

RESOLUTION NO. 008 (2026/2027)

A RESOLUTION ACCEPTING A TEMPORARY EASEMENT TO CONSTRUCT AND MAINTAIN DRAINAGE BETWEEN THE CITY OF NEVADA, IOWA AND ANDREW J. SWANSON AND RACHEL SWANSON

WHEREAS, the City of Nevada is undertaking a SRF Sponsored Project (Project E – West Indian Creek Improvement Project) to restore and improve the stream channel and address erosion concerns; and

WHEREAS, it is necessary for the City to obtain temporary construction easements from certain property owners adjacent to West Indian Creek in order to complete the project; and

WHEREAS, Andrew J. Swanson and Rachel Swanson have granted the City of Nevada, Iowa, a temporary easement to construct in, to, on, over, and across real estate located in Story County, Iowa, as more particularly described in the attached Easement and Exhibit A, for the purpose of constructing and restoring drainage improvements associated with the West Indian Creek Improvement Project; and

WHEREAS, the temporary easement shall terminate upon completion of construction and restoration of the affected area in accordance with the approved project plans and specifications.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada, Iowa, that:

1. The **Temporary Easement to Construct and Maintain Drainage** by and between the City of Nevada, Iowa, and **Andrew J. Swanson and Rachel Swanson**, in the form attached hereto, is hereby accepted.

PASSED AND APPROVED this 13th day of July, 2026.

Ryan Condon, Mayor

ATTEST:

Erin Mousel, City Clerk

EASEMENT TO CONSTRUCT AND MAINTAIN DRAINAGE

ANDREW J. SWANSON and RACHEL SWANSON, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, AND NOT AS TENANTS IN COMMON, do hereby grant to the City of Nevada, Iowa a temporary easement to construct in, to, on, over and across real estate in Story County, Iowa:

THE EASEMENT GRANTED TO CONSTRUCT IS TO LAND DESCRIBED AS FOLLOWS:

See real estate description attached hereto and by this reference made a part hereof. Acquisition Plat – "TEMPORARY EASEMENT" is attached to said legal description.

No buildings, obstructions, or other improvements are to be erected upon or under the property covered by this Easement which would interfere with the construction, reconstruction, or maintenance of said sanitary sewer without first obtaining permission from the City of Nevada, Iowa.

This easement is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

This easement shall terminate upon completion of construction and restoration of the channel. Upon completion of construction activities within the temporary easement area, the City of Nevada, Iowa, or its contractors shall restore the affected area in accordance with the approved project plans and specifications for the stream restoration project. Restoration shall include regrading of the stream channel and adjacent disturbed areas to the designed contours and elevations, stabilization of disturbed soils, and installation of erosion control measures as shown in the project documents.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated, 5/22/ 2026.

RACHEL SWANSON
ANDREW SWANSON

STATE OF Iowa)

) ss:

COUNTY OF Story)

This instrument was acknowledged before me on May 22,
2026, by _____ and [Signature]

Index Legend	
City:	Nevada
County:	Story County
Parcel ID:	11-07-300-001
Description:	OAK RIDGE NORTH SD OUTLOT A PARCEL B SLIDE 82 PG 1 Section 7-83-22
Proprietor:	Swanson R. 2019 Trust
Surveyor:	John Bollne
Company:	HRGreen, Inc.
Return To:	5525 Merle Hay Road Suite 200 Johnston, IA 50131

TEMPORARY EASEMENT

TEMPORARY CONSTRUCTION EASEMENT BEING CONVEYED TO THE CITY OF NEVADA
WEST INDIAN CREEK IMPROVEMENT PROJECT

PROPERTY OWNER:

