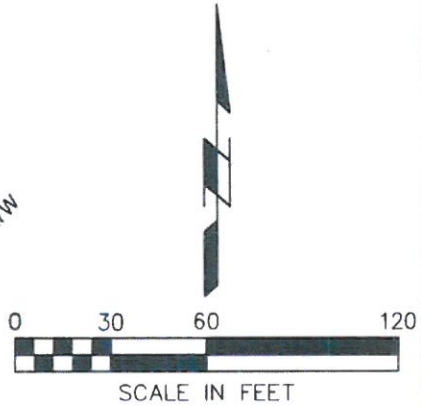
_____
Notary Public in and for Linn County, Iowa

114 oak Street

R
3013
es
16

EXHIBIT 'A'

PERMANENT DRAINAGE EASEMENT
PART OF LOT 7, AUDITOR'S PLAT NO. 396
LINN COUNTY, IOWA



EASEMENT AREA:
950 SQ. FT.

SURVEY WORK PERFORMED:
07-31-2015

OWNER:
JERAMY J. GORMAN
114 OAK STREET
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:

Part of Lot 7, Auditor's Plat No. 396, Linn County, Iowa more particularly described as follows;

The East 10 feet of Lot 7, Auditor's Plat No. 396, Linn County, Except the North 27 feet.

Said easement contains 950 SQ. FT., subject to easements and restrictions of record.

PROJECT NO. 2151330

SHEET NO. 1 OF 1

PERMANENT DRAINAGE EASEMENT
PART OF LOT 7, AUDITOR'S PLAT NO. 396
LINN COUNTY, IOWA

DATE	04-12-2016	SCALE	1"=60'
DRAWN	cen	FIELD BOOK	1227
APPROVED		REVISION	

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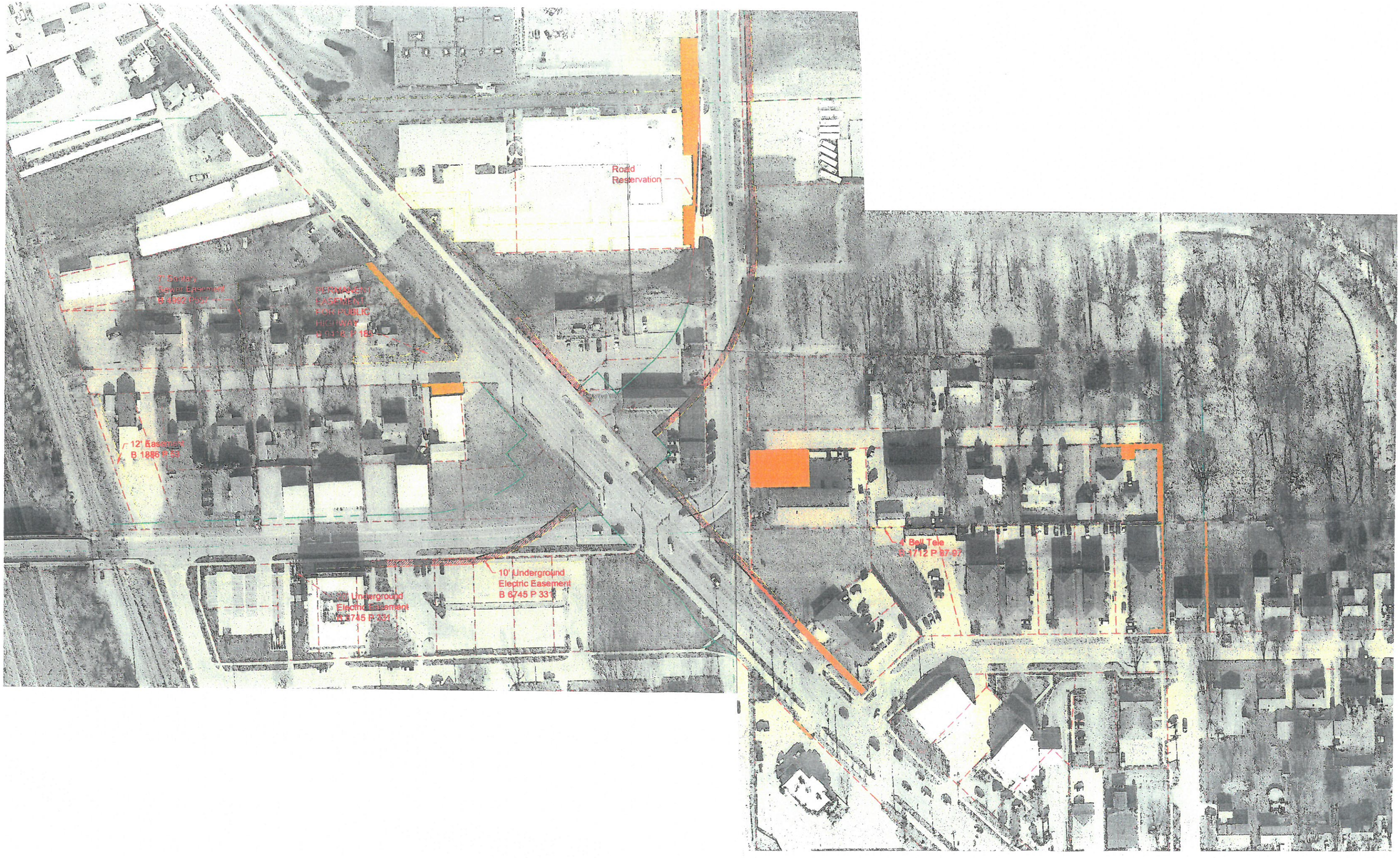
Road
Reservation
7' Sanitary
Sewer Easement
B 4882 P 0
PERMANENT
EASEMENT
FOR PUBLIC
HIGHWAY
B 9118 P 180
12' Easement
B 1886 P 53
10' Underground
Electric Easement
B 6745 P 331
10' Underground
Electric Easement
B 6745 P 331
Bell Tele
B 1712 P 87-97

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 114 OAK STREET IN CONNECTION WITH THE 2015-2017 EMMONS STREET/NORTH CENTER POINT ROAD/ROBINS ROAD INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, the City of Hiawatha and Jermay J. Gorman / Owner and Grantor of the real property located at 114 Oak Street and legally described as follows:

See Attached Exhibit "A"

have entered into an Agreement for a Permanent Drainage 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 said Drainage Easement 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 Drainage Easement subject to the conditions as described in the Agreement between the City of Hiawatha and Jermay J. Gorman / Owner and Grantor for the purpose of the City of Hiawatha to construct a Drainage Easement upon and under a portion of the real property located at 114 Oak Street, 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 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