

NOFEE



Doc ID: 019000760008 Type: GEN  
Recorded: 06/24/2004 at 04:10:19 PM  
Fee Amt: \$0.00 Page 1 of 8  
Johnson County Iowa  
Kimberly A. Painter County Recorder

BK **3755** PG **707-714**

Prepared by: Jeff Davidson, JCCOG, 410 E. Washington St., Iowa City, IA 52240 (319) 356-5252

RESOLUTION NO. 04-146

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST THE 28E AGREEMENT BETWEEN THE CITY OF IOWA CITY AND JOHNSON COUNTY PROVIDING FOR PRESERVATION OF THE OAKDALE BOULEVARD CORRIDOR**

WHEREAS, Iowa City and Johnson County participate in the Johnson County Council of Governments for the purposes of metropolitan area-wide transportation planning; and

WHEREAS, JCCOG has adopted an Arterial Street Plan for the Iowa City Urbanized Area; and

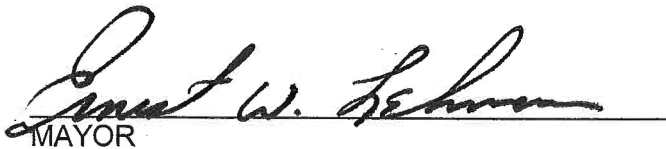
WHEREAS, the adopted JCCOG Arterial Street Plan shows that Oakdale Boulevard will eventually be extended between County Road W-66 and Scott Boulevard, but the Arterial Street Plan does not set out a preferred corridor alignment; and

WHEREAS, it is in the best interest of the citizens of Iowa City and Johnson County to enter into an agreement which is intended to preserve the preferred corridor now identified for Oakdale Boulevard which will eventually be extended between County Road W-66 and Scott Boulevard.

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

1. The Mayor is authorized to sign and the City Clerk to attest four originals to the 28E Agreement between the City of Iowa City and Johnson County providing for the preservation of the Oakdale Boulevard corridor between County Road W-66 and Scott Boulevard.
2. In conformance with Chapter 28E, Code of Iowa (2003), the City of Iowa City shall file the fully executed 28E Agreement with the Secretary of State.

Passed and approved this 18th day of May, 2004.

  
MAYOR

Approved by  5/11/04  
City Attorney's Office

ATTEST:   
CITY CLERK

**CORPORATE SEAL**

It was moved by Champion and seconded by O'Donnell the Resolution be adopted, and upon roll call there were:

AYES:

X  
X  
X  
X  
X  
X  
X  
X

NAYS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bailey  
Champion  
Elliott  
Lehman  
O'Donnell  
Vanderhoef  
Wilburn

Prepared by: Jeff Davidson, JCCOG, 410 E. Washington St., Iowa City, IA 52240 (319) 356-5253

**28E Agreement between the City of Iowa City and Johnson County  
Providing for Preservation of the Oakdale Boulevard Corridor between  
County Road W-66 and Scott Boulevard**

This Agreement is made and entered into pursuant to Chapter 28E, Code of Iowa (2003), by the City of Iowa City, Iowa, hereinafter referred to as "Iowa City", and Johnson County, Iowa, hereinafter referred to as "the County".

WHEREAS, Iowa City and the County participate in the Johnson County Council of Governments (JCCOG) for the purposes of metropolitan area-wide transportation planning; and

WHEREAS, JCCOG has adopted an Arterial Street Plan for the Iowa City Urbanized Area; and

WHEREAS, the adopted JCCOG Arterial Street Plan shows that Oakdale Boulevard will eventually be extended between County Road W-66 (Dubuque Street) and Scott Boulevard, but the Arterial Street Plan does not set out a preferred corridor alignment; and

WHEREAS, it is in the best interest of the citizens of Iowa City and the County to enter into an agreement which is intended to preserve the preferred corridor now identified for Oakdale Boulevard, which will eventually be extended between County Road W-66 and Scott Boulevard; and

