



**BUSINESS OF THE CITY COUNCIL
AGENDA STATEMENT**

Item No. 14
For Meeting of 9.1.2016

ITEM TITLE: Discussion and Possible Action on a Resolution Approving a Temporary Construction Easement for Grading with United Properties Investments Company, L.C.

CONTACT PERSON: Luke Nelson, City Manager

SUMMARY EXPLANATION:

The Beardsley Regional Stormwater Detention Facility is intended to collect stormwater from an area that has the potential of significant growth allowing for the use of “best practices” relating to stormwater management.

With the final grading plan there is an area along the north easterly portion of the detention facility that will have an elevation of the trail that could adversely impact the adjoining property of United Properties Investments, L.C. (UPI). To mitigate this grading transition, a retaining wall of about 3 feet 6 inches has been designed to be installed on City property.

There are 5 significant elements to the easement which are listed in the attached “Temporary Construction Easement for Grading.”

FUNDING:

The Beardsley Detention Project is being funded through General Obligation (GO) Bonds and Connection Fees. The total project cost is \$3,185,101 (including contingency). This total project amount includes change order No. 1 for \$76,125. This construction easement is not anticipated to add extra cost until such time that adjacent residential development occurs. At that time the City will have financial responsibility for installation of two trail connections per item No. 5 in the attached “Temporary Construction Easement for Grading.”

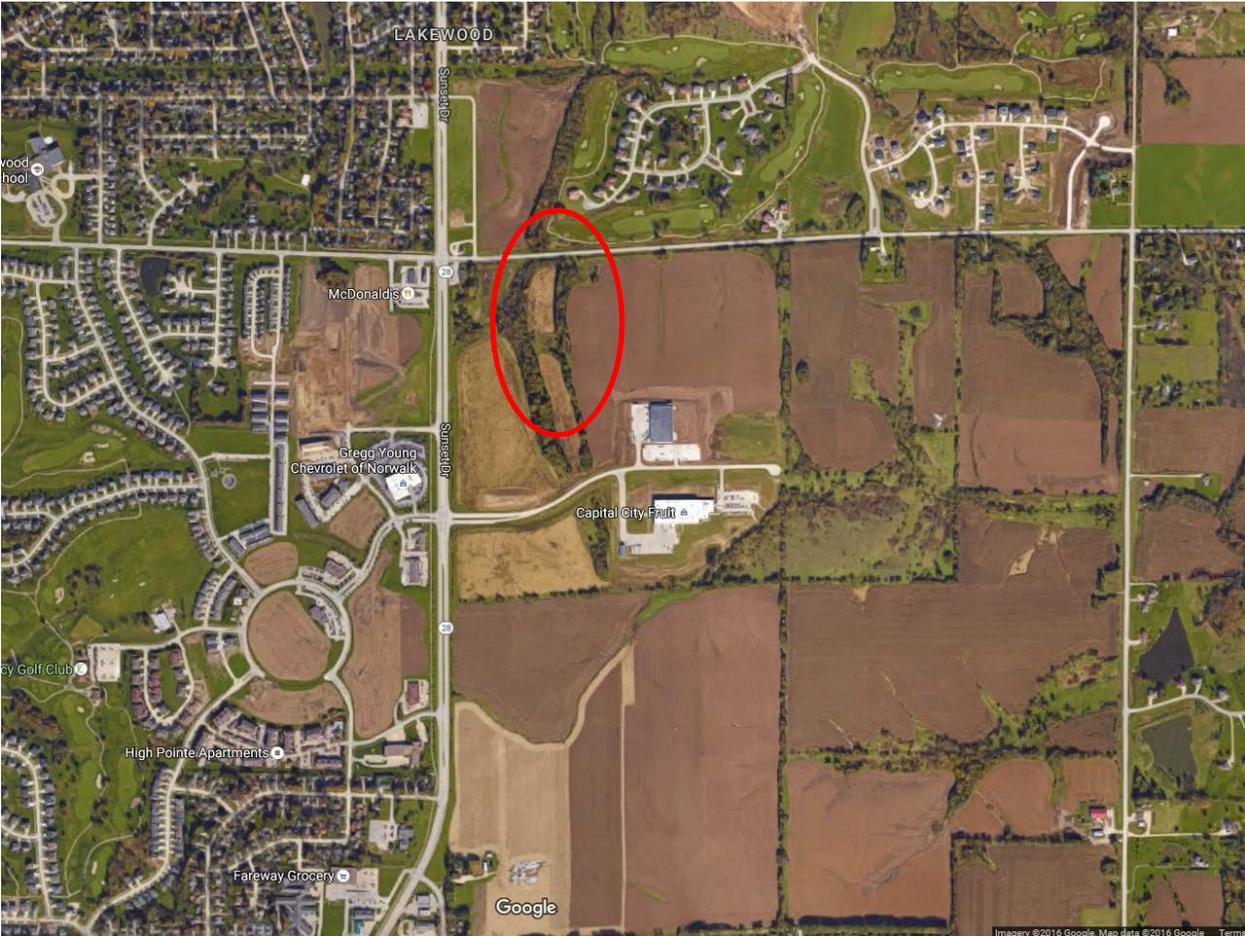
RESOLUTION:

