

RESOLUTION NO. _____

**RESOLUTION ACCEPTING THE DEDICATION OF RIGHT OF WAY AT THE
MULBERRY AVENUE AND 2ND STREET INTERSECTION**

WHEREAS, on December 19, 2019 the City Council of Muscatine, Iowa approved a property exchange and temporary construction easement agreement between HNI Corporation, and the City of Muscatine; and

WHEREAS, HNI Corporation, has submitted the right of way dedication documents required as part of said exchange agreement; and

WHEREAS, HNI Corporation, an Iowa corporation, does hereby dedicate two parcels of land for right-of-way purposes situated in Block 16 and Block 29 of the Original Town in the City of Muscatine, Muscatine County Iowa, to the City of Muscatine, Iowa and to public use forever; and

WHEREAS, said dedication of right of way by HNI Corporation is hereby made by a signed Dedication of Right of Way attached hereto as Exhibit 1; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that the City of Muscatine, Iowa to accept said right-of-way dedication.

PASSED, APPROVED AND ADOPTED this 19th day of December, 2019.

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

Diana L. Broderon, Mayor

Attest:

Greg Jenkins, Interim City Clerk

EXHIBIT 1

Prepared by and return to Andrew Fangman, 215 Sycamore St., Muscatine, IA 52761 – (563) 264-1554

DEDICATION OF RIGHT OF WAY

STATE OF IOWA, MUSCATINE COUNTY, ss:

HNI Corporation, an Iowa corporation, certifies it is the owner in fee simple of all the real estate (the “Real Estate”) legally described on the attached **Exhibit A** and depicted on the in the Right of Way Acquisition Plats attached as **Exhibit B-1 and Exhibit B-2**.

HNI Corporation hereby dedicates the Real Estate for right-of-way purposes to the City of Muscatine, Iowa, and to public use forever. This Dedication of Right of Way is the free act and deed of HNI Corporation.

Dated at _____, Iowa, this ____ day of _____

HNI Corporation

By _____

Name _____

Title _____

STATE OF IOWA, MUSCATINE COUNTY, ss.

This instrument was acknowledged before me on December ____, 2019, by Steven M. Bradford, as the Secretary of HNI Corporation.

Notary Public in and for the State of Iowa

EXHIBIT A of EXHIBIT 1

RIGHT OF WAY ACQUISITION DESCRIPTION -

A PART OF LOTS 1, 6, 7, 8, 9 AND 10 AND THE VACATED ALLEY IN BLOCK 16 OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHEASTERNLY CORNER OF BLOCK 16; THENCE SOUTH 38°21'34" EAST 13.04 FEET; THENCE SOUTH 61°39'40" WEST 150.92 FEET; THENCE SOUTH 37°12'47" EAST 17.58 FEET; THENCE SOUTH 52°28'05" WEST 42.57 FEET; THENCE SOUTH 13°11'16" WEST 28.35 FEET TO THE BEGINNING OF A 1170.86 FOOT RADIUS CURVE CONCAVE EASTERLY WHOSE 143.07 FOOT CHORD BEARS SOUTH 08°23'32" EAST THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 143.16 FEET; THENCE SOUTH 39°36'02" EAST 22.64 FEET; THENCE SOUTH 51°25'37" WEST 12.17 FEET; THENCE NORTH 38°31'39" WEST 132.18 FEET; THENCE NORTH 51°27'47" EAST 48.84 FEET; THENCE NORTH 38°34'23" WEST 63.69 FEET; THENCE NORTH 52°03'28" EAST 250.98 FEET TO THE POINT OF BEGINNING.
PARCEL "J" CONTAINS 0.28 ACRES AND SUBJECT TO EASEMENTS OF RECORD.

