Council Communication

Department: Community Development CASE #OTB-18-021 Applicant: Patti S. Wiggins 829 Avenue A Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 12/17/2018 Public Hearing: 1/14/2019

Subject/Title

Request of Patti S. Wiggins to purchase property legally described as the West ½ of Lot 5 excluding the South 11 feet, Block 10, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa. Formerly known as 929 Avenue A.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional preserve' and 'non-buildable'. The applicant intends to purchase the property and use it for residential purposes in cooperation with the adjacent property she also owns, 927 Avenue A. The applicant has offered $500.00 to purchase the property.

On June 25, 2018, Patti Wiggins, the applicant, appeared before the City Council to ask that the subject property be reclassified from the "Transitional Preserve" classification to be sold to her, and connected to her adjacent lot. The City Council agreed to sell it to her once Creek Top reconstruction project is complete and the easements on the subject property be established. The construction has completed, and the location of the easements on the property has been included with this report as "Attachment C".

If approved, the subject property would be required to remain combined with the adjacent property that is also owned by the applicant, which is addressed as 927 Avenue A. The property will also be subject to the restrictions outlined in the attached easement agreement (Attachment B).

Recommendation

The Community Development Department recommends setting a public hearing on the disposal of the property described as the West ½ of Lot 5 excluding the South 11 feet, Block 10, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa on the January 14, 2019 City Council Meeting.

Attachment A: Location map.
Attachment B: Easement Agreement
Attachment C: Location of Easements
Prepared By: Chris Meeks, Planner, Community Development Department

Attachment A

CASE #OTB-18-021



CITY OF COUNCIL BLUFFS · COMMUNITY DEVELOPMENT ·

105 0 10 20 30 Feet

N
W E
S

Attachment B

PREPARED BY: City of Council Bluffs Public Works Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4635
RETURN TO: David Vermillion, Public Works, 209 Pearl Street, Council Bluffs, Iowa 51503

PERMANENT EASEMENT
FOR STORM SEWER
RIGHT-OF-WAY

For the consideration of_____and 00/100 (____) Dollars and other valuable consideration, Patti Wiggins, a _____ person, does hereby grant to City of Council Bluffs, a municipal corporation of the State of Iowa, and its agents, contractors and assigns, (hereinafter called the "City"), a permanent nonexclusive easement for the purpose of conveying storm drainage and constructing, reconstructing, repairing, enlarging and maintaining storm water structures together with necessary appurtenances thereto in, on, over, and across the following described real estate:

SEE ATTACHED EXHIBIT 'A'

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

1. ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.
2. CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.
3. RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
4. REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.
5. SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.
6. DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.
7. EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
8. GRANTOR RESERVATION: Grantor reserves the right to use the Easement Area for other purposes provided however these purposes shall not interfere with grantees use of the Easement Area under the rights of this agreement.

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the easement; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors covenant to warrant and defend the easement against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

DATED:_____

GRANTOR:

_____
Patti Wiggins (grantor)

STATE OF _____)
)ss.
COUNTY OF _____)

On this _____ day of _____, 20_____, before me, a notary public in and for said county and said state, personally appeared Patti Wiggins, to me known to be the identical person(s) whose name(s) affixed to the foregoing instrument as owner(s) and acknowledged the same to be a voluntary act and deed.

_____
Notary Public

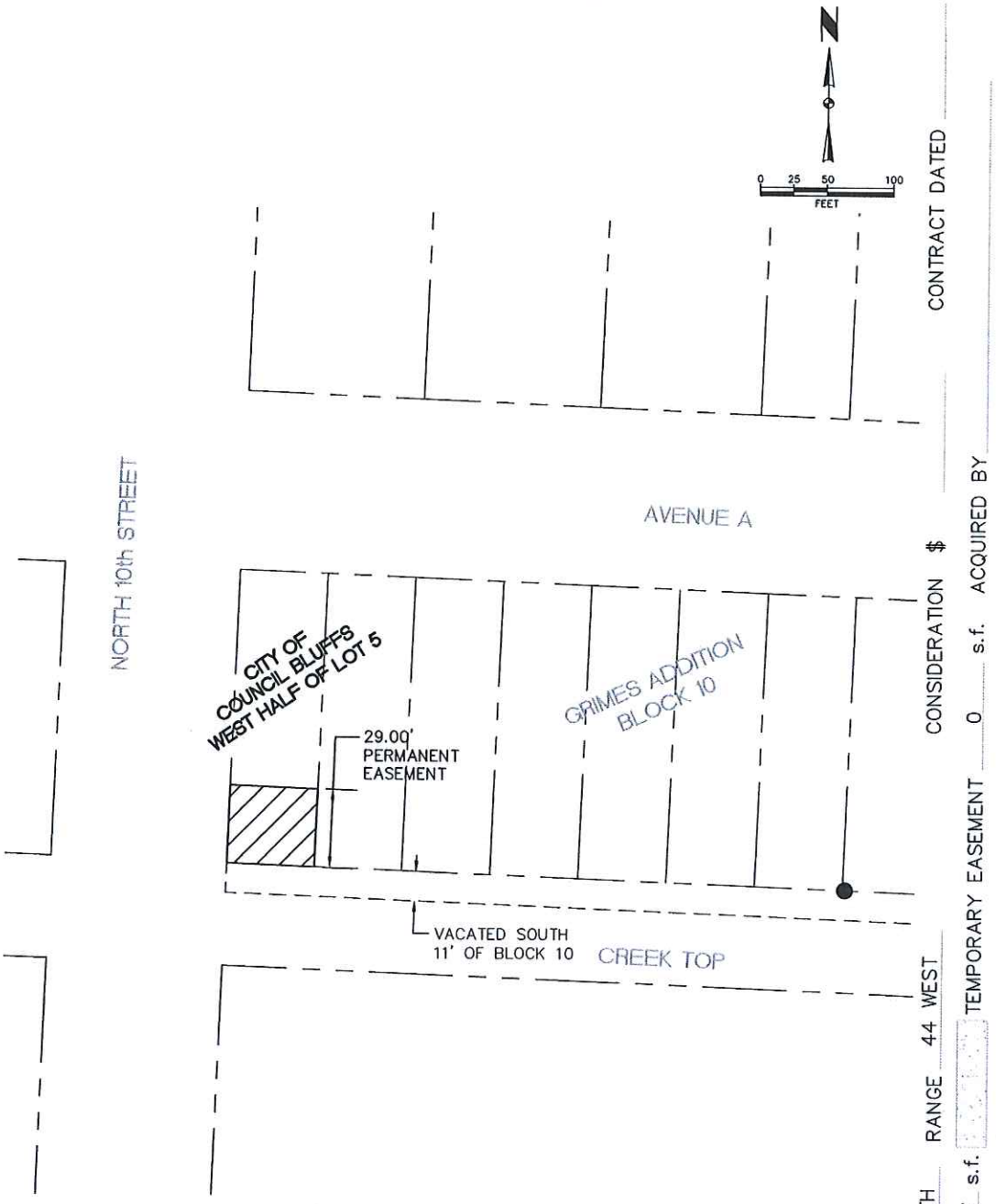
Attachment C

PROJECT NO. 151913
BROS-1642(664)--8J-78
CREEK TOP CULVERT

EXHIBIT "A"
PERMANENT EASEMENT

PARCEL NO. 1

ACQUIRED FROM CITY OF COUNCIL BLUFFS



CONTRACT DATED

CONSIDERATION $

0 s.f. ACQUIRED BY

TEMPORARY EASEMENT

957 s.f. PERMANENT EASEMENT

SECTION 25 TOWNSHIP 75 NORTH RANGE 44 WEST

LEGAL DESCRIPTION – PERMANENT EASEMENT

A STRIP OF LAND BEING THE NORTH 29.00 FEET OF THE SOUTH 40.00 FEET OF THE WEST HALF OF LOT 5, BLOCK 10 IN GRIMES ADDITION, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

SAID PARCEL CONTAINS AN AREA OF 957 s.f. (0.02 ACRE), MORE OR LESS.

LICENSED LAND SURVEYOR
JONATHAN M. LEISINGER
14415
IOWA

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 Land Surveyor under the laws of the State of Iowa.

JONATHAN M. LEISINGER 10/30/18
DATE

License Number 14415
My license renewal date is December 31, 2018.

Pages or sheets covered by this seal:
SHEET 1 OF 1

POTTAWATTAMIE COUNTY PROJECT NO. 151913-005

DATE DRAWN 10-29-2018 DRAWN BY DEF

S:\GREEN_TEAM\PROJECTS\1913 X 10TH - INDIAN CREEK BRIDGE ENGINEERING\DWG FILES\151913 EASEMENTS.DWG