

MEMORANDUM

TO: Gregg Mandsager, City Administrator
FROM: Richard Klimes, Director of Parks and Recreation
DATE: December 31, 2012
RE: Iowa Department of Transportation – Proposed Lease Agreement for Mark Twain Overlook

INTRODUCTION:

Please accept this memo and the attached information as a request for approval to continue the lease agreement from the Iowa Department of Transportation for Mark Twain Overlook.

BACKGROUND:

The Mark Twain Overlook area is owned by the IDOT and has been leased to the City since 1978 for maintenance care and recreational usage. The last lease was for a five (5) year period with the expiration date of July 1, 2012.

The City is involved in this lease to provide for more detailed maintenance care than the IDOT is willing or able to provide. The area is an entryway into the Muscatine Community and does have recreational value as the view from the overlook is very popular.

RECOMMENDATION:

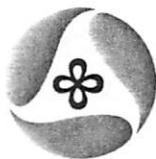
At this time, it is the City Staff recommendation to enter into a lease agreement for an additional five (5) years through July 1, 2017, with the Iowa Department of Transportation for the maintenance care of the Mark Twain Overlook area.

BACKUP INFORMATION:

1. **Lease Agreement**

Thank you for your time and attention to this matter. Please contact me if you have any questions or concerns.

C. Les Dennis, Park Maintenance Supervisor



Iowa Department of Transportation

800 Lincoln Way, Ames, IA 50010-6993

Phone: 515-239-1191
Fax: 515-233-7859

VO T

November 15, 2012

When corresponding, refer to:
Muscatine County
Project UN-92-9(18)--41-70
Parcel No. 5
Lease No. 70-14-4

The Honorable DeWayne M. Hopkins
Mayor of Muscatine
5602 Reynolds Ave
Muscatine, IA 52761

Dear Mayor Hopkins:

We are writing concerning your lease with the Iowa Department of Transportation dated May 15, 1978, which was extended on June 1, 2007, until July 1, 2012. We are offering an extension of this lease for another five (5) years.

Enclose for your consideration is a proposed Lease Extension. If the terms and conditions are satisfactory, will you and the city administrator please sign and date it before a Notary Public. Also please affix your City Seal.

Return your extension to me in the envelope provided. I will have it recorded and will return a copy of the recorded document to you for your files when it becomes available.

Thank you for your continued interest in our property management program. If you have questions, please feel free to call me at 515-239-1191.

Sincerely,

A handwritten signature in black ink that reads "Tami Bailiff".

Tami Bailiff
Lease Coordinator
Property Management
Office of Right of Way

Enclosures

c: Sharon Bowers, Property Manager, Iowa DOT (phone 515-239-1732)

Prepared by/Return to: Tami Bailiff, Iowa Dept of Transportation, Right of Way - Property Mgt, 800 Lincoln Way, Ames, IA 50010, 515-239-1191

**Highway Division
Office of Right of Way**



Iowa Department of Transportation

LEASE EXTENSION

County Muscatine
Project No. UN-92-9(18)--41-70
Parcel No. 5
Lease No. 70-14-4

November 15, 2012

The above referenced Right of Way Lease between the Iowa Department of Transportation, acting for the State of Iowa, Lessor, and the City of Muscatine, Iowa, Lessee, for the purpose of a public park and scenic overlook, is hereby extended subject to the following agreements:

1. The lease term is being extended to July 1, 2017.
2. The leased premises is described as: All that part of a tract bounded by Lombard Street on the north, by the right-of-way boundaries of Iowa 92 on the south, by the street previously known as Front Street on the east, and Second Street on the west, as shown in "crosshatch" on the Exhibit "A", Plat of Land, attached hereto and by reference made a part hereof.
3. All other terms and conditions of said lease will remain the same.
4. Lessee agrees to sign and return this lease extension. Lessor will return an approved copy of the executed lease extension to the Lessee.

LESSEE: CITY OF MUSCATINE, IOWA

BY: _____ Date _____ BY: _____ Date _____, City Administrator
DeWayne M. Hopkins, Mayor
5602 Reynolds Ave
Muscatine, IA 52761
Telephone 563-263-8110
(CITY SEAL)
Federal Tax ID 42-6005008
Gregg Mandsager

STATE OF IOWA, COUNTY OF MUSCATINE, ss
On this _____ day of _____, 2007, before me, _____, a Notary Public in and for the State of Iowa, personally appeared DeWayne M. Hopkins and _____, to me personally known, who being duly sworn did say that they are Mayor and City Administrator of the City of Muscatine, Iowa, and that said instrument was signed on behalf of said City and the said instrument to be the voluntary act and deed of said City and by it voluntarily executed.

