F2

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: November 9, 2017

RE: Linn County-Kainz Park Disposal

Council's intentions are to dispose of Kainz Park to purchase other appropriate land for the use of a dog park and to be used in conjunction of the Cedar Valley Nature Trail for use of the parking and restroom facilities.

Today Kainz Park is underutilized and its best fit would be commercial consideration of the adjacent zoning and Comprehensive Plan. Over the past four years the Park & Recreation Director and I fielded several phone calls from citizens requesting a dog park in our community. Our most recent citizens survey addressed the need for a dog park with 30% of the respondents scoring the need for a dog park as a high-medium priority.

The Planning and Zoning board has reviewed the city council's request to vacate Kainz Park based on the lack of utilization and the appropriateness of commercial use. On March 27th the Planning and Zoning Board unanimously voted recommending vacation and disposal of the Kainz Park parcel-Auditor's Plat #372 Lot 23.

There are steps that need to be taken for the disposal of this land. Kainz Park was transferred to the city for $1 by Linn County. Linn County within the warranty deed placed two restrictions on the parcel. The first restriction said the parcel needs to stay in the City of Hiawatha's name and to be used for public purpose. If at any time the city no longer wants to use Kainz Park for public purpose the land would automatically be transferred back to Linn County.

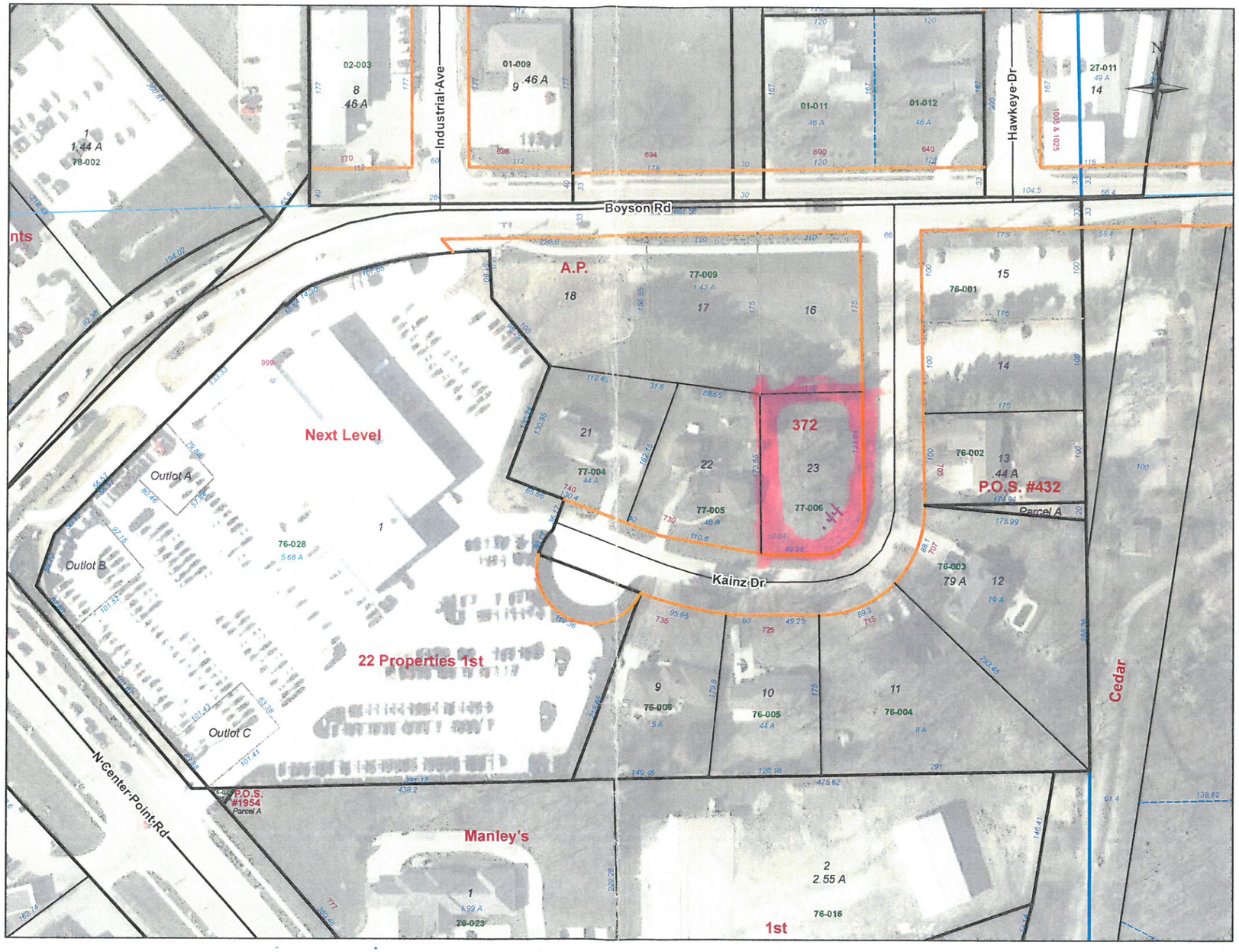
Linn County is in agreement to lift those restrictions to allow the city to dispose and vacate Kainz Park. In speaking with Linn County's legal counsel we will need to add a step to our normal process for the disposal and vacation of land. First, I will ask council Wednesday night to consider a resolution transferring the land back to Linn County to remove the restrictions of the deed and then the County will in turn pass a resolution removing the restrictions. They will then re-deed the land back to the city for us to begin the necessary steps to dispose and vacate the land. I know as you read this it will seems a bit superfluous but in speaking with legal counsel this is the simplest and cleanest way to dispose of the land.