There are several alternatives for Council to consider.

1. Approve the resolution.
2. Direct Staff and Engineering to research other alternatives.

RECOMMENDATION:
Alternative No 1.

Vicinity Map



RESOLUTION NO. _____

**RESOLUTION APPROVING THE EXECUTION OF A TEMPORARY
CONSTRUCTION EASEMENT WITH UNITED PROPERTIES INVESTMENTS
COMPANY, L.C. FOR THE BEARDSLEY REGIONAL STORMWATER DETENTION
FACILITY**

WHEREAS, The Beardsley Regional Stormwater Detention Facility is taking place on the south side of Beardsley Street and north of Colonial Parkway to collect storm water into a detention basin; and,

WHEREAS, The Beardsley Regional Stormwater Detention Facility requires a Temporary Construction Easement on property owned by United Properties Investments Company, L.C.; and,

WHEREAS, the City's Project Engineer has prepared the needed easement with the property owner on behalf of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
NORWALK, IOWA:**

That the proposed easement be approved by the City of Norwalk, pending final legal review, signatures, and the document notarized and the Mayor is authorized to execute said document on behalf of the City and the City Clerk is hereby authorized to attest to the signature of the Mayor thereon.

PASSED and ADOPTED this 1st day of September, 2016.

Tom Phillips, Mayor

ATTEST:
Jodi Eddleman, City Clerk

ROLL CALL VOTE:	Aye	Nay	Abstain	Absent
Isley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kuhl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lester	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Livingston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riva	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Prepared By: Anthony j. Bellizzi, Veenstra & Kimm, Inc., 3000 Westown Parkway, West Des Moines, IA 50266 (515) 225-8000
Return To: City of Norwalk, 705 North Avenue, Norwalk, IA 50211

Easement No. 4

**TEMPORARY CONSTRUCTION EASEMENT
FOR GRADING**

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, United Properties Investments Company, L.C. of the County of Warren, State of Iowa, (hereinafter "Grantor"), in consideration of \$ _____ hand paid by the CITY OF NORWALK, IOWA, the receipt of which is hereby acknowledged do hereby sell, grant and convey unto the City of Norwalk, a municipal corporation, in the County of Warren, State of Iowa, (hereinafter "City"), a temporary construction easement for grading under, over, on, through and across the following described real estate:

Parcel 'P' of the Northwest fractional 1/4 of the Northwest 1/4 of Section 7, Township 77 North, Range 24 West of the 5th P.M., as described in Book 2014 on Page 8723 in the Warren County Recorder's Office, EXCEPTING THEREFROM Parcel 'R' and Parcel 'Q' of said Parcel 'P' as described in Book 2016 on Page 1450 in said Warren County Recorder's Office, Warren County, Iowa.

