



Book 1675 Page 166-172

Document 2022 3756 Pages 7
Date 11/21/2022 Time 11:49:10AM
Rec Amt \$37.00

cbg

MELISSA BAHNSEN, RECORDER
CEDAR COUNTY IOWA

RESOLUTION 2022-99
(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

BOOK 1675 PAGE 166

RESOLUTION 2022-99

**RESOLUTION APPROVING AMENDED PARTIAL ACQUISITION AGREEMENT
WITH THE WEST BRANCH COMMUNITY SCHOOL DISTRICT.**

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 the West Branch Community School District; and

WHEREAS, the City previously approved a Partial Acquisition Agreement that has been amended for the City to pay the School District \$1.00 per SF for said acquisition; and

WHEREAS, it is now necessary for the City Council to approve said amended 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 amended 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 West Branch Community School District, 148 N. Oliphant Street, West Branch, Iowa 52358, hereinafter referred to as the "School."

WHEREAS, School is the owner of that certain real property generally referred to as 900 W. Main Street in the City; and

WHEREAS, the City is jointly constructing a roundabout intersection at the intersection of Cedar-Johnson Road and Main Street (the "Project")

WHEREAS, in order to facilitate pedestrian access in the future, the City desires to acquire a portion of 900 W. Main Street that is shown on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

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, School shall execute a Quit Claim 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 \$20,749.00, which represents \$1.00 per square foot for the acquisition.
3. As part of the Project, the City will grade the property acquired from the School for the future placement of a trail/sidewalk.
4. School expressly agrees to take all steps necessary to transfer the real property to the City in compliance with applicable Iowa law and the Title Standards of the Iowa Bar Association.
5. City agrees to pay all costs of recording necessary to complete this transaction.

6. In addition, the City will insure that access to the Property will be maintained at all times during the term of the Project.

7. The City covenants and agrees that no special assessment will be assessed to any property owned by Owner for this Project.

8. 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

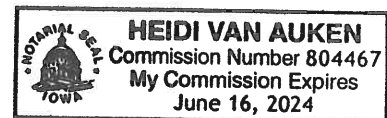
ATTEST:

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 WEST BRANCH COMMUNITY SCHOOL DISTRICT
PARTIAL ACQUISITION AGREEMENT

By: 
Greg Hetrick, Board President

ATTEST:

By: 
Angie Klinkkammer, Board Secretary

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this 15 day of
November, 2022, by Greg Hetrick and Angie Klinkkammer as President and
Secretary of the Board of Directors of the West Branch Community School District.


Notary Public

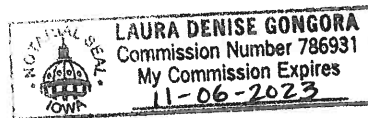


EXHIBIT "A"
PLAT OF SURVEY