and

A PART OF LOTS 1, 2 AND 3 IN BLOCK 28 OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.
BEGINNING AT THE NORTHWESTERNLY CORNER OF LOT 1 OF BLOCK 28; THENCE NORTH 51°49'08" EAST 30.70 FEET; THENCE SOUTH 84°34'12" EAST 41.84 FEET TO THE BEGINNING OF A 257.64 FOOT RADIUS CURVE CONCAVE SOUTHERLY WHOSE 88.18 FOOT CHORD BEARS SOUTH 74°05'34" EAST; THENCE EASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 88.61 FEET TO THE BEGINNING OF A 57.44 FOOT RADIUS CURVE CONCAVE NORTHERLY WHOSE 36.88 FOOT CHORD BEARS SOUTH 85°57'13" EAST; THENCE EASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 37.54 FEET TO THE WESTERLY LINE OF THE EASTERLY 20 FEET OF THE WESTERLY 40 FEET OF LOT 3; THENCE SOUTH 38°05'57" EAST 14.58 FEET TO THE NORTHERLY RIGHT OF WAY OF 2ND STREET; THENCE SOUTH 51°53'10" WEST 139.94 FEET TO THE EASTERLY RIGHT OF WAY OF MULBERRY AVENUE; THENCE NORTH 38°12'17" WEST 139.47 FEET TO THE POINT OF BEGINNING. PARCEL "S" CONTAINS 0.28 ACRES AND SUBJECT TO EASEMENTS OF RECORD.

EXHIBIT B-1 of EXHIBIT I

REV.	0	D444 SURVEYING	
FILE	BOOK	SCALE	DATE
SYD.	ETHD	L-30'	11/17/18
JOB NO.	DATE	DRN	CHRD
44444	11/17/18	150'	150'
SHEET 1 OF 1			

SURVEY TYPE: ROW ACQUISITION PLAN
 LOCATION: BLOCK 16 OF MUSCATINE, IOWA
 REQUESTOR: CITY OF MUSCATINE
 PROPORTION: 1/4" = 100'
 SURVEYOR: GARY M. WHITACRE
 INFO@MARTIN-WHITACRE.COM (563)263-7691
 P.O. BOX 413 MUSCATINE, IOWA 52761
 Martin & Whitacre
 Surveyors & Engineers, Inc.
 SURVEY COMPANY / RETURN TO:

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Gary M. Whitacre
 Reg. No. 10318
 Date: 11/17/18
 My license renewal date is December 31, 2019

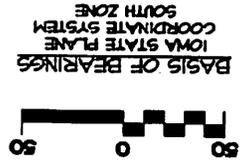
Pages or sheets covered by this seal: 1

RIGHT OF WAY ACQUISITION DESCRIPTION

A PART OF LOTS 1, 6, 7, 8, 9 AND 10 AND THE VACATED ALLEY IN BLOCK 16 OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

BEGINNING AT THE NORTHEASTLY CORNER OF BLOCK 16, THENCE SOUTH 82°13'41" EAST 13.04 FEET; THENCE SOUTH 61°38'40" WEST 160.82 FEET; THENCE SOUTH 57°17'47" EAST 17.56 FEET; THENCE SOUTH 62°28'05" WEST 42.87 FEET; THENCE SOUTH 15°17'16" WEST 28.56 FEET TO THE BEGINNING OF A 1170.66 FOOT RADIUS CURVE CONCAVE EASTWARD WHOSE 143.07 FOOT CHORD BEARS SOUTH 09°23'32" EAST THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 143.16 FEET; THENCE SOUTH 39°36'02" EAST 22.64 FEET; THENCE SOUTH 61°25'37" WEST 12.17 FEET; THENCE NORTH 39°31'39" WEST 132.16 FEET; THENCE NORTH 61°27'44" EAST 48.64 FEET; THENCE NORTH 39°34'23" WEST 63.69 FEET; THENCE NORTH 52°03'28" EAST 250.96 FEET TO THE POINT OF BEGINNING.

PARCEL "J" CONTAINS 0.26 ACRES AND SUBJECT TO EASEMENTS OF RECORD.