Temporary Construction Easement

Said temporary easement being more particularly described as follows:

Beginning at the Southeast corner of said Parcel 'P'; thence South 86°26'02" West, 460.33 feet along the South line of said Parcel 'P' to the Southeast corner of said Parcel 'R'; thence North 17°15'56" West, 529.95 feet along the East line of said Parcel 'Q' to the South corner of said Parcel 'Q'; thence North 27°32'42" East, 593.71 feet along the East line thereof to the South right-of-way of Beardsley Street; thence South 00°00'00" West, 259.50 feet; thence South 27°32'42" West, 314.17 feet; thence South 17°15'56" East, 478.85 feet; thence North 86°26'02" East, 346.23 feet to the East line of said Parcel 'P'; thence South 00°27'08" West, 30.07 feet along said East line to the point of beginning.

Containing 127,099 square feet or 2.92 acres, more or less, as depicted on the easement drawing attached hereto as Exhibit "A".

14278

Rev 08-29-16

The temporary construction easement is for the purpose of the City to construct transition grading of the easement area necessary to facilitate construction of a regional stormwater detention facility adjacent to the temporary easement area. The transition grading of the easement area shall be as shown in the grading plan for the "Beardsley Regional Stormwater Detention Phase 2- Grading and Drainage" project, (hereinafter "Project").

In connection herewith it is specifically agreed that by this temporary easement, the City, its employees, agents or representatives shall have the right to enter upon said premises as shall be necessary to construct excavation and transition grading of ground surface, using the required labor, materials and equipment to complete said excavation and grading as it deems necessary.

It is understood and agreed that by this temporary easement the elevation of the ground surface, within the easement area, along the property line between the City and the Grantor, will be lower than the existing grade, requiring transition grading on the Grantors property from the new proposed topography at the property line, to the existing topography. The initial proposed transition grading distance after construction of the Project will vary from 0-75 feet.

This Easement shall be subject to the following terms and conditions:

1. Construction of Modular Block Retaining Wall to improve grade transition.

It is understood and agreed that the City will construct a retaining wall as necessary, on City property adjacent to the easement area, along the property line between the City and the Grantor to improve the transition and further limit the transition grading necessary. The retaining wall will be approximately 3.5 feet in height and allow for a shorter transition slope within the easement area. The final proposed transition grading distance after construction of the retaining wall, for the most part, will vary from 0 - 40 feet generally at a grade of 4 feet horizontal to 1 foot vertical (4:1). The City agrees to construct the retaining wall as a part of the Project.

2. . Adjustment of North Detention Pond Westerly to improve grade transition.

It is understood and agreed that the City will adjust the location of the north detention pond in the Project westerly, moving the limits of the permanent pool of the detention pond approximately 30 feet westerly at the north end of the pond (from the original location of the detention pond in the Project as bid) to create additional horizontal separation between the detention pond and associated trail, and the Grantors property to improve transition and further limit the transition grading necessary.

3. Coordination of Storm Drainage and Intake Structure Locations for future connection to Regional Stormwater Detention Facility.

The City shall coordinate with the Grantors Engineer to locate storm drainage structures constructed as a part of the Project, that are designed to collect stormwater runoff from the Grantors property, in a location suitable for future connection of the Grantors storm drainage system upon development of the

Grantors property. The City shall provide temporary construction easement necessary to facilitate construction and connection of the Grantors storm drainage system to the proper storm drainage structure. The Grantor shall be subject to any future connection fee associated with use of the Regional Stormwater Detention Facility.

4. Extension of Sanitary Sewer Collection System.

It is understood and agreed that the City will extend the sanitary sewer collection system as a part of the Project, to a location on the City property suitable for future connection of the Grantors sanitary sewer system upon development of the Grantors property. The sewer extension will be designed to serve up to 75 acres of the Grantors property and a population of up to 1,200 people.

5. Future Connection to Trail System.

Upon development of the Grantors property, the Grantor will provide a corridor for future connection of the Grantors street/trail infrastructure to the City trail system, similar to the concept shown on the attached preliminary concept plan (identified as "bike path" on concept plan; hereinafter called "Connector Trail"). It is understood and agreed that the City will design and construct the Connector Trail in up to two (2) locations similar to that shown on the attached preliminary concept plan. The Grantor shall provide temporary and perpetual easements necessary to facilitate design, construction, and future maintenance of Connector Trail by the City. The perpetual easement provided by the Grantor will provide necessary corridor for future access for maintenance by the City.

The Grantor does hereby covenant with the City that said Grantor has approved the Project grading plan for the temporary easement area.

The said municipal corporation shall restore said described land to a satisfactory condition after construction and/or maintenance with grass.

The temporary construction easement shall be for a period of 12 months from the date of construction at which time the temporary construction easement will cease and terminate.

That the Grantor does hereby covenant with the said City, and successors in interest, that said Grantor holds said real estate by title and fee simple; that they have 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 hereinabove stated; that said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

EXHIBIT A EASEMENT DRAWING

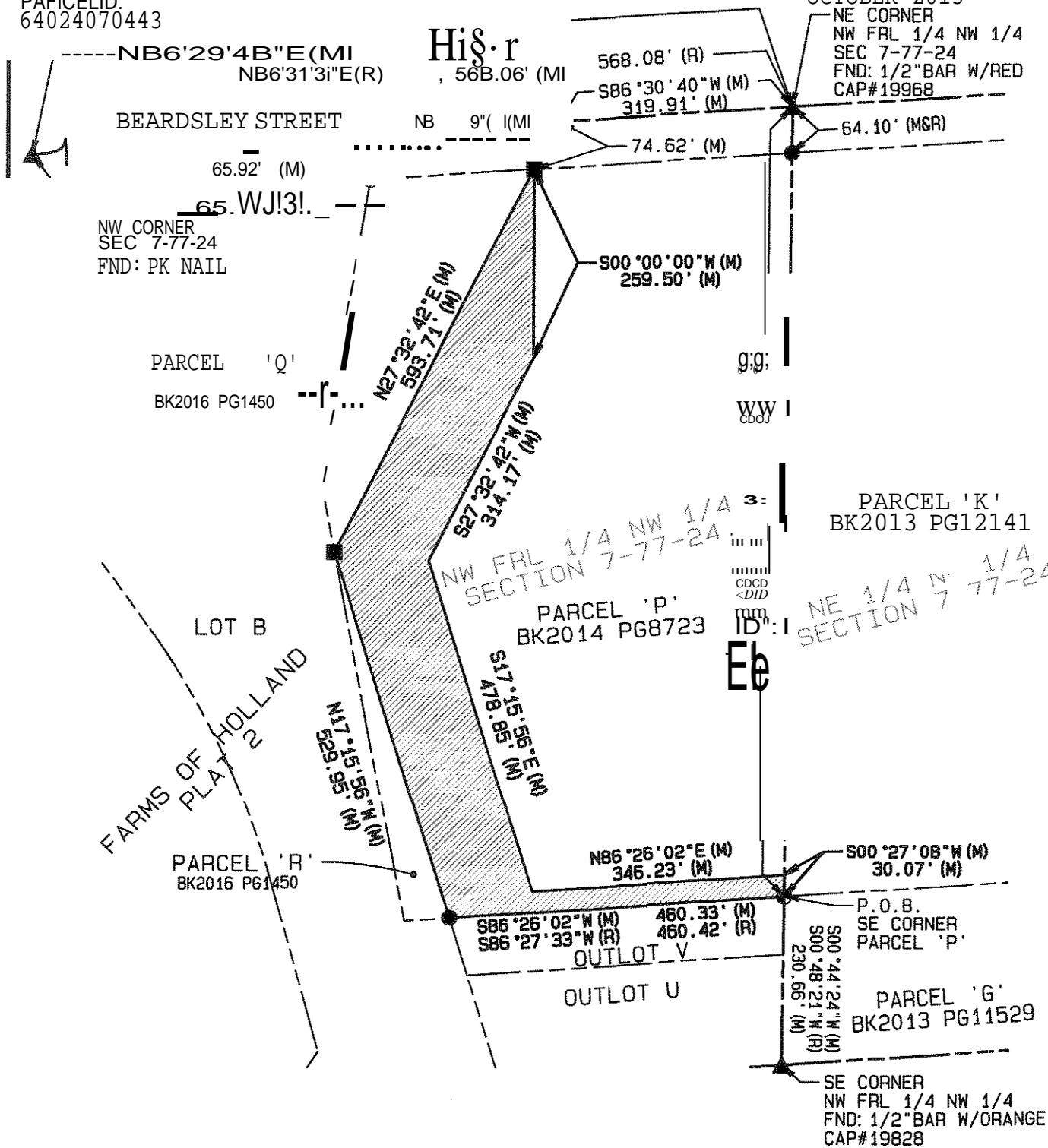
OWNER:
UNITED PROPERTIES
INVESTMENT COMPANY, L.C.
BOOK 2014 PAGE 9619

FOR TEMPORARY CONSTRUCTION
FOR GRADING FOR THE
CITY OF NORWALK, IA

ADDRESS:
7500 BLOCK OF
BEARDSLEY STREET
NORWALK, IA 50211
DATE OF SURVEY:

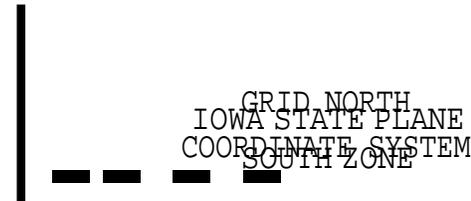
PAFICELID:
64024070443

OCTOBER 2015
NE CORNER
NW FRL 1/4 NW 1/4
SEC 7-77-24
FND: 1/2" BAR W/RED
CAP#19968



LEGEND

- A FOUND SECTION CORNER AS NOTED
- e FOUND 1/2" I.P. W/YELLOW CAP# 12386
- e FOUND 1/2" BAR W/ORANGE CAP# 19828
- e FOUND 5/8" BAR W/YELLOW CAP# 19960
- (M) MEASURED BEARING OR DISTANCE CAP# 19960
- (R) RECORDED BEARING OR DISTANCE



1" = 200'