ANDREW J. SWANSON
SWANSON TRUST #1
SWANSON, R. 2019 TRUST
INSTRUMENT NO. 2019-00437

MAILING ADDRESS

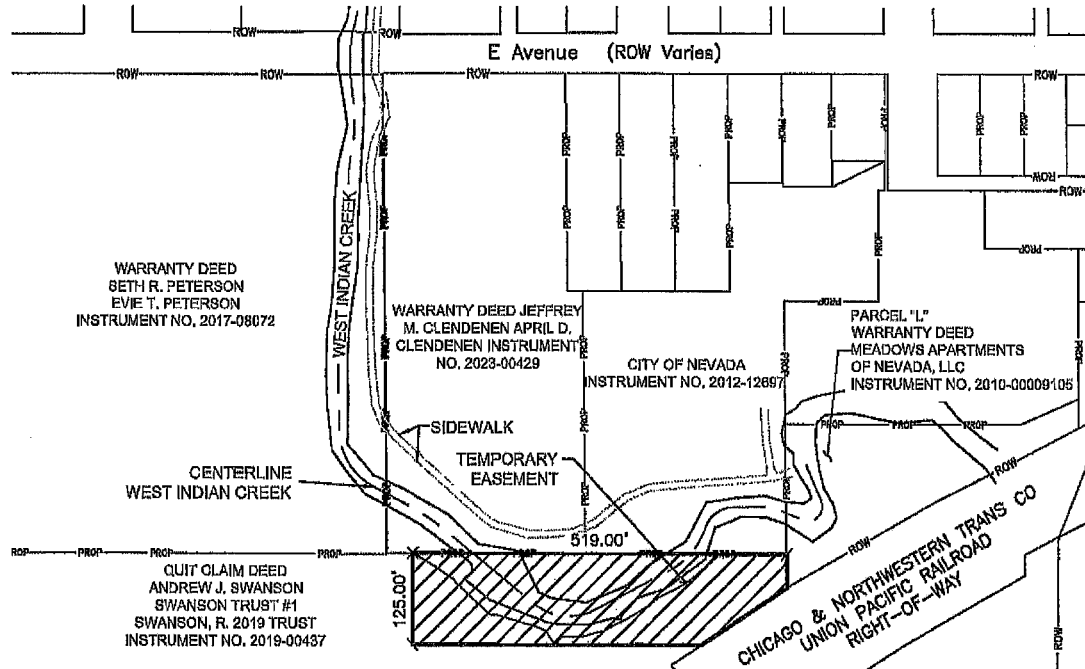
SWANSON, RACHAEL
63735 180TH ST
NEVADA IA 50201-7821

DALE RICHARD SWANSON ESTATE
PO BOX 2804
CEDAR RAPIDS IA 52406-2804

LEGAL DESCRIPTION:

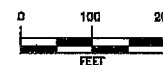
A STRIP OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES BEING A PART OF A PARCEL OF LAND DESCRIBED IN A QUIT CLAIM DEED TO R. SWANSON 2019 TRUST, RECORDED JANUARY 15, 2019 AS DOCUMENT NO. 2019-00437 IN STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 125.00' OF THE EASTERLY 519.00' OF SAID PARCEL OVER THE PROPOSED CONSTRUCTION LIMITS OF THE WEST INDIAN CREEK IMPROVEMENT PROJECT, ALL IN THE NE ¼ OF THE SW ¼ OF SECTION 7, TOWNSHIP 83 NORTH, RANGE 22 WEST OF THE 6TH P.M. IN THE CITY OF NEVADA, STORY COUNTY, IOWA.



LEGEND

- PROP — ADJOINER PROP LINE
- ROW — ROW LINE
- - - WEST INDIAN CREEK CENTERLINE
- ▨ PROPOSED TEMPORARY EASEMENT
- ROW RIGHT-OF-WAY



FIELD SURVEY COMPLETED: NOVEMBER 12, 2025

SURVEY FOR:
CITY OF NEVADA
1209 6TH ST
NEVADA, IA 50201
PHONE: (515) 382-5486

HRG PROJECT NO. 191900.04 DATE: 04/17/2026



5525 MERLE HAY ROAD
JOHNSTON, IOWA 50131
PHONE 515-278-2913
www.hrgreen.com

SHEET
1 OF 1



Iowa
Natural Heritage
Foundation

505 5th Avenue, Suite 444
Des Moines, IA 50309-2321

www.inhf.org
info@inhf.org
515-288-8468

May 19, 2026

Andrew Swanson
64905 190th Street
Nevada, Iowa 50201-7658

RE: West Indian Creek Improvement Project

Dear Andy,

Thank you for your phone call May 5, 2026, regarding the City of Nevada's plans along a portion of West Indian Creek that abuts your property encumbered by a conservation easement. It is our understanding the City of Nevada would like to include a portion of your property in a bank stabilization project along the creek. The City is also seeking a temporary construction easement to fulfill plans outlined in the West Indian Creek Improvement Project. Copies of the temporary construction easement and the site plans are on file with INHF.

INHF has reviewed your request and terms of the easement and find your request to be consistent. Please accept this letter as approval for your proposed project.

If you have any questions, please contact Tylar Samuels or me at evanwaus@inhf.org.

Thank you,

A handwritten signature in cursive script that reads "Erin Van Waus".

Erin Van Waus
Conservation Easement Director