- LEGEND**
- SET 1/2" X 3/8" REBAR W/ YELLOW CAP #10316
 - FOUND DRILL HOLE
 - FOUND "X" IN CONCRETE

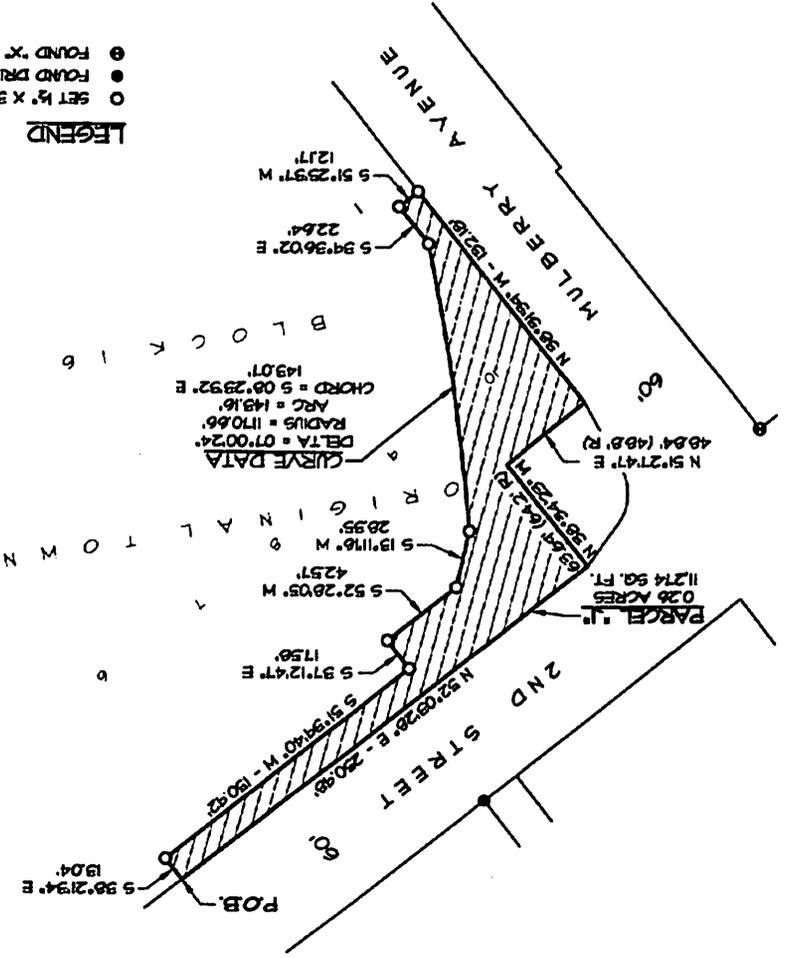
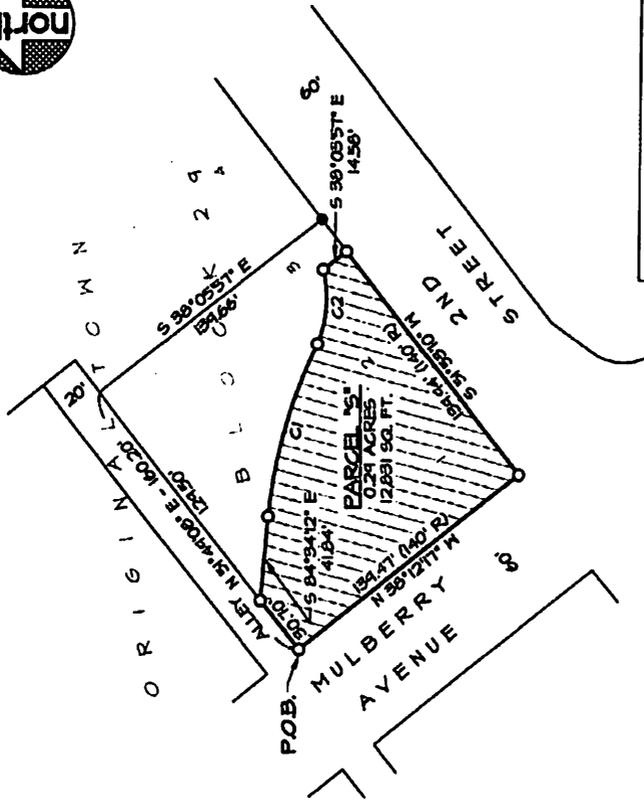