0 200 400

t:0'1 EASEMENT AREA

SCALE 1"=200'
DRAWN T.J.P.
CHECKED BJM
APPROVED AJB



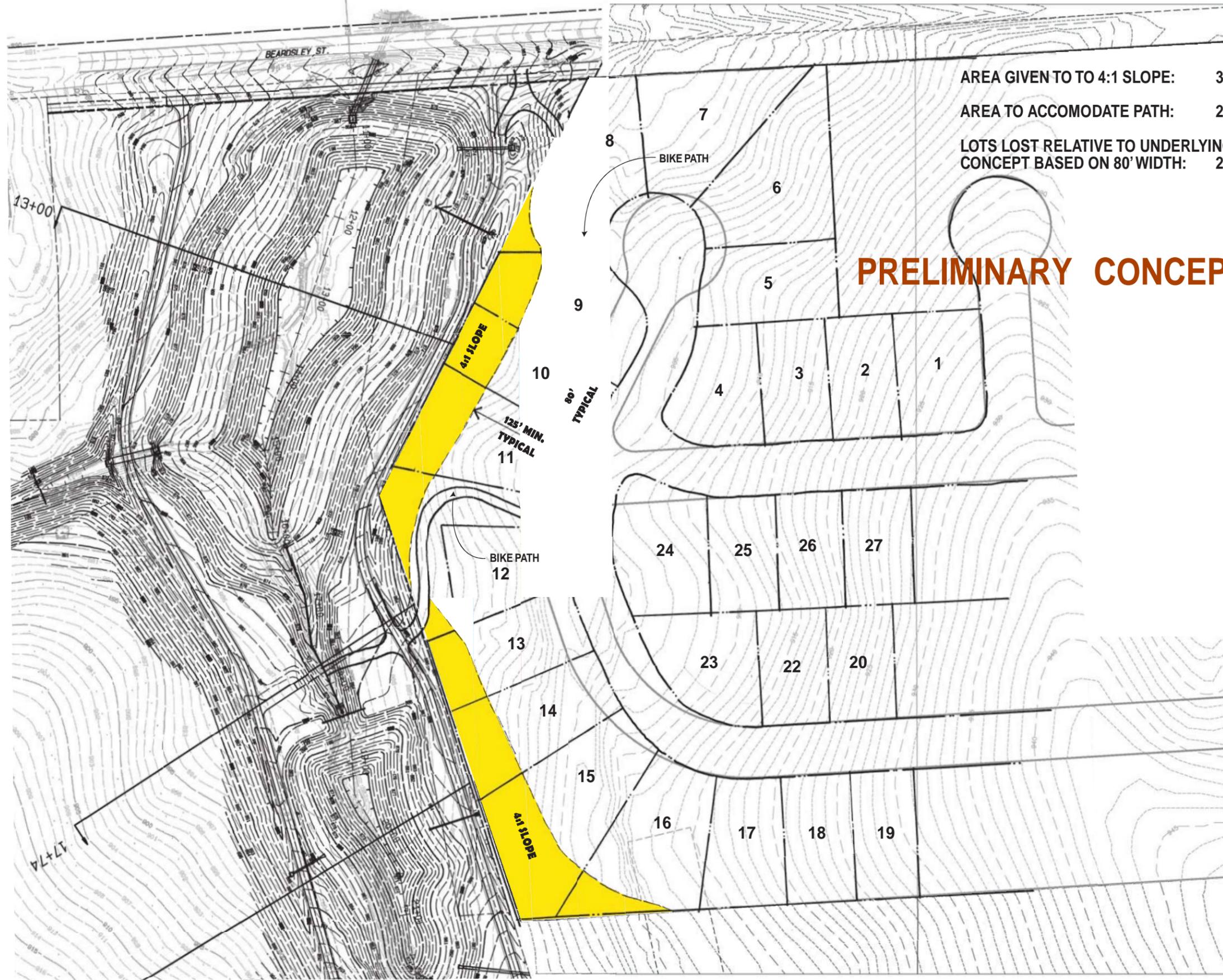
TEMPORARY EASEMENT IN
PARCEL P NW FRL 1/4
NW 1/4 SEC 7-77-24

DWG. NO.
E-4

DATE 01-04-16
1-A-c

VEENSTRA & KIMM, INC. 3000 Westown Parkway West Des Moines, Iowa 50266-1320
515-225-8000 • 515-225-7848 (FAX) • 800.241-8000 (WATS)

PROJECT 14278



AREA GIVEN TO TO 4:1 SLOPE: 39,000 S.F. (.89 AC.)
 AREA TO ACCOMODATE PATH: 25,500 S.F. (.58 AC.)
 LOTS LOST RELATIVE TO UNDERLYING ORIGINAL
 CONCEPT BASED ON 80' WIDTH: 2 - 3

PRELIMINARY CONCEPT



DATE	
REVISIONS	
CONCEPT	08/07/11

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410

ESA
 CIVIL DESIGN ADVANTAGE

NORWALK, IOWA

SOUTHERN RIDGE
CONCEPT PLAN

ENGINEER: _____ TECH: _____

1