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Public Works

City Transit
263-8152

MEMORANDUM

Equipment Maintenance
Roadway Maintenance
Collection & Drainage
Building & Grounds
Engineering

To: Greg Mansager, City Administrator
CC: Randy Hill, Public Works Director
FROM: Jim Edgmond, City Engineer
DATE: June 11, 2015
RE: Mulberry Ave. from Palms Drive to Houser Street Reconstruction Project
Property Acquisition

INTRODUCTION:

Mulberry Avenue from Palms Drive to Houser Street has been designated for reconstruction by the City. This project design work has been given to a consultant to perform the design. One of the three parcels preliminarily identified as needed for the project has had a Memo Of Understanding (MOU) returned signed by the owner agreeing to deed the property to the City in exchange for sidewalk and erosion control improvements planned as part of the Mulberry Street project.

BACKGROUND:

This property has an existing erosion problem that is a concern for adjacent property owners. The City needs this property to provide an outfall for the project storm sewers. The project will increase the runoff from the overall project and even with detention will increase the area of land draining to this ditch. Because the existing condition is a problem and the Mulberry Project will make it worse the decision was made to approach the owners of this land to see if they would deed part of the out lot to the City in exchange for the improvements.

Attached is a signed MOU from the owner agreeing to deeding this property to the City. The City needs to sign this MOU and return a copy to the owner(s). Then have a registered land surveyor prepare a plat so a property deed can be prepared for the owner(s) signature and recording.

RECOMMENDATION/RATIONALE:

I recommend to the city council that they approve signing this MOU and authorize the survey necessary to prepare the plat to complete the acquisition of the subject property.

BACKUP INFORMATION:

1. Attachment 1.

"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding entered into this 1st day of JUNE 2015, by and between Sodarock Properties, LLC (Owner) and the City of Muscatine, Iowa (City).

WHEREAS the Owner wishes to deed to the City a portion of their property, specifically a portion of Parcel #0828227044 located at the north corner of Mulberry Avenue and Baton Rouge Road in exchange for improvements to the property for streambed stabilization and erosion control; and,

WHEREAS, the City wishes to acquire that portion of the Owners property as described herein and shown on the attached Easement Acquisition Plat (Plat) and by this reference made a part hereof for the improvements to the property in connection with a Mulberry Avenue Reconstruction project;

NOW, THEREFORE, it is hereby agreed by and between the Owner and the City as follows:

1. The Owner deeds to the City a portion of Parcel 0828277044 for the purpose of streambed stabilization and erosion control along the area as shown and defined on the Plat hereto attached and by this reference made a part hereof.
2. The City shall be responsible for all costs associated with any work done on the property to make the improvements described in this agreement.
3. This Agreement shall be binding upon and shall inure to the benefit of the City, the City's successors interest, legal representatives and assigns, subject to the limits previously identified in this agreement or subject to state law and regulations.
4. The Owner agrees to deed to the City the portion of Parcel 0828277044 as described herein for the sum of one dollar (\$1.00) which represents the total and final amount paid to the Owner by the City.

Signed this 1st day of JUNE 2015



For Sodarock Properties, LLC

DANIEL A. GANTZ

[Print Name]

DeWayne M. Hopkins, Mayor
City of Muscatine

Attest: _____
Gregg Mandsager, Clerk -City of Muscatine