EXHIBIT B-2 of EXHIBIT 1



BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE



RIGHT OF WAY ACQUISITION DESCRIPTION -

A PART OF LOTS 1, 2 AND 3 IN BLOCK 28 OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, BEGINNING AT THE NORTHEASTLY CORNER OF LOT 1 OF BLOCK 28; THENCE NORTH 61°49'06" EAST 30.70 FEET; THENCE SOUTH 84°34'12" EAST 41.84 FEET TO THE BEGINNING OF A 267.64 FOOT RADIUS CURVE CURVING SOUTHWEST; THENCE SOUTH 74°05'34" EAST; THENCE EASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 88.18 FEET TO THE BEGINNING OF A 67.44 FOOT RADIUS CURVE CURVING SOUTHWEST; THENCE SOUTH 89°07'13" EAST; THENCE EASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 37.54 FEET TO THE WESTERLY END OF THE EASTERLY 20 FEET OF THE WESTERLY 40 FEET OF LOT 2; THENCE SOUTH 81°35'19" WEST 14.58 FEET TO THE NORTHEASTLY CORNER OF WAY OF 2ND STREET; THENCE SOUTH 81°35'19" WEST 14.58 FEET TO THE EASTERLY RIGHT OF WAY OF MULBERRY AVENUE; THENCE NORTH 82°12'17" WEST 138.47 FEET TO THE POINT OF BEGINNING. PARCEL "B" CONTAINS 0.28 ACRES AND SUBJECT TO EASEMENTS OF RECORD.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.



Gary W. Wallace
Date: 11/28/19 Reg. No. 10216
My license renewal date is December 31, 2019
Pages or sheets covered by this sheet: 1

CURVE DATA					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD DISTANCE
C1	142.25°	257.64	88.18'	S 74°05'34" E	88.18'
C2	97.54°	57.44	36.88'	S 89°07'13" E	36.88'

SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, Inc.
P.O. BOX 613 MUSCATINE, IOWA 52781
INFO@MARTIN-WHITACRE.COM (563)263-7691
SURVEYOR: GARY W. WALLACE
PROPRIETOR: CITY OF MUSCATINE
REQUESTOR: CITY OF MUSCATINE
LOCATION: BLOCK 28 OF ORIGINAL TOWN OF MUSCATINE IN THE CITY OF MUSCATINE, IOWA
SURVEY TYPE: R.O.W. ACQUISITION PLAN
FILE NO. 19-007
BOOK 19-007
SHEET 1 OF 1
DATE 11/28/19
JOB NO. 6444.14
6444 SURVEY 2760

LEGEND

- SET 1/2" X 3/8" REBAR W/YELLOW CAP #0316
- FOUND DRILL HOLE
- ⊗ FOUND "X" IN CONCRETE
- (R) R DENOTES RECORD DATA IF OTHER THAN ACTUAL FIELD MEASUREMENT



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Mayor and City Council Members

CC: Greg Jenkins, Interim City Administrator

From: Andrew Fangman, Assistant Community Development Director

Date: December 19, 2019

Re:

- Request to Approve a Property Exchange and Temporary Construction Easement Agreement with HNI Corporation, Related to the 2nd Street and Mulberry Avenue Roundabout Project.
- Resolution to Approve Right of Way Dedications from HNI Corporation, Related to the 2nd Street and Mulberry Avenue Roundabout Project
- Resolution to Approve a Temporary Construction Easements from HNI Corporation, Related to the 2nd Street and Mulberry Avenue Roundabout Project

BACKGROUND:

The construction of a roundabout at the intersection of 2nd Street and Mulberry Avenue is the last remaining uncompleted portion of the Mississippi Drive Corridor Project. The conversion of this intersection into a roundabout necessitates the acquisition of additional right-of-way on both the northeast and southeast corners of this intersection. The realignment of this intersection will also generate surplus right-of-way, that will upon completion of this project serve no useful public purposes. The completion of this project will require temporary construction easements from the adjoining property owner.

Presented for City Council approval is an agreement between the City and HNI Corporation (the adjoining property owner on both the northeast and southeast corners of the 2nd and Mulberry intersection). This agreement will facilitate the acquisition of the required right-of-way; the obtention of the necessary temporary construction easements; and the disposition of the surplus right-of-way that will be generated by this project.

Between the northeast and southeast corners of this intersection there are seven distinct areas which will be dedicated as right-of-way, subjected to temporary construction easements, or disposed of as surplus property. This requires the execution of seven distinct transactions between the City and HNI, with some of these transactions coming prior to commencement of construction, and others occurring upon completion of the project. All seven of these transactions are interlinked and all are an integral part of the understanding between the City and HNI of how all the required transactions for this project should occur. This understanding is

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

the basis for this agreement which provides for the linkage between all seven transactions and establishes when each sequence should occur.

This agreement reflects the very generous support of HNI for making significant improvements to one of the most critical intersections in Muscatine. HNI will be donating the right-of-way and temporary construction easements necessary for this project. This donation is in addition to the \$50,000 that the HNI Foundation is contributing to this project. These contributions by HNI allow for the public dollars in this project to be stretched further.

