City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: September 2, 2016

SUBJECT: Water Supply Wells & Transmission Main Improvements
- Damage Claim Full Settlement Release

A Damage Claim Full Settlement Release has been prepared, copy attached, with Russell Pietig. Mr. Pietig is the tenant on property owned by the Dennis H. Schechinger Trust. Damage to Mr. Pietig's crop resulted from construction of the Water Transmission Main across the Trust property. Total damage was determined to be $1,894.20.

RECOMMENDATION: Consideration and approval of the Damage Claim Full Settlement Release with Russell Pietig for damages related to the Water Transmission Main project.

RMK:ds

attachment

DAMAGE CLAIM FULL SETTLEMENT RELEASE

PROJECT NAME :	Carroll Well & Water Line		
AGENT'S INITIALS:	TMB	JCG PN:	3944
LANDOWNER NAME:	Dennis H. Schechinger Trust dated 9/25/09	PHONE (H):	
LANDOWNER'S AGENT:	Dennis Kasperbauer	PHONE (C):	712.269.8509
MAILING ADDRESS:	23438 Highway 30	COUNTY:	Carroll
CITY, STATE, ZIP:	Carroll, IA 51401		
TENANT NAME:	Russell Pietig	PHONE (H):	
MAILING ADDRESS:	22476 Mesquite Ave	PHONE (C):	712.830.2169
CITY, STATE, ZIP:	Carroll, Iowa 51401	COUNTY:	

BRIEF DESCRIPTION OF DAMAGES: Damage resulting from the 2015 construction of the City of Carroll, Iowa's water line across the northeastern portion of the property

Crops Present

TOTAL AREA =	1.10	ACRES x	246	YIELD x	$3.50	PRICE/BUSHEL =				$947.10
TOTAL =	$947.10	(100%) +	$473.55	(50%) +	$284.13	(30%) +	$189.42	(20%) =		$1,894.20

Rotation - No Crops Present

TOTAL AREA =	0.00	ACRES x	0	YIELD x	$0.00	PRICE/BUSHEL =				$0.00
TOTAL =	$0.00	(66%) +	$0.00	(50%) +	$0.00	(30%) +	$0.00	(20%) =		$0.00

ADDITIONAL EXPENSES or NOTES:

TOTAL OF ADDITIONAL EXPENSES = $0.00

GRAND TOTAL DAMAGE PAYMENT = $1,894.20

I do hereby acknowledge that upon the reciept of the payment to me of the sum: ***$1,894.20*** by the City of Carroll, Iowa and in consideration of said payment, I do hereby release and forever discharge the City of Carroll, Iowa for all claims for damages apparent at the date hereof and arising from or occurring out of the construction, reconstruction, maintenance and operation of a water line under, over and across the following described property:

LEGAL: Property owned by the Dennis H. Schechinger Trust dated September 25th, 2009 located in the East Half of the Northwest Quarter of Section 26, Township 84 North, Range 35 West of the 5th p.m., Carroll County, Iowa.

PARCEL #: 3

100% Russell Pietig

TOTAL PAYMENT TO BE SPLIT AS FOLLOWS:
Landowner releases all payment to Tenant

I understand and agree that said payment is the sole consideration for this release and is in full settlement of all my claims and causes of action for damages apparent at the date hereof and that there are no agreements or promises not expressed herein. I further understand that I have five years to renegotiate construction and maintenance damages not apparent at the date hereof.

Signature: x Dennis Kasperbauer — Landowner's Agent — Date: 8-9-16

Signature: x Russell Pietig — Tenant — Date: 7-7-16