

RESOLUTION AUTHORIZING OFFER TO PURCHASE RIGHT OF WAY FROM 901 N 3RD AVE AND THE USE OF COUNCIL-DESIGNATED LOCAL OPTION SALES TAX

WHEREAS, the City of Marshalltown desires additional right-of-way for public purpose related to street infrastructure at the intersection of Highway 14 / Edgewood Street; and

WHEREAS, this additional area is located on a parcel addressed as 901 N 3rd Ave with a parcel identification number of 8418-26-277-010; and

WHEREAS, the City of Marshalltown has approached the current property owner who is agreeable to a voluntary real estate transaction; and

WHEREAS, the area is legally described as:

THAT PART OF THE 20-FOOT-WIDE VACATED RIGHT-OF-WAY AS SHOWN IN BOOK 405, PAGE 569, LYING WEST OF, AND ADJOINING LOT 29 AND LOT 30, BINFORD'S PARK PLACE ADDITION, CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF EDGEWOOD STREET AND THE EAST LINE OF NORTH 3RD AVENUE, ALSO KNOWN AS HIGHWAY #14; THENCE N 00°12'01" W, 15.00 FEET ALONG THE EAST LINE OF SAID NORTH 3RD AVENUE; THENCE S 45°14'50" E. 21.20 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EDGEWOOD STREET; THENCE S 89°42'22" W, 15.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF EDGEWOOD STREET TO THE POINT OF BEGINNING; and

WHEREAS, both parties are agreeable to the following compensation: An amount of \$230.00 for the proposed 112.5 square feet of property. The additional amount of \$100.00, as agreed to in the aforesaid agreement, is paid as future abstracting costs to the remaining property and is not subject to real estate transfer tax. The additional amount of \$170.00, as agreed to in the aforesaid agreement, is paid as damages to the remaining property and is not subject to real estate transfer tax; and

WHEREAS, this easement and transfer is exempt from transfer tax in accordance with Iowa Code Sec. 428A.2(17); and

WHEREAS, this easement is being acquired for public purposes and a Declaration of Value is not required in accordance with Iowa Code Sec. 428A.1; and

WHEREAS, the City of Marshalltown shall prepare and record all real estate documents for said transaction; and

WHEREAS, the Council has fully examined same and has found same to be in the best interests of the CITY OF MARSHALLTOWN, IOWA and that City Staff are hereby authorized to make said offer.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA,

Section 1. The offer to purchase right of way from 901 N 3rd Ave is hereby authorized.

Section 2. That the City Attorney, Mayor, and City Clerk are hereby authorized to prepare, approve, execute, and record any and all real estate transaction documents on behalf of the City of Marshalltown, Iowa.

Section 3. The associated expenses are authorized to be paid from Council-Designated Local Option Sales Tax.

Passed this 25th day of September 2023 and signed this _____ day of September 2023.

CITY OF MARSHALLTOWN, IOWA

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk