



Book 1675 Page 155-161

Document 2022 3754 Pages 7

Date 11/21/2022 Time 11:45:05AM

Rec Amt \$37.00

chg.

MELISSA BAHNSEN, RECORDER
CEDAR COUNTY IOWA

RESOLUTION 2022-98
(RECORDING COVERSHEET)

PREPARED BY LESLIE BRICK, CLERK, CITY OF WEST BRANCH, PO BOX 218, WEST BRANCH, IA 52358
(319) 643-5888

RETURN TO: LESLIE BRICK, CITY OF WEST BRANCH, PO BOX 218, WEST BRANCH, IA 52358

RESOLUTION 2022-98

RESOLUTION APPROVING A PARTIAL ACQUISITION AGREEMENT WITH KLM INVESTMENTS, LLC.

WHEREAS, the City of West Branch and Johnson County, Iowa, have entered into a 28E Agreement to construct certain street improvements at the intersection of Cedar-Johnson Road and Main Street (the "Project"); and

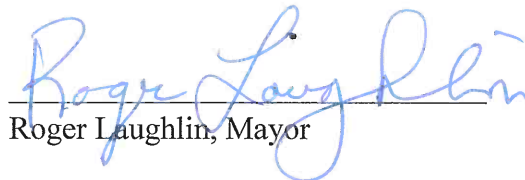
WHEREAS, as part of the Project, the City needs to acquire some property from KLM Investments, LLC; and

WHEREAS, to that end, the parties have negotiated a Partial Acquisition Agreement whereby the City will acquire the Property for the Project from KLM Investments, LLC; and

WHEREAS, it is now necessary for the City Council to approve said agreement.


NOW, THEREFORE, It Is Resolved by the Council of the City of West Branch, Iowa, that the City Council of the City of West Branch that the aforementioned Partial Acquisition Agreement is hereby approved. Further, the Mayor and City Clerk are hereby directed to execute the agreement on behalf of the City.

Passed and approved this 7th day of November, 2022.



Roger Laughlin, Mayor

ATTEST:



Leslie Brick, City Clerk

PARTIAL ACQUISITION AGREEMENT

THIS PARTIAL ACQUISITION Agreement (the "Agreement") is made and entered into by and between the City of West Branch, an Iowa municipal corporation, 110 N. Poplar Street, West Branch, Iowa 52358, hereinafter referred to as the "City"; and KLM Investments, LLC, PO Box 698, West Branch, Iowa 52358, hereafter referred to as the "KLM."

WHEREAS, KLM is the owner of that certain real property generally referred to as the Meadows Subdivision, which is located adjacent to and east of Cedar-Johnson Road and adjacent to and north of W. Main Street in the City (the "Property"); and

WHEREAS, the City is jointly constructing a roundabout intersection at the intersection of Cedar-Johnson Road and W. Main Street, said project being constructed by Johnson County (the "Project")

WHEREAS, in order to facilitate future street improvements along W. Main Street, the City desires to acquire a portion of the Property that is shown on Exhibit "A" attached hereto and incorporated herein by this reference (the "Right-of-Way"); and

WHEREAS, KLM desires to take possession of excess fill and dirt generated by the Project.

NOW THEREOFRE, FOR THE MUTUAL PROMISES AND COVENANTS HEREIN CONTAINED AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

1. That contemporaneously with the execution of this Agreement, KLM shall execute a Warranty Deed attached hereto as Exhibit "B." City agrees that if the City desires to obtain an abstract of title for the property depicted on Exhibit "B," the City shall do so at its sole expense.
2. In exchange for executing this Agreement and the Quit Claim Deed, the City will pay to Owner the sum of \$25,775.00, which represents \$1.00 per square foot for the acquisition. Said \$25,775.00 shall be paid to KLM after obtaining a mortgage release for the right-of-way to be recorded with the warranty deed.

3. That contemporaneously with the execution of this Agreement, KLM shall also execute the Temporary Construction Easement in the form shown on Exhibit "C" attached hereto.

4. As part of the Project, the City will cause the excess fill to be placed upon the Property under the following conditions:

- a. Firstly, the excess fill will be placed along the Property's frontage with Cedar-Johnson Road in a location agreed to among the parties.
- b. Any excess fill available after completing the fill along Cedar-Johnson Road will be stockpiled on the Property near the terminus of Orange Street.
- c. City shall be responsible for placing appropriate erosion control and seeding on the fill and stockpile.