The seven different areas which are covered by this agreement are depicted on a map attached as page 4 of this memo. These areas are labeled as Areas A through G. Following is an overview of the proposed transactions for each area covered by this agreement.

Area A - Right-of-way dedication on the southeast corner of the Mulberry and 2nd intersection

This area will be dedicated by HNI to the City as right-of-way. Upon completion of the project this area will contain permanent roadway and sidewalk improvements. A resolution accepting this right-of-way dedication is also on the December 19th City Council agenda.

Area B – Temporary construction easement on the southeast corner of the Mulberry and 2nd intersection

HNI will grant a temporary construction easement for this area. Upon completion of the project this will be restored as specified in the temporary construction easement. This temporary construction easement will automatically be canceled upon completion of the project. A resolution accepting the temporary construction easement is also on the December 19th City Council agenda.

Area C - Right-of-way dedication on the northeast corner of the Mulberry and 2nd intersection

This area will be dedicated by HNI to the City as right-of-way. Upon completion of the project this area will contain permanent roadway and sidewalk improvements. A resolution accepting this right-of-way dedication is also on the December 19th City Council agenda.

Area D – Temporary construction easement on the northeast corner of the Mulberry and 2nd intersection

HNI will grant a temporary construction easement for this area. This temporary construction easement grants the City permission to demolish the existing building located at 507 E. 2nd Street. This building is located in both Area C and Area D. Upon completion of the project this will be restored as a parking lot as specified in the temporary construction easement. The City's cost to construct this parking is capped, as per the easement agreement at \$44,500, with HNI being obligated to pay the rest. This temporary construction easement will automatically be canceled upon completion of the project. A resolution accepting the temporary construction easement is also on the December 19th City Council agenda.

Area E – Disposal of surplus property – A portion 515 E. 2nd St

On August 1, 2019, the City acquired the parcel located a 515 E. 2nd St from a private individual, and has since demolished the building located on this parcel. Only a portion (Area F) of this parcel is needed for this project. The remainder of this parcel (Area E) serves no current or future public

use, and is too small for it to be independently redeveloped. As such, the proposed agreement calls for this area to be deeded to the adjoining property owner (HNI). This would return the property to the tax roll, allow for it to be put back to a productive use by combining it with the much larger adjoining parcel, and helps offset the land HNI is giving up with right-of-way dedications associated with this project. This transaction will be complete one month after the temporary construction easements for Areas B and D expire and the overall project is complete.

Area F –Retention of a portion 515 E. 2nd St

The City will retain, as part of the Mulberry Avenue right-of-way a portion of the parcel located at 515 E. 2nd St.

Area G – Alley #2 east of Mulberry Avenue

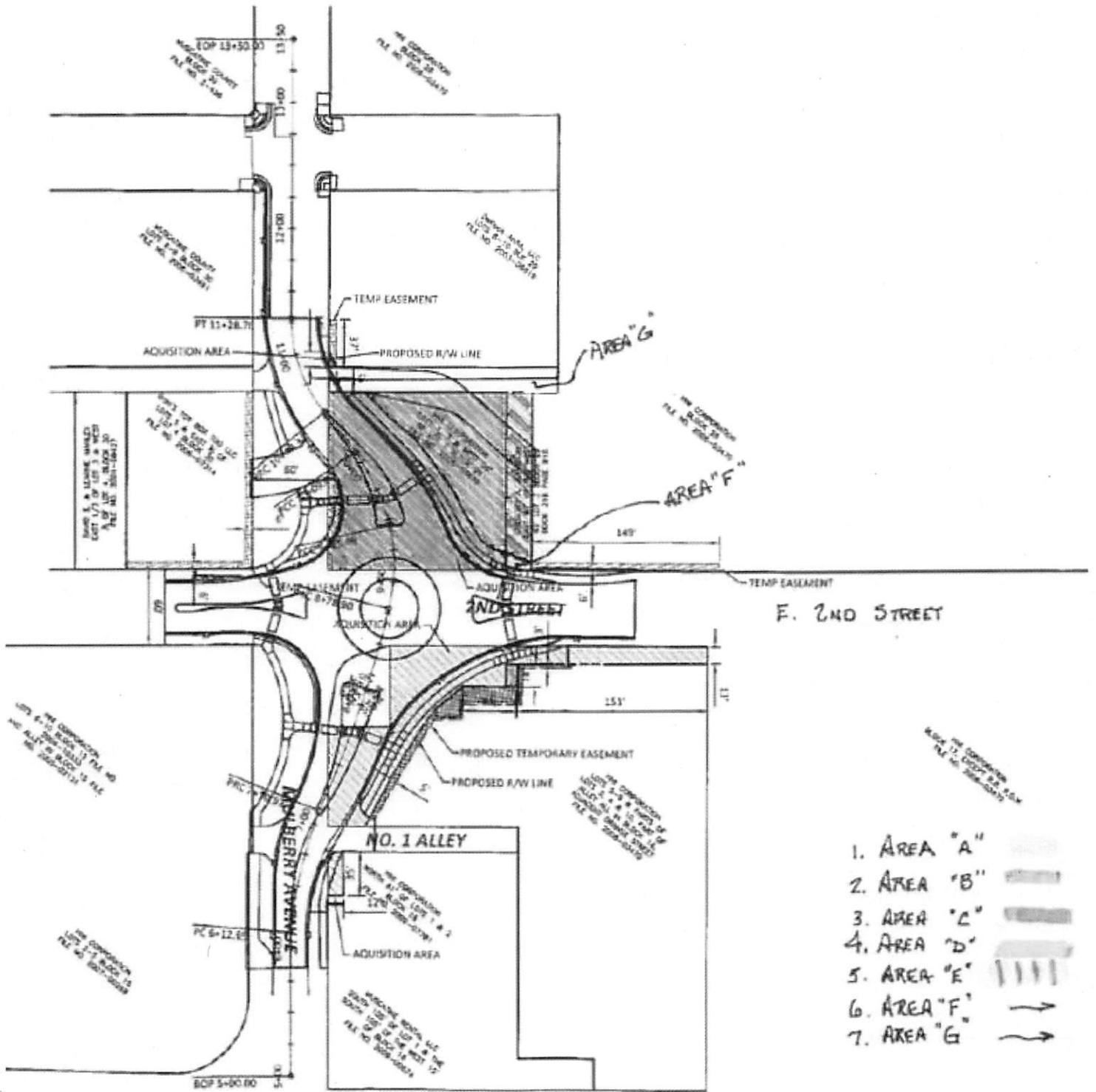
East of Mulberry Avenue, Alley #2 is a 180' stub that dead ends at HNI's current property. Upon completion of this project this portion of Alley #2 will no longer serve any public purpose, as it will only adjoin two parcels. In such situations, it is in the interested of the City to vacate such surplus right-of-way and convey it to the adjoining property owners. This benefits the City by returning this area to the tax roll and relieves the City of the duty to maintain infrastructure that is no longer serving a public purpose. In such situations, it has long been City policy to offer each adjoining property owner the right of first refusal on the half nearest their adjoining parcel. As such HNI will automatically be offered the southerly half of this portion of the Alley #2 right-of-way. If the adjoining property owner to the north, whom currently does not have physical vehicular access to the alley, declines to take the northerly half of this right-of-way, the northerly half of the Alley #2 right of way, would be offered to HNI. The ordinance to vacate this right-of-way and the subsequent City Council action to transfer ownership of the vacated right-of-way to the adjoining property owner(s), will be completed by April 2, 2020

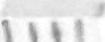
RECOMMENDATION/RATIONALE

Staff recommends approval of the proposed agreement as it is necessary to proceed with construction of the 2nd Street and Mulberry Avenue Project, and would also provide for the disposal of the resulting surplus property.

BACKUP INFORMATION:

- 1. Property Exchange and Temporary Construction Easement Agreement, with HNI Corporation, Related to the 2nd Street and Mulberry Avenue Roundabout Project.**
- 2. Resolution Accepting the Dedication of Right of Way at the Mulberry Avenue and 2nd Street Intersection.**
- 3. Resolution approving an easement agreement with HNI Corporation regarding temporary construction easements necessary for the 2nd Street and Mulberry Avenue Roundabout Project.**
- 4. Real Property Charitable Donations Agreement.**



1. AREA "A" 
2. AREA "B" 
3. AREA "C" 
4. AREA "D" 
5. AREA "E" 
6. AREA "F" 
7. AREA "G" 