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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: Kristy Korpi, (Acting) Public Works Director  
FROM: Jim Edgmond, City Engineer  
DATE: Feb. 08, 2016  
RE: Mulberry Ave. from Palms Drive to Houser Street Reconstruction Project  
Property Acquisition: Temporary Construction Easements and one Permanent  
Easement

### INTRODUCTION:

Mulberry Avenue from Palms Drive to Houser Street has been designated for reconstruction by the City. This project design work is essentially complete and the City needs temporary construction easements from most of the adjoining property owners.

### BACKGROUND:

The list of temporary and permanent easements for the project is attached to this memo. Each of these property owners has been approached and the city has met with them to discuss the easements and the property rights acquisition process.

The attached list shows those property owners that have agreed to be paid the \$100.00 for the temporary construction easement or some other arrangement. Three properties remain to be signed as of the writing of this memo:

1. The Wallick property has indicated that they have signed the agreement and have sent it in the mail to the City. City has not received this signed agreement in the mail but we do expect it any day.
2. The Hunn/Dugan property has been designed out of the project. If we come to terms with the owner(s) they can be accommodated within the design. Currently, the project has been slightly modified to design out the need for their temporary construction easement. Currently the responsibility for the negotiation is in the property owner's hands.
3. Due to information that was recently uncovered, the City needs a quit claim deed for the section of the Oldfield property adjacent to the project. This will clearly show this land is Public ROW. The legal description is being prepared for the quit claim deed and will come to the City Council as a separate item in the near future.

Each of these agreements has needs and special conditions requested by the property owners. These requests will be included in the design contract to have the contractor be responsible to

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

accommodate these requests.

**RECOMMENDATION/RATIONALE:**

I recommend city council approve the signature and payment required by these agreements to provide the needed temporary construction easements for the Mulberry STP project. The total cost of the easements is \$1,500.00 and the total number of easements is 26.

**BACKUP INFORMATION:**

1. Attachment 1, List of Property Owners.

Prepared by Andrew Fangman, 215 Sycamore St, Muscatine, IA, 52761 (563) 262-4141

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION TO ACCEPT EASEMENTS FOR MULBERRY AVENUE  
FROMN PALMS DRIVE TO HOUSER STREET  
RECONSTRUCTION PROJECT**

**WHEREAS**, Mulberry Avenue from Palms Drive to Houser Street has been designated for reconstruction by the City; and

**WHEREAS**, the project design work is essentially complete and the City needs temporary easements and one permanent easement from most of the adjoining property owners (see attached list);

**WHEREAS**, the total cost for the 26 easements is \$1,500.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA** that the attached easements be accepted by the City.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of February 2016.

**BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA**

Attest:

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Diana L. Broderson, Mayor

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Gregg Mandsager, City Clerk

Conditions Noted in Agreements Mulberry Avenue Reconstruction Project 2016			Completed Agreements
Owner	Address	Conditions Noted in Temporary Easement Agreements - Contractor Compliance Required	Compensation
1 Robert Hunn / Cheryl Dugan	3417 Mulberry		\$100.00
2 Ismael & Abad Benitez (Jaime - son)	3413 Mulberry	Contractor will attempt to salvage trees near property line, and will discuss the trees with property owners prior to any removals. Any damage done to driveway will be repaired.	\$0.00
3 Sabrina Smith	3333 Mulberry	The contractor will protect the trees from any damage.	\$0.00
4 Timothy & Karen Bower	3331 Mulberry	The property owners will remove the wall blocks and move any plantings in the easement area. The contractor should not move or remove anything without consulting with the property owners.	\$100.00
5 Daniel & Sherry Ford	3327 Mulberry	Contractor will protect the tree and lighthouse from damage.	\$0.00
6 Craig & Joanne Thrap	3323 Mulberry	All trees in the ROW and the easement will be protected from damage. Construction-limit fencing will be used to isolate the trees from access. Steel plating will be placed on the ground near the trees to prevent damage to root systems. Work affecting the trees will be done in consultation with the State Forestry representative. Should the trees die within a period less than estimated as their remaining natural life the City agrees to replace them at their expense. This includes the removal of the dead trees and stumps.	\$0.00
7 Thomas & Peggy Shield	3319 Mulberry	The contractor will protect any trees in the easement area from damage.	\$0.00
8 John & Valerie Randolph	3313 Mulberry	The contractor will protect the trees and the Hydrangea plant from any damage. In addition, there is a geothermal pit on the edge of the easement limits that needs to be identified, marked, and avoided.	\$100.00
9 Frederick & Beverly Gerdts	2825 Houser St.	Protect trees in the easement area from damage.	\$100.00
10 Thomas Wallick	2829 Houser St.		\$0.00
11 Philip & Mary Jo Fitzgerald	3306 Mulberry	Contractor will protect all trees from any damage. Planter in easement area needs to be protected from damage. Okay to remove 3 bushes in ROW on east side of the house. Owner will remove rock. Contractor will collaborate with homeowner regarding driveway replacement.	\$0.00
12 Larry Pitzer	3310 Mulberry	Contractor will protect all trees from damage.	\$100.00
13 Mark & Tammi Schmelzer	3314 Mulberry	The contractor will protect trees from any damage.	\$0.00
14 Raymond and Debra Formanek	3318 Mulberry	No Other Conditions noted.	\$100.00
15 Evan & Brenda Hatcher	3322 Mulberry	Contractor needs to protect basketball pole. The width of the drive at the property line will be extended straight to the driveway apron at the sidewalk	\$100.00
16 Dennis and Paula Poole	3326 Mulberry	Contractor will protect the 2 trees from any damage.	\$100.00
17 Erika Lindgren	3330 Mulberry	Contractor will prevent any damage to trees in the easement area.	\$100.00
18 Thomas & Janet Kindler	3334 Mulberry	The contractor will protect the trees from damage.	\$0.00

19	Parke & Defene McConnaha	3430 Mulberry	Okay to remove Locust tree. Contractor will protect all other trees in the easement area. Consult with owner before any removals.	\$100.00
20	Family Care Services (cemetery) Stacey Lewis	2907 Mulberry	1 - The contractor will place construction fencing to mark the easement area. The Contractor will work within the limits of the temporary construction easement only. 2 - A temporary access will be constructed to allow access to the driveway off of Mulberry. This access will be for Seller access only and will be kept closed to the public. Access will be opened upon the request of the Seller and only for the Seller's use. Construction signage prohibiting access by the public from either direction will be provided on Mulberry Avenue and on Seller property east of the driveway. 3 - Closure of the driveway will be limited to 25 working days. 4 - The contractor will protect the pillars at the driveway/entrance from any damage. 5 - The entrance will be open and accessible to the public between May 3 <sup>rd</sup> and June 1 <sup>st</sup> , and between July 2 <sup>nd</sup> and July 4 <sup>th</sup> , 2016.	\$100.00
21	Faith United Church of Christ Jeff Bohling	3307 Mulberry	Contractor will protect all trees in the easement area from damage. Contractor will not disturb or damage the cornerstone near the driveway. The City will compensate the Church for the removal and replacement of driveway lights.	\$100.00
22	CRDT Petersen, LLC	3416 Mulberry	No Other Conditions noted.	\$100.00
23	Liberty Growth VI LC (UI HC)	3465 Mulberry	Contractor will protect all trees from damage. Contractor will identify location of geothermal system underground piping and avoid all conflicts and damage.	\$0.00
24	Muscatine Toledo Properties (Care Center) Cliff McFerren	3440 Mulberry 3450 Mulberry	Protect Pine tree in Northwest corner of the property. Protect the signage in the northwest corner of the property.	\$100.00
25	Bennett Coffman/Allison Jaycox	3508 Delta Queen Circle	No Other Conditions noted.	\$0.00
26	Ryan and Kate Buss	3417 Baton Rouge Road	Contractor will assure that existing drains from the property will continue to drain into the ditch and flow away from the property without causing any erosion. The owner will flag any trees in the easement area that are to remain. The homeowners fire pit will be protected from damage.	\$100.00
Total Compensation				\$1,500.00