



1459 Washington St.
Muscatine, IA 52761-5040
(563) 263-8933
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Public Works**City Transit**
263-8152**MEMORANDUM****Equipment Maintenance**
Roadway Maintenance
Collection & Drainage
Building & Grounds
Engineering

To: Randy Hill, Public Works Director
FROM: Jim Edgmond, City Engineer
DATE: June 30, 2015
RE: Fridley Properties, LLC, MOU for Mulberry Const. laydown space and access

INTRODUCTION:

As part of the Mulberry Construction Project, the City will need to provide an area for the contractor to have space to store material and store recycled material and also provide a way to get temporary access to the care facility at 3440 Mulberry. Discussions with Fridley Properties, LLC with regards to the vacant property at the SW corner of Palms Drive and Mulberry resulted in the attached Memo of Understanding (MOU).

BACKGROUND:

This MOU provides an area the contractor can use and also can be used for the temporary access to the care facility. The agreement provides for the city to regrade the east end of this property to drain to the new roadway and to vacate the property within 60 days if they were to be able to sell the property. Despite these conditions it is the opinion of staff that this is the best and lowest cost alternative for providing the construction laydown space and access needed for the project. Fridley's is providing the easement at no cost to the city.

Attached is a signed MOU from Fridley Properties LLC agreeing to the temporary easement over this existing lot. The City needs to sign this MOU and return a copy to Fridley Properties LLC.

RECOMMENDATION/RATIONALE:

Recommend to the city council that they approve signing this MOU.

BACKUP INFORMATION:**Attachments:**

1. MOU with Fridleys Properties LLC
2. Sketch of lot..

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding entered into this 22ND day of JUNE 2015, by and between Fridley Properties, LLC (Owner) and the City of Muscatine, Iowa (City).

WHEREAS, the City wishes to acquire a Temporary Construction and Access Easement (Acquisition Area) to certain real estate of the Owner for purposes of construction materials/equipment storage and staging area, and care facility access as described herein and shown on the attached Easement Acquisition Plat (Plat); and by this reference made a part hereof; specifically Parcel #0828202004 located at southwest of the intersection of Mulberry Avenue and Steamboat Way; and

WHEREAS the Owner wishes to receive certain considerations as conditions to such Easement acquisitions;

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

1. The Owner grants to the City an Easements necessary for the use of the owners property for use as a construction materials/equipment storage and staging area and public access to the adjacent care facility property limited to the area described and located as the Easement Area, as shown and defined on the Plat hereto attached and by this reference made a part hereof. The time frame work for the work shall be the construction schedule established for the Contract by the Iowa DOT under their STP program. The easement shall expire when the construction is complete. Material that can be stored are construction materials, equipment, and construction office needed for the project. The City shall be responsible for all costs associated with the restoration of the property to the same condition that exists at the time of the execution of this agreement plus filling in the low end of the lot with clean fill dirt and grading to drain. Placing 6" topsoil and reseeding with urban seed or no-mow fescue
2. The City shall extend sidewalks beyond the limits of the new street to tie into the existing sidewalks on Palms Drive and shall provide storm sewer and eliminate the road side ditches where the sidewalk is installed.
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 waive monetary compensation and donate said Easement to the City, provided all parties agree to the provisions of this agreement and the City complies with all previous sections of this agreement.
5. The City shall hold the owner harmless from all claims associated with the construction or the use of this property associated with the construction. The time frame of this hold harmless shall be for the duration of the construction project and shall expire when the construction is complete. The City agrees to vacate property upon 60 days written notice of sale of the property and to restore the property as specified herein or to grade to elevations beneficial to the new owner.

City of...
Department of...
2012

The City of...
Department of...
2012

6. The City shall hold the owner harmless from all claims associated with the use of the property to provide temporary access to the adjacent property. Temporary access shall consist of a temporary surfaced road off of Palms Drive across said parcel and to the care facility to the south of the parcel.
7. City will maintain access to Palms Drive at all times, however, Mulberry Street will be closed at times during the staging of the construction project.

