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COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

MEMORANDUM

To: Mayor and City Council Members
From: Andrew Fangman, City Planner
Cc: Jim Edgmond, City Engineer
Gregg Mandsager, City Administrator
Dave Gobin, Community Development Director
Date: June 21, 2018
Re: Request to Approve Exchange Agreement with Eastern Iowa Community College District Foundation

INTRODUCTION: The City of Muscatine has reached an agreement with the Eastern Iowa Community College District Foundation under which the Foundation will deed to the City 1.97 acres of land located at southwest corner of the intersection of Houser Street and Grandview Avenue, as part of the Grandview Avenue Corridor Project, in exchange for construction of a new driveway from Grandview Ave to will access Foundation owned land further south on Grandview Avenue.

BACKGROUND: In order for the Houser Street and Grandview Avenue intersection to be reconstructed optimally, additional right of way is needed. The City and the Eastern Iowa Community College District Foundation have come to a mutually beneficial agreement. This agreement will allow the City to obtain the additional property needed at this intersection and for the have the Foundation to have better access to the property further south on Grandview which it will maintain ownership of.

Under the terms of this exchange agreement the Foundation will deed this 1.97 acres to the City of Muscatine in exchange for the, to construct a temporary driveway onto Grandview Avenue. Said driveway shall be centered on the property line between the parcels described as Lot 2 and Lot 3 as set forth on a certain plat of Sections 9 and 10, Township 76 North, Range 2 West of the 5th P.M., said plat having been prepared by James B. Tracy, dated April 28, 1966 and recorded in Book 7 of Plats, page 461. Said driveway shall extend from the edge of pavement of Grandview Avenue to the northerly right of way line of Grandview Avenue. Said driveway shall be constructed in a manner adequate to provide all-weather, two-way access. As part of the Grandview Avenue Corridor Project, the temporary driveway constructed under this agreement shall be replaced with a permanent driveway. Said driveway shall be constructed in a manner

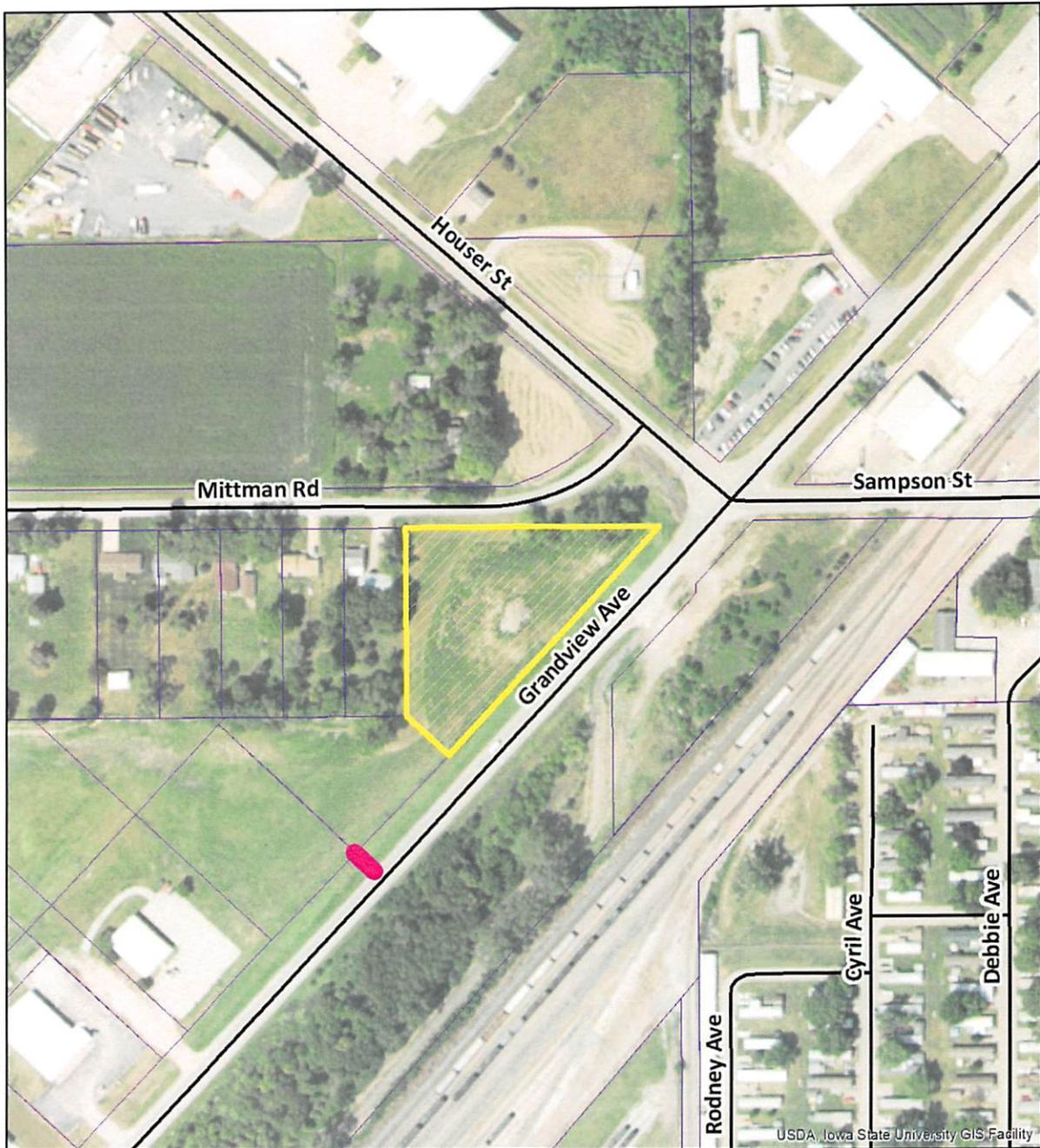
consistent with other driveways, located between South Houser Street and Dick Drake Way, that are reconstructed as part of the Grandview Avenue Corridor Project.

RECOMMENDATION/RATIONALE

Staff recommends approval of the proposed exchange agreement as it allows for acquisition of land needed to optimize the redesign of the Houser Street and Grandview Avenue intersection. Additionally, the portion of the property not used as part of the Grandview Avenue Corridor Project would be ideally suited for the future construction of a trailhead. This site adjoins the recently opened Kent-Stein Park to Deep Lakes Park Trail, and is ideally suited for the construction a trailhead.

BACKUP INFORMATION:

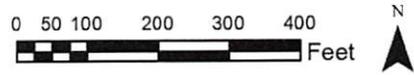
- 1. Exchange Agreement**
- 2. Vicinity Map.**



Property Aquisition from the Eastern Iowa Community College District Foundation

Date Source: Muscatine Area Geographic Information Consortium, City of Muscatine
 Prepared by: Andrew Fangman, City Planner
 Date: June 18, 2018

- Parcel to be Acquired by City
- Driveway to be Constructed by the City
- Parcel Lines



Exchange Agreement

I. Recital

A. The parties to this agreement are:

1. The City of Muscatine, Iowa (City).
2. Eastern Iowa Community College District Foundation (Foundation).

B. The purpose of this agreement is to provide for:

1. A new temporary driveway to give access to Foundation property along Grandview Avenue
2. As part of the Grandview Avenue Corridor Project to convert the temporary driveway to give referenced above in a permanent driveway.
3. Transfer of parcel described as: Lot 1 as set forth on a certain plat of Sections 9 and 10, Township 76 North, Range 2 West of the 5th P.M., said plat having been prepared by James B. Tracy, dated April 28, 1966 and recorded in Book 7 of Plats, page 461, also known as parcel number # 1310301010, from the Foundation to the City.

II. Agreement

In consideration of the Mutual Covenants herein contained, it is agreed that:

1. The Foundation also agrees to deed the property described as: Lot 1 as set forth on a certain plat of Sections 9 and 10, Township 76 North, Range 2 West of the 5th P.M., said plat having been prepared by James B. Tracy, dated April 28, 1966 and recorded in Book 7 of Plats, page 461, also known as parcel number #1310301010 to the City free of encumbrances, liens, taxes and known environmental conditions to include updates to any Abstracts of Title and the pro-ration of any property taxes to the date of closing the exchange of property.
2. The City agrees to by July 1, 2018, or by an alternate date mutually agreed, to construct a temporary driveway onto Grandview Avenue. Said driveway shall be centered on the property line between the parcels described as Lot 2 and Lot 3 as set forth on a certain plat of Sections 9 and 10, Township 76 North, Range 2 West of the 5th P.M., said plat having been prepared by James B. Tracy, dated April 28, 1966 and recorded in Book 7 of Plats, page 461. Said driveway shall extend from the edge of pavement of Grandview Avenue to the northerly right of way line of Grandview Avenue. Said driveway shall be constructed in a manner adequate to provide all-weather, two-way access.

3. As part of the Grandview Avenue Corridor Project, the temporary driveway constructed under Item II.2 of this agreement shall be replaced with a permanent driveway. Said driveway shall be constructed in a manner consistent with other driveways, located between South Houser Street and Dick Drake Way, that are reconstructed as part of the Grandview Avenue Corridor Project.

IN WITNESS WHEREOF, the parties hereto have executed this Exchange Agreement on this _____ day of _____, 2018.

Eastern Iowa Community
College District Foundation

By: _____

Robert S. Gallagher,
Its Board President

THE CITY OF MUSCATINE, IOWA

By: _____

Diana Broderson, Its Mayor

Attest:

Gregg Mandsager, Its City Clerk

STATE OF Iowa, COUNTY OF Scott, SS:

The foregoing instrument was acknowledged before me on May 7th, 2018, by R.S. Gallagher as Board President of EASTERN IOWA COMMUNITY COLLEGE DISTRICT FOUNDATION, on behalf of whom the instrument was executed.



Carlie Shannon
Notary Public in and for the State of Iowa

STATE OF IOWA, COUNTY OF MUSCATINE, SS:

The foregoing instrument was acknowledged before me on _____, 2018, Diana Broderson and Gregg Mandsager, as Mayor and City Clerk, respectively, of the CITY OF MUSCATINE, STATE OF IOWA, on behalf of whom the instrument was executed.

[SEAL]

Notary Public in and for the State of Iowa