WHEREAS, this agreement is intended to clarify the more general language now found in the JCCOG Arterial Street Plan regarding the alignment of Oakdale Boulevard between County Road W-66 and Scott Boulevard.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN, IOWA CITY AND THE COUNTY AGREE AS FOLLOWS:

1. The attached Figure 1 illustrates the general preferred corridor which has been selected for Oakdale Boulevard which will eventually be extended between County Road W-66 and Scott Boulevard.
2. Actions taken by Iowa City or the County shall preserve a 100 foot wide right-of-way as a general preferred corridor, as shown in Figure 1. However, any specific action to secure actual right-of-way shall be undertaken by each separate governmental entity, namely Iowa City and Johnson County, and such actions in securing said right-of-way, by dedication or otherwise, shall be carried out by Iowa City and Johnson County in a manner required by law. These actions by Iowa City and Johnson County shall include but not be limited to: the subdivision of property, annexations, conditional use permits, lot splits, farmstead splits, building permits, and rezoning of property.
3. This Agreement shall exist solely to preserve the general, preferred corridor for the eventual extension of Oakdale Boulevard between County Road W-66 and Scott Boulevard. It shall not obligate Iowa City or Johnson County to build any portions of the Oakdale Boulevard extension, nor shall this agreement in any way encumber the title or affect the rights of any property within the general, preferred corridor as depicted in Figure 1 attached hereto and incorporated by reference herein.

4. This Agreement shall remain effective unless and until the agreement is cancelled or modified by joint written agreement of the Iowa City City Council and the Johnson County Board of Supervisors.
5. This Agreement shall be recorded in the Johnson County Recorder's office and the Secretary of State's office as provided by Chapter 28E, Code of Iowa (2003).

Executed with approval and on behalf of the City of Iowa City and the Johnson County Board of Supervisors.

Dated this 15 day of June, 2004.

JOHNSON COUNTY, IOWA

CITY OF NORTH LIBERTY

By: Terrence D. Neuzil  
Terrence Neuzil, Chairperson  
Board of Supervisors

By: Ernest W. Lehman  
Ernest W. Lehman, Mayor

Attest: Tom Slackott  
County Auditor  
Julie [Signature] Deputy

Attest: Marian K. Kan  
City Clerk

Approved by: [Signature]  
City Attorney

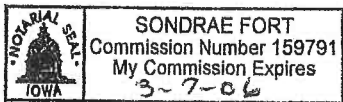
**CORPORATE SEAL**

**SEAL**

CITY ACKNOWLEDGEMENT

STATE OF IOWA )  
 ) ss:  
JOHNSON COUNTY )

On this 18<sup>th</sup> day of May, A.D. 2004, before me, the undersigned, a notary public in and for the State of Iowa, personally appeared Ernest W. Lehman and Marian K. Karr, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of said municipal corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of said municipal corporation; that said instrument was signed and sealed on behalf of said municipal corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers acknowledged that the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Sondrae Fort  
Notary Public in and for the State of Iowa

My commission expires:

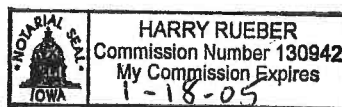
COUNTY ACKNOWLEDGEMENT

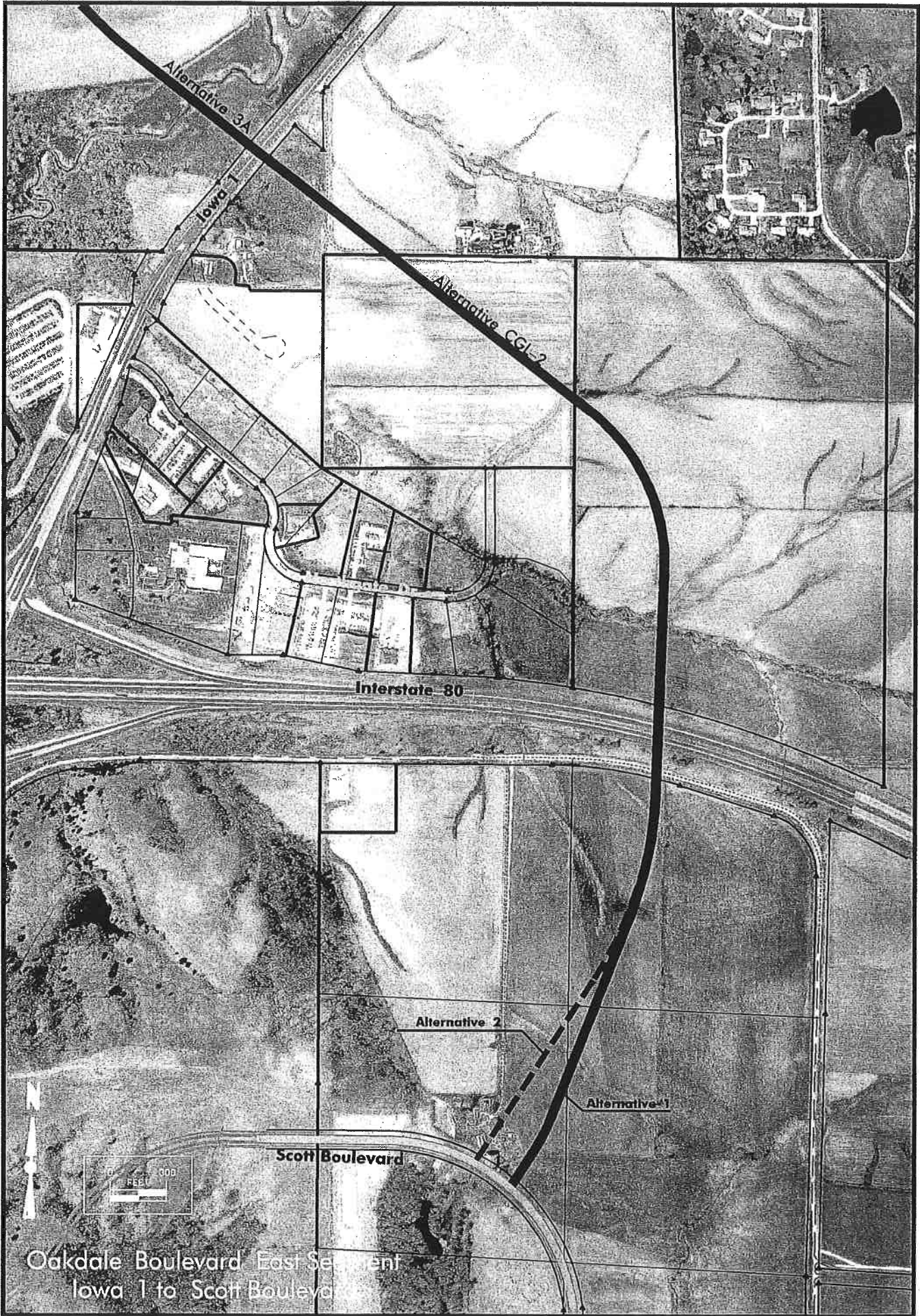
STATE OF IOWA )  
 ) ss:  
JOHNSON COUNTY )

On this 15<sup>th</sup> day of JUNE, 2004, before me, the undersigned, a notary public in and for the State of Iowa, personally appeared Terrence Neuzil and Tom Slockett, <sup>Julie Gilmore for</sup> to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Johnson, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in the Motion adopted by the Board of Supervisors, on the 15<sup>th</sup> day of JUNE, 2004, and Terrence Neuzil and <sup>Julie Gilmore for</sup> Tom Slockett acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Harry Rueber  
Notary Public in and for the State of Iowa

My commission expires: 1-18-05





Oakdale Boulevard East Segment  
Iowa 1 to Scott Boulevard



**Oakdale Boulevard, West Segment**

Prairie du Chien Road to Iowa 1

— Proposed fixed locations      - - - - - Exact locations to be determined



**Oakdale Boulevard, West Segment**

Dubuque Street to Prairie du Chien Road

Proposed fixed locations
  Exact locations to be determined