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**AGENDA ITEM SUMMARY**

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**Subject: Consider Resolutions 10-21 approving a temporary Easement the Iowa DOT**

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Recommendation: Approve Resolution Number 10-21 approving temporary easement with the Iowa DOT

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**Background Summary:**

This request is similar to the request for easement areas that we received late last year from the DOT. Temporary easements are needed on both sides of the highway at the Charley Western Trail crossing. The new trail crossing will be reconstructed to meet current ADA requirements and additional space is required to allow the contractor room to remove and replace the trail pavement. The size of this easement areas are 245 and 216 square feet.

There is some confusion on the deed holder for the trail property. The City of Charles City and Area Development Corporation are shown as deed holders in separate deeds. I consulted with Brad on this deed issue, and his opinion was to have the temporary easement written in both the City's and ADC's name. Since the easement is temporary and will not be recorded, having the easement written in both names will not cause any future title issues.

The DOT concurred and prepared the easement agreement in both names. Tim Fox has signed the agreement on behalf of the ADC. No public hearing is required for action on the temporary easement.

We recommend approval of Resolution No. 10-21 approving the temporary easements with the Iowa DOT and authorizing the Mayor and City Clerk to sign the easement agreement on behalf of the City.

Temporary Easement For The Iowa DOT  
2021 Hwy 18 HMA Overlay Project



**RESOLUTION NO. 10-21**

*RESOLUTION APPROVING TEMPORARY CONSTRUCTION EASEMENT FOR THE  
HWY 18/4<sup>TH</sup> AVENUE HMA PAVINGPROJECT, CHARLES CITY, IOWA*

WHEREAS, the Iowa DOT has previously awarded this contract, and

WHEREAS, in order to allow the contractor to enter onto the private properties to complete this project, a temporary construction easement needs to be secured from the Area Development Corporation and the city of Charles City to reconstruct the trail crossing for the Charley Western Bridge to make them ADA compliant,

WHEREAS, it is in the best interest of the citizens of the City of Charles City, that said improvements be completed.

NOW, THEREFORE, BE IT RESOLVED by the City of Charles City, Iowa meeting in regular session on this 19<sup>th</sup> day of January, 2021, that temporary construction easements referred to above are approved and the mayor is authorized to sign them on behalf of the city.

COUNCIL MEMBER moved the adoption of the foregoing Resolution;

COUNCIL MEMBER seconded the motion to adopt, and on roll call the voting was as follows:

AYES:

NAYS:

Passed and approved this 19<sup>th</sup> day of January, 2021.

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Dean Andrews, Mayor

Attest:

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Trudy O'Donnell, City Clerk