

RESOLUTION NO. 972

RESOLUTION APPROVING AN AGREEMENT WITH MCDONALD'S CORPORATION, INC IN CONNECTION WITH A SIDEWALK.

WHEREAS, the OWNER is planning to reconstruct its current McDonald's Restaurant in the CITY, said Restaurant being located on property legally described on Exhibit "A" attached hereto and incorporated by this reference; and

WHEREAS, to that end, the OWNER has submitted a Site Plan to the CITY for approval; and

WHEREAS, the CITY is requiring OWNER to construct an 6-foot sidewalk (the "Sidewalk") along its easterly frontage; and

WHEREAS, both the CITY and OWNER have agreed to postpone construction of the Sidewalk until it will connect to a future sidewalk/trail and crosswalk to be constructed on Baker Avenue; and

WHEREAS, it is now necessary to approve said agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the aforementioned agreement is hereby approved. Further, the Mayor is directed to execute the agreement on behalf of the City.

Passed and approved this 6th day of February, 2012.


Don Kessler, Mayor

ATTEST:


Matt Muckler, City Administrator/Clerk

EXHIBIT "A"
Legal Description of Property

PARCEL 1:

PARCEL D OF PLAT OF SURVEY FILED SEPTEMBER 17, 1996 IN BOOK D, PAGE 187 AS DOCUMENT NO. 2971, ALSO DESCRIBED AS FOLLOWS:
THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 79 NORTH, RANGE 4 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST 1,623.40 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (ASSUMED BEARING FOR THIS DESCRIPTION ONLY); THENCE SOUTH 88 DEGREES 35 MINUTES 00 SECONDS WEST 300.00 FEET TO THE SOUTHEAST CORNER OF LOT 3, SLACH'S COMMERCIAL SUBDIVISION, CEDAR COUNTY, IOWA; THENCE NORTH 0 DEGREES 01 MINUTE 18 SECONDS EAST 269.08 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 01 MINUTE 18 SECONDS EAST 384.10 FEET ALONG THE EAST LINE OF SAID LOT 3 AND ALONG THE EAST LINE OF THE SUBDIVISION OF LOT 4 OF SLACH'S COMMERCIAL SUBDIVISION, CEDAR COUNTY, IOWA, TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE ROUTE NO. 80, SAID POINT BEING 80.00 FEET IN PERPENDICULAR DISTANCE SOUTHERLY OF THE EDGE OF SLAB OF RAMP "B" OF THE INTERCHANGE; THENCE SOUTH 65 DEGREES 39 MINUTES 00 SECONDS EAST 223.60 FEET ALONG SAID RIGHT-OF-WAY LINE, SAID RIGHT-OF-WAY LINE BEING PARALLEL WITH AND 80.00 FEET IN PERPENDICULAR DISTANCE SOUTHERLY OF THE EDGE OF SLAB OF SAID RAMP "B"; THENCE SOUTH 32 DEGREES 12 MINUTES 34 SECONDS EAST 67.00 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT 60.00 FEET IN PERPENDICULAR DISTANCE WESTERLY OF CENTERLINE STATION 1049+30 OF COUNTY TRUNK ROAD "D" NOW KNOWN AS COUNTY ROAD X-30; THENCE SOUTH 0 DEGREES 03 MINUTES 00 SECONDS EAST 219.00 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT 60.00 FEET IN PERPENDICULAR DISTANCE WESTERLY OF CENTERLINE STATION 1047 + 30 OF SAID COUNTY ROAD X-30; THENCE SOUTH 7 DEGREES 20 MINUTES 43 SECONDS EAST 10.33 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 88 DEGREES 35 MINUTES 00 SECONDS WEST 241.15 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE BENEFITS OF EASEMENTS CREATED IN RECIPROCAL SHOPPING CENTER EASEMENT AGREEMENT DATED SEPTEMBER 25, 1996, FILED NOVEMBER 7, 1996 IN BOOK 339, PAGE 189, OVER THE FOLLOWING PROPERTY:

PARCEL 2:

PARCEL E OF PLAT OF SURVEY FILED SEPTEMBER 17, 1996 IN BOOK D, PAGE 187 AS DOCUMENT NO. 2971, ALSO DESCRIBED AS FOLLOWS: THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 79 NORTH, RANGE 4 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST 1,623.40 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (ASSUMED BEARING FOR THIS DESCRIPTION ONLY) TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 35 MINUTES 00 SECONDS WEST 300.00 FEET TO THE SOUTHEAST CORNER OF LOT 3, SLACH'S COMMERCIAL SUBDIVISION, CEDAR COUNTY, IOWA; THENCE NORTH 0 DEGREES 01 MINUTE 18 SECONDS EAST 269.08 FEET ALONG THE EAST LINE OF SAID LOT 3; THENCE NORTH 88 DEGREES 35 MINUTES 00 SECONDS EAST 241.15 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE ROUTE NO. 80; THENCE SOUTH 7 DEGREES 20 MINUTES 43 SECONDS EAST 68.26 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT 50.00 FEET IN PERPENDICULAR DISTANCE WESTERLY OF CENTERLINE STATION 1046+52 OF COUNTY TRUNK ROAD "D" NOW KNOWN AS COUNTY ROAD X-30 AND THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 50.00 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS EAST 199.93 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.