

April 6, 2015

To: Mayor Bemrich and City Council
From: David Fierke, City Manager
Subject: Property Acquisition
CSI Phase I Improvements
East Lawn Lift Station Project



ACTION: For Vote Monday, April 13, 2015

Brief History

The plans and specifications for the CSI Phase I Improvements East Lawn Lift Station Project have been completed by McClure Engineering Company.

Analysis of Issue

Additional right-of-way will be needed in order to complete the project.

Budget Impact

An agreement has been reached with the following property owner for the acquisition of real estate needed for the project:

Memorial Park Cemetery LLC – 3242 5th Ave S, .80 acre parcel
\$197,500

Strategic Plan Impact

Policy D.4.2: Advanced planning for all infrastructure facilities shall be supported and routinely updated. Facilities benefited by advanced planning shall include, at minimum, schools, health care, residential areas, roads, water, sewer, storm water management, parks, recreation, and greenways.

Existing Plan Impact

Consistent with The Fort Dodge Community Sewer Initiative Phase I Improvement Plan.

Subcommittee or Commission Review / Recommendation

None

Staff Conclusions / Recommendations

Staff recommends approval of the acquisition of the interest in real estate needed for this project.

Alternatives

The only alternative would be to not acquire this property and delay the project, but it is not recommended.

Implementation and Accountability

If approved, conveyance documents will be signed with the affected property owner.

Timeline: Estimated closing date May 1, 2015.

Signed



Vickie L. Reeck,
Community Development Mgr.

Approved



David R. Fierke, City Manager

RESOLUTION NO. _____

**RESOLUTION APPROVING THE ACQUISITION OF REAL PROPERTY NEEDED FOR
THE FORT DODGE COMMUNITY SEWER INITIATIVE (CSI) PHASE I
IMPROVEMENTS EAST LAWN LIFT STATION PROJECT**

WHEREAS, the plans and specifications for the CSI Phase I Improvements East Lawn Lift Station Project have been prepared by McClure Engineering Company; and,

WHEREAS, additional right-of-way is needed from the affected property owner in order to complete the project; and,

WHEREAS, the following has been negotiated with the property owner:

Memorial Park Cemetery LLC – 3242 5th Ave S, .80 acre parcel - \$197,500

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Dodge, Iowa, hereby approve the acquisition of the above-referenced real property.

Passed this _____ day of _____, 2015.

Ayes: _____

Nays: _____

Other: _____

CITY OF FORT DODGE, IOWA

By: _____
Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers, City Clerk



COUNTEROFFER # 1



IN RESPONSE to the Offer Counteroffer, dated April 02, 2015 to purchase sell the following described real estate situated in Webster County, Iowa, located at and briefly described as: Part of the SE 1/4 of the SE 1/4 of section 21, township 89 North, range 28 West of the 5th P.M., Webster County, IA. A .8 Acre parcel in the NW corner of Memorial Park Cemetary, including a 40' access easement.

MADE BY Buyer(s) Seller(s) Memorial Park Cemetary LLC. , Alan Dorothy
for the price of \$ 197,500, we, the undersigned, do hereby make and submit the following Counteroffer to sell purchase the above described real estate:

PRICE \$ 197,500 and/or modify/add the following terms and conditions:

OTHER TERMS: All other terms and conditions of the initial offer to buy, for the above described real estate, dated April 02, 2015, shall remain the same.

RIGHT TO ACCEPT OTHER OFFERS: This Counteroffer may be withdrawn by offeror (Buyer(s) Seller(s)) at any time prior to notification, delivery and acceptance of this Counteroffer, without liability on the part of either party or the real estate agent(s) involved. Offeror (Buyer or Seller) reserves the right to withdraw this counteroffer by notifying other party of withdrawal prior to acceptance of this counteroffer. Buyer or Seller may accept other offers only after properly withdrawing this counteroffer with proper delivery and notification of withdrawal. Seller's Broker shall continue to receive offers and shall take backup offers, up to the time of closing, and may continue to show the property.

EXPIRATION: This Counteroffer shall expire unless notification of acceptance is given to offeror(s) or the appropriate agent by 5:00 a.m. p.m., April 9, 2015.

Executed this 2 day of April, 2015, at 11:30 a.m. p.m.

Alan C. Dorothy
 Buyer Seller

Buyer Seller

ACCEPTANCE/REJECTION/COUNTER OF COUNTEROFFER

I (We), the undersigned, accept reject counter the above Counteroffer at _____ a.m. p.m. on _____, _____ and agree to be bound by the terms and conditions set forth herein. Receipt of a copy of this Counteroffer is acknowledged by the undersigned.

Buyer Seller

Buyer Seller

Buyer Seller

Buyer Seller

ACKNOWLEDGEMENT OF RECEIPT

I (We), the undersigned, acknowledge notice, delivery and receipt of a copy of this Counteroffer and acceptance, properly executed by all the parties hereto.

Buyer Seller _____ Time & Date

Buyer Seller _____ Time & Date

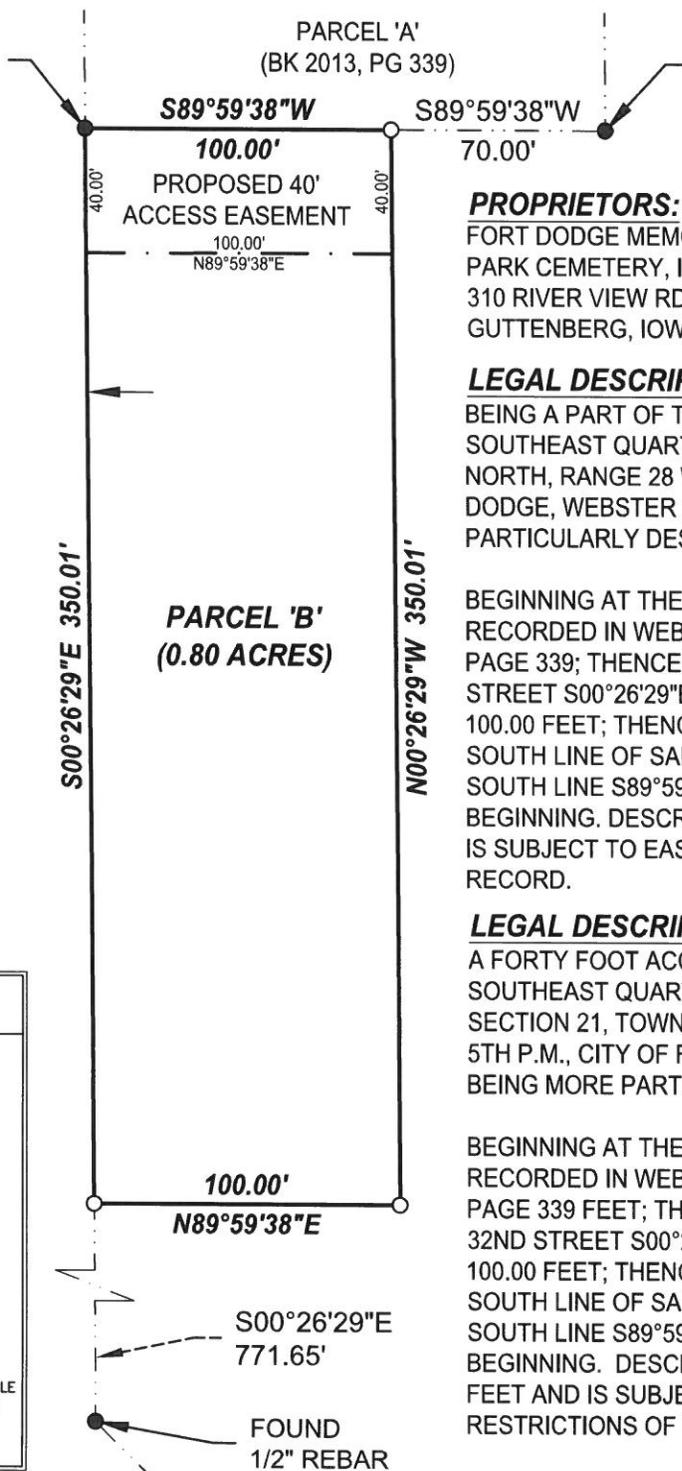
PLAT OF SURVEY

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 21, TOWNSHIP 89 NORTH, RANGE 28 WEST, OF THE 5TH P.M., WEBSTER COUNTY, IOWA.

POINT OF BEGINNING
SW COR, PARCEL A
FOUND 1/2" REBAR
W/PPC #20901

PARCEL 'A'
(BK 2013, PG 339)

SE COR, PARCEL A
FOUND 1/2" REBAR
W/PPC #20901



PROPRIETORS:

FORT DODGE MEMORIAL
PARK CEMETERY, INC.
310 RIVER VIEW RD
GUTTENBERG, IOWA 52052

REQUESTED BY:

CITY OF FORT DODGE
MUNICIPAL BUILDING
819 1ST AVE SOUTH
FORT DODGE, IOWA 50501

LEGAL DESCRIPTION: PARCEL 'B'

BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 89 NORTH, RANGE 28 WEST OF THE 5TH P.M., CITY OF FORT DODGE, WEBSTER COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED IN WEBSTER COUNTY RECORDS AT BOOK 2013 PAGE 339; THENCE ALONG THE EAST LINE OF NORTH 32ND STREET S00°26'29"E, 350.01 FEET; THENCE N89°59'38"E, 100.00 FEET; THENCE N00°26'29"W, 350.01 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE ALONG SAID SOUTH LINE S89°59'38"W, 100.00 FEET TO THE POINT OF BEGINNING. DESCRIBED AREA CONTAINS 0.80 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION: ACCESS EASEMENT

A FORTY FOOT ACCESS EASEMENT BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 89 NORTH, RANGE 28 WEST OF THE 5TH P.M., CITY OF FORT DODGE, WEBSTER COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED IN WEBSTER COUNTY RECORDS AT BOOK 2013 PAGE 339 FEET; THENCE ALONG THE EAST LINE OF NORTH 32ND STREET S00°26'29"E, 40.00 FEET; THENCE N89°59'38"E, 100.00 FEET; THENCE N00°26'29"W, 40.00 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE ALONG SAID SOUTH LINE S89°59'38"W, 100.00 FEET TO THE POINT OF BEGINNING. DESCRIBED AREA CONTAINS 4,000 SQUARE FEET AND IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

GENERAL LEGEND

- BOUNDARY LINE
 - - - PROPERTY LINE
 - - - SECTION LINE
 - - - EASEMENT LINE
- CORNERS FOUND:
- ▲ - SECTION CORNER (TYPE AS NOTED)
 - - BOUNDARY CORNER: FOUND 1/2" REBAR (UNLESS NOTED OTHERWISE)
- CORNERS SET:
- - BOUNDARY CORNER 1/2" REBAR OPC #19828
 - △ - SECTION CORNER 1/2" REBAR OPC #19828
- ABBREVIATIONS:
- ROW - RIGHT-OF-WAY
 - BK, PG - BOOK AND PAGE
 - (M) - MEASURED DISTANCE/ANGLE
 - (R) - RECORD DISTANCE/ANGLE
 - PUE - PUBLIC UTILITY EASEMENT
 - PPC - PINK PLASTIC CAP
 - OPC - ORANGE PLASTIC CAP

McCLURE
ENGINEERING CO.
building strong communities.

1360 NW 121ST STREET
CLIVE, IOWA 50325
515-964-1229
fax 515-964-2370

NORTH

0 60

(IN FEET)
1 inch = 60 ft.

LICENSED LAND SURVEYOR
BRAD R. GEATER
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED 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.

SIGNATURE: *Brad R. Geater* DATE: _____

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2015

PAGES OR SHEETS COVERED BY THIS SEAL: THIS SHEET

DATE SURVEYED: 12/01/2014

DRAWING PATH: P:\Projects\FTD 1314007-01\Design\Dwgs\Plats