DELAWARE COUNTY

DELAWARE COUNTY IOWA
FILED
2004 DE -1 PM 2:39
BOOK 2004 PAGE 4473
DEBORAH L. HAYDON
DELAWARE CO. RECORDER
N/C

THIS DOCUMENT WAS PREPARED BY MARK NAHRA, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38., DELAWARE, IA 52036, 563-927-3505

AGREEMENT BETWEEN DELAWARE COUNTY AND CITY OF MANCHESTER

BURRINGTON ROAD/220TH STREET JURISDICTIONAL TRANSFER AND RESURFACING PROJECT

This agreement is being entered into by Delaware County, hereafter referred to as County, and City of Manchester, hereafter referred to as City. The purpose of this agreement shall be to define the duties and responsibilities of the County and the City in regard to the proposed improvement to and annexation of Burrington Road/220th Street.

To provide utility service a local business at the west end of the road in question, the City will be annexing property adjacent to the road and thereby annexing the road. Neither the County nor the City has immediate plans to upgrade or resurface the roadway serving properties which will be annexed into the City. Recognizing that improvement to the road surface will be necessary and to the advantage of both City and County property owners are residents served by the subject roadway, the County and City voluntarily agree to jointly fund the future road improvement project as follows:

1. The County has title to the right of way of the road being annexed, having received title to the right of way from the Iowa Department of Transportation when Iowa Highway 13 was relocated from this roadway. The county agrees to provide the City a Quit Claim Deed transferring the right of way of Burrington Road/220th Street to the City. The City will annex the entire road from Highway 13 to approximately 300 feet north of the north right of way line of Enterprise Drive which is the location of the current city limits.

2. The County agrees to pay one half of the cost of the resurfacing of the road based on an estimate prepared by the Delaware County Engineer. The County will pay the City $99,845, the prorated share of the estimated $165,000 construction cost of a project that would do partial depth patching of deteriorated portions of the road and place hot mix asphalt resurfacing over the entire roadway. The County will not pay engineering costs for the project, but will provide construction plans for the road improvement project if the City makes a request to the County Engineer prior to January 1, 2005. Preparation of plans for any utility projects including storm or sanitary sewer or water supply projects will be the responsibility of the City. A detailed project cost estimate is attached to the project for reference. The County will pay the City this agreed

amount prior to June 30, 2005.

The City may apply this money to the cost of any or all road improvement projects for this route with no further payment or cost share requested or expected from the County. The City will take over all maintenance responsibility and ownership of this road. The County will have no further obligation to pay for maintenance or construction on this road following payment of the above referenced construction cost share for the route except as may be agreed to as part of a future intergovernmental road maintenance agreement.

3. Nothing within the context of this Agreement shall be construed to transfer any liability from the County to the City, or vice versa.

4. This AGREEMENT shall be in effect from the date of approval by the Delaware County Board of Supervisors and the Manchester City Council.

5. The County Engineer shall be the administrator for this agreement for the County. The City Manager shall be the administrator of this agreement for the City.

6. Nothing in this agreement shall be construed as to prohibit either Administrator from hiring a third party to perform any work associated with this agreement.

7. Severability: If any part of this agreement is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the agreement as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

This agreement is approved by the Delaware County Board of Supervisors at the regular meeting on the 1 day of September, 2004. This agreement is approved by the Manchester City Council at their regular meeting on the 22nd day of November, 2004. Representatives of the County and City of Manchester hereby set their hands and agree as stated in the attached agreement:

For Delaware County:

Steven L. Koenecke
Chairperson, Board of Supervisors

ATTEST:

Sharon McCrabb, County Auditor

For the City of Manchester:

Milt L. Kramer
Mayor

ATTEST:

City Clerk

RESOLUTION R-109-2004

RESOLUTION APPROVING AGREEMENT WITH DELAWARE COUNTY FOR THE TRANSFER AND RESURFACING OF BURRINGTON ROAD/220TH STREET

WHEREAS, an agreement has been drafted to define the duties and responsibilities of the County and the City in regard to the proposed improvement to and annexation of Burrington Road/220th Street.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Manchester, Iowa, that the Agreement between Delaware County and the City of Manchester for the Burrington Road/220th Street Jurisdictional Transfer and Resurfacing Project be hereby approved and the Mayor and City Clerk are hereby authorized to sign said agreement on their behalf.

Passed and approved the 22nd day of November, 2004.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

CITY MANCHESTER IOWA SEAL