5. City agrees to pay all costs of recording necessary to complete this transaction.

6. The covenants contained herein shall inure to the benefit to the successors in interest to this Agreement.

Dated this 7th day of November, 2022.

CITY OF WEST BRANCH:

Roger Laughlin
Roger Laughlin, Mayor

ATTEST:

Leslie Brick
Leslie Brick, City Clerk

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this 8 day of November, 2022, by Roger Laughlin and Leslie Brick as Mayor and City Clerk respectively of the City of West Branch, Iowa.

Heidi Van Auken
Notary Public



SIGNATURE PAGE OF KLM INVESTMENTS, LLC
PARTIAL ACQUISITION AGREEMENT

By: Chris Kofoed

Chris Kofoed Member
Print name and title

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this 7th day of November, 2022, by Chris Kofoed as Manager of KLM Investments, LLC.



Leslie Brick
Notary Public

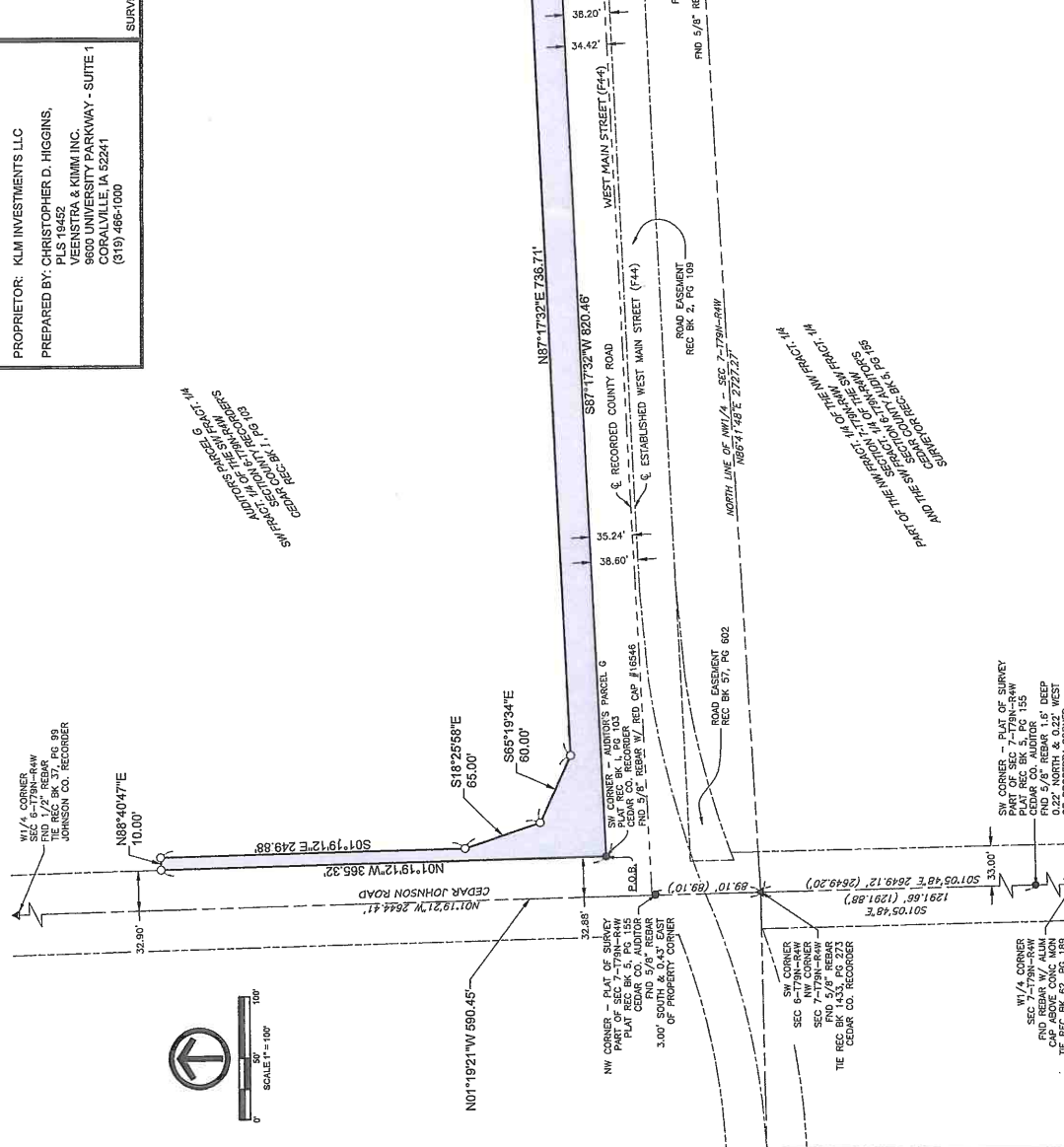
EXHIBIT "A"
PLAT OF SURVEY

RIGHT-OF-WAY ACQUISITION PLAT

FOR THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA

INDEX LEGEND
 COUNTY: CEDAR
 SECTION: 6
 TOWNSHIP: 79
 RANGE: 4
 ALLOT PART: SW 1/4, SW1/4
 CITY: WEST BRANCH, IOWA
 PROPRIETOR: KLM INVESTMENTS LLC
 PREPARED BY: CHRISTOPHER D. HIGGINS,
 VEENSTRA & KIMM INC.
 2600 UNIVERSITY PARKWAY - SUITE 1
 CORALVILLE, IA 52241
 (319) 466-1000

Right-of-Way Acquisition Legal Description
 Right-of-Way Acquisition in Auditor's Parcel G of the Southwest Fractional Quarter of the Southwest Fractional Quarter in Section 6, Township 79 North, Range 4 West of the 5th P.M. in the City of West Branch, Cedar County, Iowa as recorded in Book 1 on Page 103 of the Cedar County Records, more particularly described as follows:
 Beginning at the Southwest Corner of said Auditor's Parcel G; thence N01°19'12"W, 365.32 feet along the East Right-of-Way of Cedar-Johnson Road; thence N88°40'47"E, 10.00 feet; thence S01°19'12"E, 249.88 feet; thence S18°25'58"E, 65.00 feet; thence S65°19'34"E, 60.00 feet; thence N87°17'32"E, 736.71 feet; thence S02°51'03"E, 25.00 feet to a point on the Northernly Right-of-Way of West Main Street; thence S87°17'32"W, 820.46 feet along said Northernly Right-of-Way to the Point of Beginning. Containing 25,775 Square Feet, more or less.



- - FOUND PROPERTY CORNER - 5/8\" BUBBLE UNLESS OTHERWISE NOTED
- - SET 5/8\" X 3/8\" REBAR WITH PLASTIC ORANGE CAP #19452, UNLESS OTHERWISE NOTED
- ▲ - FOUND SECTION CORNER AS NOTED (X) - RECORD DISTANCE OR BEARING
- ____ PARCEL BOUNDARY
- ____ PROPERTY LINES
- ____ EASEMENT LINES
- ____ R.O.W. LINES
- ____ SECTION LINES
- ____ CENTER LINE
- - RIGHT-OF-WAY ACQUISITION - 25,775 SQ.FT.

DATE SURVEYED 9-1-2022
 PROPRIETOR: KLM INVESTMENTS LLC
 SURVEY PREPARED FOR: CITY OF WEST BRANCH, IOWA
 BASIS OF BEARING: NAD83 IOWA STATE PLANE
 COORDINATE SYSTEM SOUTH ZONE 140Z AS BROADCAST BY THE IOWA REAL-TIME NETWORK

1. 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.

Signature: Christopher D. Higgins
 Date: 10/14/2022
 License Number: 19452
 My license renewal date is December 31, 2022
 Pages or sheets covered by this seal: PS-01



REVISIONS		DATE	AS NOTED
DATE	DRAWN	BY	DATE
	CHECKED	DHS	DATE
	APPROVED	CRH	DATE
		19-2022	DATE
			ISSUED FOR



H H H AND CEDAR JOHNSON ROUNDABOUT
 CITY OF WEST BRANCH
 2600 University Parkway, Suite 1 • Coralville, Iowa 52241
 319-466-1000 • 319-466-1008(FAX) • 888-244-1509(TWIST)

DWG. NO. AC-02
 PROJECT

PLATTED: Tuesday, October 11, 2022 12:39:08 PM
 XREFS: H H H AND CEDAR JOHNSON ROUNDABOUT SURV AC-02 KLM INVESTMENTS LLC
 SURVEY PREPARED BY: CHRISTOPHER D. HIGGINS, VEENSTRA AND KIMM INC. - 2600 UNIVERSITY PARKWAY - SUITE 1 - CORALVILLE, IA 52241 - (319) 466-1000