Signed this 22ND day of JUNE 2015



For Fridley Properties, LLC

BRIAN FRIDLEY

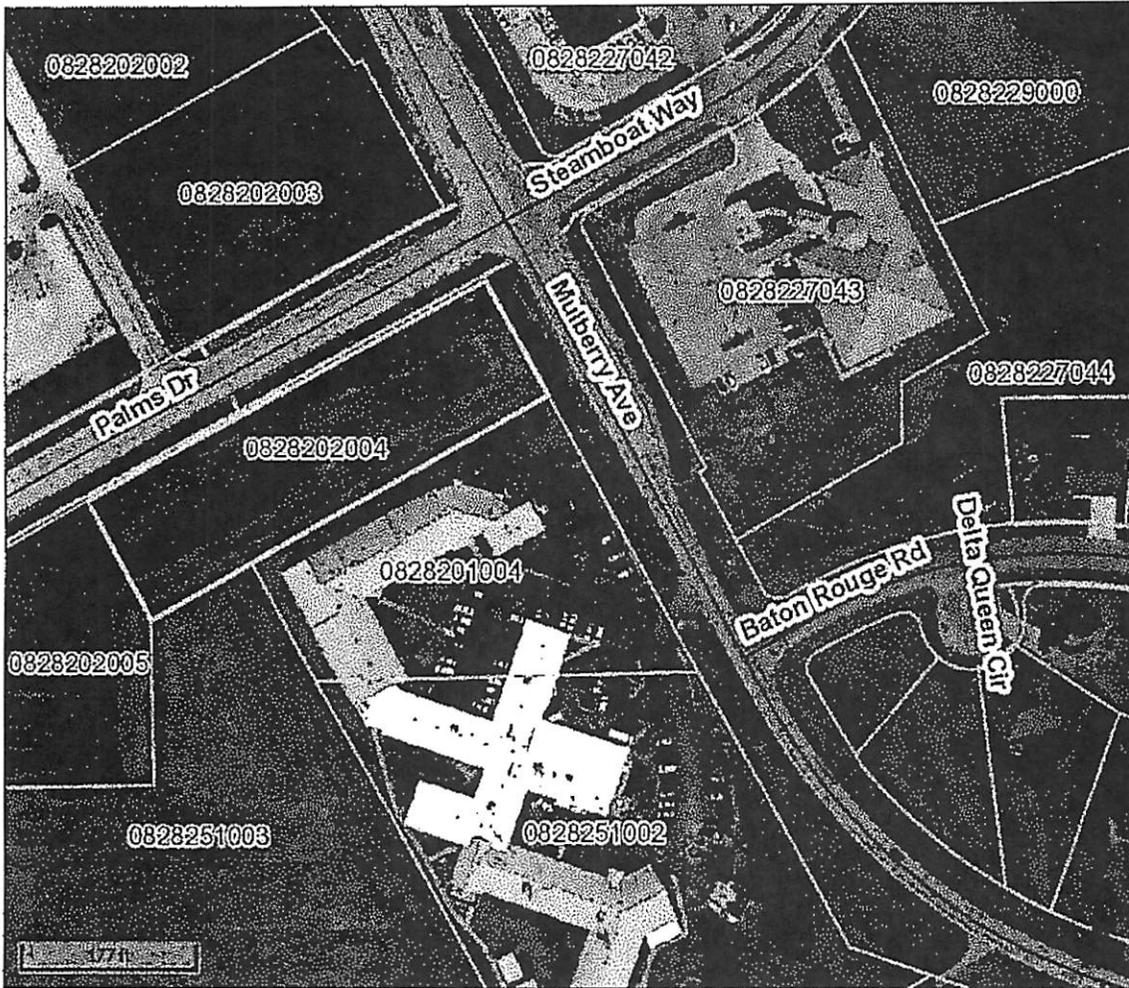
[Print Name]

DeWayne M. Hopkins, Mayor
City of Muscatine

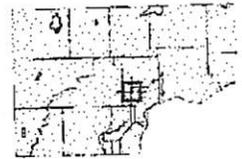
Attest: _____

Gregg Mandsager, Clerk -City of Muscatine

Muscatine Area Geographic Information Consortium (MAGIC)



Overview



Legend

-  Corporate Limits
-  Political Township
- Dimension Leader**
-  2
-  3
-  Parcels
- Roads**
-  Not Classified
-  Airport Runway
-  County Road
-  City Street
-  Neighbor County
-  Private Dr
-  State Highway
-  US Highway
-  US Hwy - Divided
-  Major Roads

Parcel ID	0828202004	Alternate ID	n/a	Owner Address	FRIDLEY PROPERTIES LLC
Sec/Twp/Rng	28-77-2	Class	C - COMMERCIAL		1321 WALNUT ST
Property Address		Acreage	n/a		DES MOINES IA 50309
District	MCMUU - MUSCATINE CITY/MUSCATINE SCH/MUSCATINE FIRE				
Brief Tax Description	LOT 4 FRIDLEY SD 2012-02849				
	(Note: Not to be used on legal documents)				

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