(NOTARY SEAL)

Notary Public in and for the State of Iowa
(Print/Type Name)

APPROVAL RECOMMENDED:

BY: _____ Date _____
Sharon Bowers
Property Manager
Telephone No. 515-239-1732

APPROVED: IOWA DEPARTMENT OF TRANSPORTATION:

BY: _____ Date _____
Mike Jackson
Property Management Supervisor

STATE OF IOWA, COUNTY OF STORY, ss:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mike Jackson, to me personally known, who being duly sworn did say that she is the Property Management Supervisor for the Iowa Department of Transportation, and that said instrument was signed on behalf of said Department by its authority, and the said person, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said Department, by it voluntarily executed.

(NOTARY SEAL)

Notary Public in and for the State of Iowa
(Print/Type Name)

EXHIBIT "A"
PLAT OF LAND

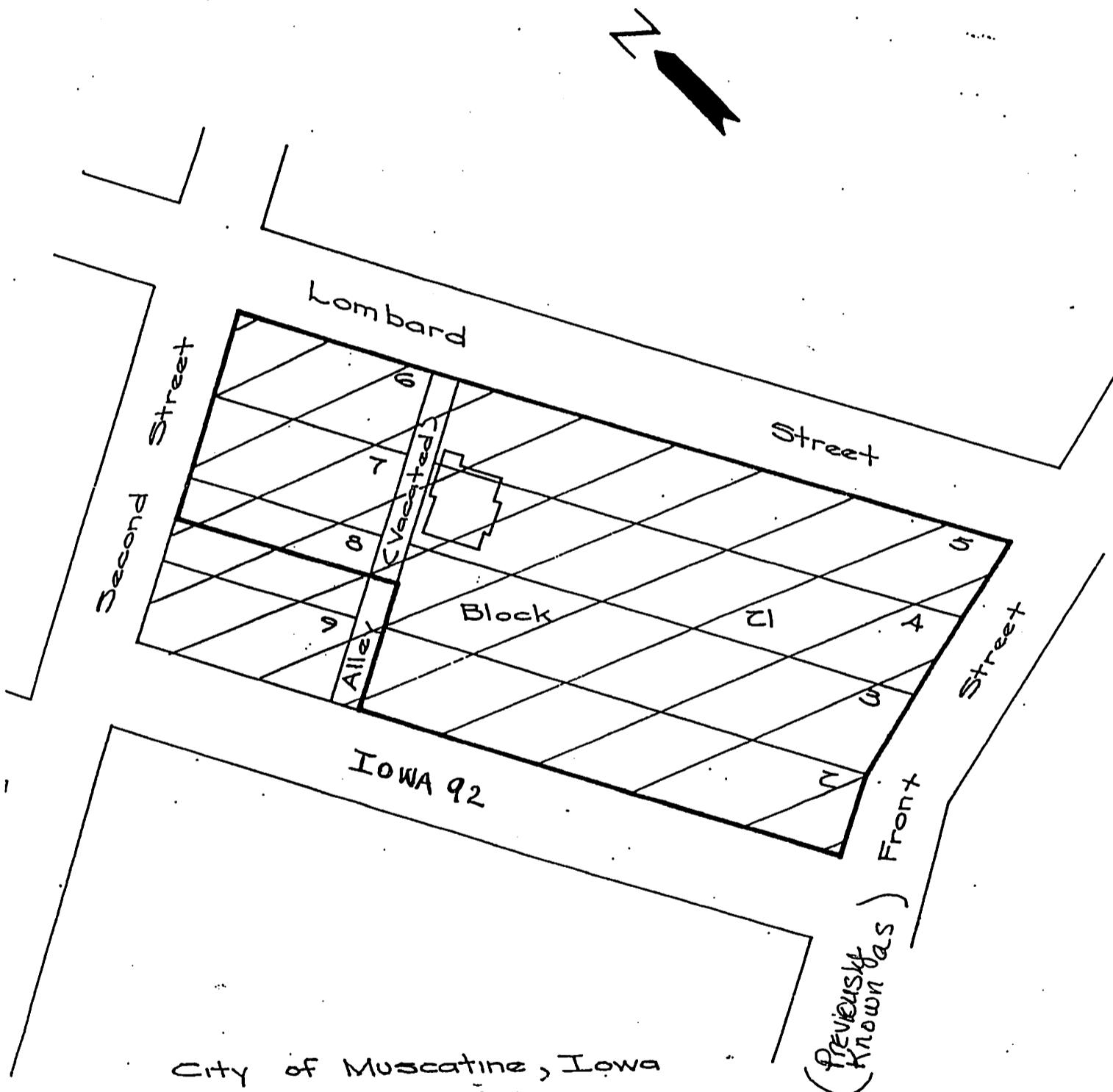
Acquired From - MARQUETTE CLUB

2

R.O.W. AREA _____ ACRES

LOCATION

FROM C. STA. _____ TO C. STA. _____
SECTION _____ TWP. _____ RANGE _____



City of Muscatine, Iowa

LEASE EXTENSION
PAGE 2 OF 2