

BOOK 1988 PAGE 3546

Return to:	Public Works Dept
In:	City of Webster
	Municipal Bldg
	Webster, Iowa

EASEMENT FOR CONSTRUCTION AND USE OF TUNNEL CROSSING
UNDERNEATH THE SURFACE OF NORTH DES MOINES STREET,
WEBSTER CITY, IOWA

WHEREAS, WCI Laundry Division of White Consolidated Industries, hereinafter referred to as "WCI", wishes to transport material between its manufacturing facility located on the east side of North Des Moines Street, Webster City, Iowa, and a proposed storage facility on the west side of said street, and

WHEREAS, a subterranean crossing would create the least interference with the public use of said street, and

WHEREAS, the City of Webster City, hereinafter referred to as "City", is agreeable to granting such an easement,

IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, it is agreed as follows:

1. EASEMENT. In consideration of \$1.00 and other good and valuable consideration paid, the City hereby grants to WCI, its successors and assigns, a perpetual easement across that portion of North Des Moines Street described in Exhibit A which is attached hereto and incorporated herein for the construction and use of a tunnel to be used for transporting material and/or manufactured goods between the east and west side of North Des Moines Street. The easement is to be 40 feet wide for the purpose of constructing the tunnel or rebuilding the tunnel as may be required from time to time in the future. The easement for the use and maintenance of the tunnel is to be 20 feet wide.

2. CONSTRUCTION. WCI will construct said tunnel at its expense. If the street surface is damaged by said construction, WCI will restore the surface of the street to a condition comparable to the street condition prior to construction.

3. DESIGN. The design load of the tunnel is subject to the prior approval of the City.

4. SEWER AND WATER MAIN. The tunnel will cross a sewer and water main located under Des Moines Street. WCI will re-route the sewer and water main under the tunnel and install an inverted siphon for the sewer at no expense to the City. After this work has been completed and accepted by the City, all future maintenance of the sewer and water main is to be the sole responsibility of the City and the City reserves access to any of the sewer or water main within the tunnel for maintenance or replacement purposes.

881913
HAMILTON COUNTY, IOWA
FILED FOR RECORD

11:30 JUL 27 1988 AM

2082
522

5. LIABILITY. WCI shall indemnify and hold harmless the City, its officers, agents and employees from any and all claims for personal injury or property damage arising out of the construction, maintenance and use of this tunnel by WCI, its employees or agents.

6. ABANDONMENT. WCI agrees that upon abandonment of this easement it will fill in or remove this tunnel in any reasonable manner required by the City.

Dated this 18th day of July, 1988.

WCI LAUNDRY DIVISION OF
WHITE CONSOLIDATED INDUSTRIES

CITY OF WEBSTER CITY, IOWA

By: S. Vogelbacher

S. Vogelbacher

By: Victor A. Hisler

Victor A. Hisler-Mayor

Attest: Gerald K. Kent

Gerald K. Kent-Clerk



BOOK 1988 PAGE 3548

DESCRIPTION FOR DES MOINES STREET

TUNNEL EASEMENT

A twenty (20) foot wide permanent easement for the use and maintenance of the tunnel, ten (10) feet each side of the following described line and also a forty (40) foot wide temporary construction easement for the above tunnel, twenty (20) feet each side of the following described line:

Commencing at the northeast corner of Lot 4, Block 8 of the Odell and Willson Addition to Webster City, Iowa, thence North 00° 00' 00" East 18.45 feet along the west right of way line of Des Moines Street to the point of beginning; thence North 90° 00' 00" East 66.00 feet to a point on the east right of way line of Des Moines Street.

RESOLUTION NO. 88 - 119

AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT TO WHITE CONSOLIDATED INDUSTRIES LAUNDRY DIVISION CONVEYING AN INTEREST IN CITY OWNED PROPERTY FOR CONSTRUCTION AND USE OF A TUNNEL CROSSING UNDERNEATH THE SURFACE OF NORTH DES MOINES STREET.

WHEREAS, White Consolidated Industries Laundry Division, Webster City, Iowa has requested the City Council to convey an interest in City owned property by issuing an easement for construction and use of a tunnel crossing underneath the surface of North Des Moines Street and is described as follows:

A twenty (20) foot wide permanent easement for the use and maintenance of the tunnel, ten (10) feet each side of the following described line and also a forty (40) foot temporary construction easement for the above tunnel, twenty (20) feet each side of the following described line:

Commencing at the northeast corner of Lot 4, Block 8 of the Odell and Willson Addition to Webster City, Iowa, thence North 00° 00' 00" East 18.45 feet along the west right of way line of Des Moines Street to the point of beginning; thence North 90° 00' 00" East 66.00 feet to a point on the east right of way line of Des Moines Street.

and,

WHEREAS Public Notice was given as required by law and Public Hearing was held July 18, 1988, and no written or oral objections were presented to the proposed conveyance of the City owned interest in the property described above, and

WHEREAS, this Council finds that one dollar (\$1.00) plus legal and administrative costs is a fair and reasonable amount to pay for the easement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Webster City, Iowa that the Mayor and City Clerk are hereby authorized and directed to execute an easement conveying an interest in the above described property to the above named company.

Passed and adopted this 18th day of July, 1988.



Victor A. Hisler
Victor A. Hisler, Mayor

ATTEST:

Gerald K. Kent
Gerald K. Kent, City Clerk