

RESOLUTION NO. _____ - 2024

RESOLUTION APPROVING PERMANENT UTILITY EASEMENTS OVER CITY OWNED REAL PROPERTY

WHEREAS, the City of Oelwein, Iowa, is the owner of real property ("Property") situated in the City of Oelwein, Fayette County, Iowa, legally described as follows:

The Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 91 North, Range 9, West of the 5th P.M., Excepting the following tracts of land:

That part of Parcel C of the Plat of Survey filed in Book 2000, Page 1302 on April 11, 2000 in the Fayette County Recorder's office, which lies within the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 91 North, Range 9, West of the 5th P.M.

And except:

The South 2 acres of the North 2 and 97/100 acres of the East 8 $\frac{1}{2}$ acres of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (except the North 48 feet thereof) of Section 20, Township 91 North, Range 9 West of the 5th P.M., Fayette County, Iowa.

And except:

The South 48 feet of the North 198.6 feet of the East 8 $\frac{1}{2}$ acres and the South $\frac{1}{2}$ of the North .97 acre of the East 8 $\frac{1}{2}$ acres of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 91 North, Range 9 West of the 5th P.M., Fayette County, Iowa.

WHEREAS, the City proposes to grant a Permanent Easement to the Interstate Power and Light Company, an Iowa Corporation, over the following portion of the above described property ("Property 1"):

Easement area 5 feet by 665 feet, for placement of facilities commencing where the Southwesterly driveway intersects with the West property line, thence following said driveway Southeasterly to the North side of the North right-of-way line of West Charles St., as presently established on Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

WHEREAS, the City of Oelwein, Iowa, is also the owner of real property ("Property") situated in the City of Oelwein, Fayette County, Iowa, legally described as follows:

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 20, Township 91 North, Range 9 West of

the 5th P.M., except commencing at the Northeast corner of the Northwest ¼ of said Section, thence South 806 ½ feet, thence West 649 feet, thence North 313 ½ feet, thence East 176 feet, thence North 495 feet, thence East 473 feet to the place of beginning, Fayette County, Iowa.

WHEREAS, the City proposes to grant a Permanent Easement to the Interstate Power and Light Company, an Iowa Corporation, over the following portion of the above described property ("Property 2"):

Easement area 6 feet by 10 feet, for placement of facilities in the Northeast corner of Grantor's property, South of the South right-of-way of West Charles St., as presently established, described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

WHEREAS, the Council finds that the granting of the Easements proposed above, and within proposed "Electric Line Easements" provided by the Grantee, and reviewed by the City Attorney, are in the best interest of the City and otherwise appropriate, and should therefore be approved; and

WHEREAS, the City Council scheduled a public hearing on the proposed grant of said permanent easements by Resolution 5605-2024 on July 22, 2024, scheduling the Public Hearing for August 12, 2024; and

WHEREAS, at the meeting of August 12, 2024, the Mayor opened the public hearing, accepted public comment, and thereafter closed the public hearing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OELWEIN IOWA, AS FOLLOWS:

SECTION 1: Permanent easements over the above described properties (Property 1 and Property 2) as detailed in written easement agreements reviewed by the City Council, are hereby approved, the Mayor is hereby authorized to execute said easements on behalf of the City Council; the City Clerk is thereafter to provide executed copies of same to the Grantee of the Easements to be recorded.

SECTION 3: *When Effective*. This Resolution shall be effective upon its passage and approval as provided by law.

PASSED AND APPROVED this 12th day of August, 2024.

Brett DeVore, Mayor

ATTEST:

Dylan Mulfinger, City Administrator

It was moved by _____ and
seconded by _____ that the
Resolution as read be adopted, and upon roll
call the following votes were cast:

	Aye	Nay	Abstain	Absent
Ricchio				
Weber				
Lenz				
Garrigus				
Seeders				
Payne				