



City of Muscatine



AGENDA ITEM SUMMARY

DATE: 8-19-21

City Council

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT

A resolution approving a building encroachment and air space easement at 117 West 3rd Street

EXECUTIVE SUMMARY

The Stanley Center for Peace and Security is requesting an easement to allow their building located at 304 Iowa to encroach 13 inches on the Clark House property which is located at 117 West 3rd Street.

STAFF RECOMMENDATION

Staff recommends Council, acting as the Board of Commissioners for the Low Rent Housing Commission (Muscatine Municipal Housing Agency), approve the attached resolution.

BACKGROUND/DISCUSSION

In October 2020, Stanley Center for Peace and Security acquired the former location of the Musser Public Library from the City of Muscatine to be renovated for the center's new office. The building will become one of the most environmentally-friendly and ecologically-sustainable buildings in the world upon completion. It will include space dedicated to the center's programming and provide opportunities to synergize with local resources such as the Musser Library, Muscatine School District, Muscatine Art Center, and international visitor programs. The renovated building will model green practices and raise awareness about the need for collective action on global challenges, such as climate change.

During the design process, it was discovered that the former library building was constructed on 4 inches of the Clark House parcel. As part of forthcoming renovation, the existing brick façade on the former library building will be covered with new cladding, to improve the thermal and moisture-resistance performance of the building envelope, extending it a further 9 inches.

Approval of the attached easement will allow for the continuation of the existing and proposed encroachments. These encroachments will not impact operations at the Clark House.



CITY FINANCIAL IMPACT

None.

ATTACHMENTS

1. Resolution
2. Easement Agreement

RESOLUTION NO. 2021- 0296

**A RESOLUTION APPROVING A BUILDING ENCROACHMENT AND AIR
SPACE EASEMENT AT 117 WEST 3RD STREET**

WHEREAS, The Stanley Center for Peace and Security is requesting an easement to allow their building located at 304 Iowa to encroach 13 inches on the Clark House property which is located at 117 West 3rd Street;

WHEREAS, In October 2020 Stanley Center for Peace and Security acquired the former location of the Musser Public Library from the City of Muscatine to be renovated for the center's new office;

WHEREAS, during the design process, it was discovered that the former library building was constructed on 4 inches of the Clark House parcel. As part of forthcoming renovation, the existing brick façade on the former library building will be covered with new cladding, to improve the thermal and moisture-resistance performance of the building envelope, extending it a further 9 inches; and

WHEREAS, an easement for the purpose of accessing the Easement Area to reconstruct, maintain, operate, replace, repair, patrol or remove, whenever necessary, said building has been drafted as is attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF MUSCATINE, IOWA**, that the easement attached as Exhibit A is approved and will be signed by the Mayor and attested by the City Clerk.

PASSED, APPROVED AND ADOPTED this 19th day of August, 2021.

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

Diana L. Broderson, Mayor

Attest:

Carol Webb, City Clerk

WHEN RECORDED RETURN TO:

Andrew Fangman, Assistant Community Development Director
215 Sycamore Street
Muscatine, IA, 52761

Preparer Information: Erin M. Clanton, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266 (515) 274-1450

BUILDING ENCROACHMENT AND AIR SPACE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, the Low Rent Housing Commission d/b/a Muscatine Municipal Housing Agency, hereinafter referred to as "Grantor" or "City", in consideration of the sum of one dollar (\$1.00), and other valuable consideration, in hand paid by the Grantee, receipt of which is hereby acknowledged, does hereby sell, grant and convey unto The Stanley Foundation d/b/a Stanley Center for Peace and Security, an Iowa non-profit organization, in the County of Muscatine, State of Iowa, hereinafter referred to as "Grantee" or "Stanley", a permanent easement under, through, and across the following described real estate:

The easterly 13" of Lot 3 of Block 55 of the Original Town of Muscatine, Iowa

(as depicted on the attached Exhibit 1) the "Easement Area"

That the above described easement is granted unto Stanley to allow the building located on Lots 4 and 5 of Block 55 of the Original Town of Muscatine, Iowa to encroach upon the Easement Area and air space above owned by the City. Any and all costs to construct such alterations shall be Stanley's obligation.

1. Erection and Placement of Structures, Obstructions, Plantings or Materials Prohibited. The City and its grantees, assigns and transferees shall not erect any fence or other structure under, over, on, through, across or within the Easement Area without obtaining the prior written consent of the Grantee, nor shall City cause or permit any obstruction, planting or material to be placed under, over, on, through, across or within the Easement Area without obtaining the prior written consent of the Grantee.

2. Change of Grade Prohibited. City and its grantees, assigns and transferees shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the Grantee.

3. Liability. The City shall not be liable for injury or property damage occurring in or to the Easement Area, the property abutting said Easement Area, nor for property damage or any improvements or obstructions thereon resulting from the Grantee's exercise of this Easement. Stanley agrees to indemnify and hold City, its employees, agents and representatives harmless against any loss, damage, injury or any claim or lawsuit for loss, damage or injury arising out of or resulting from the negligent or intentional acts

or omissions of Stanley or its employees, agents or representatives.

4. Easement Benefit. This Easement shall be for the benefit of the Grantee, its successors and assigns, and its permittees and licensees.

5. Easement Runs with Land. This Easement shall be deemed perpetual and to run with the land.

6. Approval by City Council. This Easement shall not be binding until it has received the final approval and acceptance by the City Council by Resolution.

That the Grantor does hereby covenant with the said Grantee, and successor-in-interest, that said Grantor holds said real estate by title and fee simple; that it has good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever, except as may be herein stated.

IN WITNESS WHEREOF, we have hereunto affixed our hands this _____ day of
, 2021.

LOW RENT HOUSING COMMISSION D/B/A MUSCATINE MUNICIPAL HOUSING AGENCY

By _____
Diane L. Broderson, Chair

ATTEST:

Carol Webb, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF MUSCATINE)

on this _____ day of _____, 2021, before me, a Notary Public in and for said county, personally appeared Diane L. Broderson and Carol Webb, as Chair and City Clerk respectively, to me personally known, who being by me duly sworn said this instrument was properly signed by the Low Rent Housing Commission d/b/a Muscatine Municipal Housing Agency and acknowledged the execution of said instrument to be the voluntary act and deed of the Low Rent Housing Commission d/b/a Muscatine Municipal Housing Agency

Notary Public in and for the State of Iowa

Exhibit 1



Legend



Parcel Lines



Easement Area

10 5 0 10 Feet