The other action item on the agenda will include the vacation, disposal and sale of 710 Kainz Drive, Lot 23 Auditor's Plat No. 372. I will ask council to consider a resolution to set a public

hearing date for December 20, 2017 at 5:30 PM to consider amending Hiawatha Code of Ordinances Chapter 137 Vacation and Disposal of Streets by amending Section 137.04 Findings Required (1) Public Use adding (F.) Property located at 710 Kainz Drive described as Lot 23, Auditor's Plat No. 372 and amending Section 137.05 Disposal of Streets or Alleys (1.) Disposal of Vacated Public Ground by adding (G.) Lot 23, Auditor's Plat No. 372 with an address know as 710 Kainz Drive including publication of Notice of Bids for sale of property.

Supervisor Harris assures me their process to re-deed will be completed in plenty of time to meet our public hearing date of December 20th.

I am available at any time if you have questions regarding the process to vacate and dispose of Kainz Park.


Boyson Rd
Industrial Ave
Hawkeye Dr
Kainz Dr
N Center Point Rd
Cedar
A.P.
372
Next Level
22 Properties 1st
Manley's
1st
P.O.S. #432
Parcel A
P.O.S. #1954
Parcel A
Outlot A
Outlot B
Outlot C
02-003
8
.46 A
01-009
9
.46 A
01-011
01-012
27-011
14
1
1.44 A
78-002
77-009
1.43 A
17
18
16
15
76-001
14
76-002
13
.44 A
77-004
.44 A
21
22
23
77-005
77-006
76-028
5.68 A
76-003
.79 A
12
9
76-006
10
76-005
11
76-004
2
2.55 A
76-016
76-023
N

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION APPROVING TRANSFER OF TITLE FOR PROPERTY LOCATED AT 710 KAINZ DRIVE, LOT 23, AUDITOR'S PLAT 372

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, that the Mayor is hereby authorized to sign the necessary documents to complete a transfer of title for the property located at 710 Kainz Drive and legally described as Lot 23, Auditor's Plat 372 from the City of Hiawatha to Linn County.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 15th day of November, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk