



LINN COUNTY BOARD OF SUPERVISORS

District 1 | Kirsten Running-Marquardt

District 2 | Ben Rogers

District 3 | Louis J. Zumbach

MEETING AGENDA

Monday, August 21, 2023 | 10:00 AM

Formal Board Room—Jean Oxley Public Service Center

935 2nd St. SW, Cedar Rapids, IA

Call to Order

Public Comment: Five Minute Limit per Speaker

This comment period is for the public to address topics on today's agenda.

Minutes

Discuss and decide on meeting minutes.

Regular Agenda

Set public hearing date and time of Monday, August 28, 2023, at 10:00 am to vacate Parcel A, Plat of Survey #2731 as recorded in Book 11521 Page 73804 of the Linn County, Iowa Recorder on July 12, 2023, being part of the SW1/4 SE1/4 Section 13-82-5, Linn County, Iowa.

Discuss Revisions to Employee Recognition and Training Policy PM-007

Discuss a proposed Pre-Annexation Agreement between Linn County and the City of Cedar Rapids relating to property located at 650 Walford Road and 800 Walford Road, Cedar Rapids

Public Comment: Five Minute Limit per Speaker

This is an opportunity for the public to address the board on any subject pertaining to board business.

Payroll Authorizations

Discuss and decide on Employment Change Roster (payroll authorizations)

Claims

Discuss and decide on claims.

Correspondence

Appointments

Adjournment

For questions about meeting accessibility or to request accommodations to attend or to participate in a meeting due to a disability, please contact the Board of Supervisors

office at 319-892-5000 or at bd-supervisors@linncountyiowa.gov.

Prepared By: Linn County Secondary Road Dept., 1888 County Home Rd, Marion, IA 52302 (319) 892-6400
Return To: Linn County Auditor Office, 935 2nd St SW, Cedar Rapids, IA 52404 (319)892-5300

RESOLUTION # _____

**SET PUBLIC HEARING TO VACATE EXCESS RIGHT-OF-WAY AND FOR CONVEYANCE OF THE
VACATED RIGHT-OF-WAY**

WHEREAS, the Board of Supervisors, Linn County, Iowa, is empowered under the authority of §306, Code of Iowa, to dispose of the right, title, interest, estate, and claim of Linn County, Iowa, in real property, and

WHEREAS, the Board of Supervisors, Linn County, Iowa, shall vacate the right-of-way described as:

LEGAL DESCRIPTION

Parcel A, Plat of Survey #2731 as recorded in Book 11521 Page 73804 of the Linn County, Iowa Recorder on July 12, 2023, being part of the SW1/4 SE1/4 Section 13-82-5, Linn County, Iowa.
and

WHEREAS, property owners, listed in the table below, owners of real property adjacent to the above-described parcel of vacated right-of-way desire to obtain, through Quit Claim deed, whatever right, title, interest, estate, and claim Linn County may have in the above-described parcel of vacated right-of-way.

No.	Property Owner	Legal Description
1	Stacy S & Nathaniel R Ross	N 36RDS W 45RDS SW SE E OF RDS

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors, Linn County, Iowa, this date met in lawful session that a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will vacate all interest Linn County, Iowa, may have in the above-described parcel of right-of-way.

BE IT FURTHER RESOLVED THAT the Board of Supervisors, Linn County, Iowa, this date met in lawful session that a public hearing shall be held for the purpose of determining whether Linn County, Iowa, will convey to the above listed property owners, whatever right, title, interest, estate, and claim Linn County, Iowa, may have in the above-described parcel of vacated right-of-way.

BE IT FURTHER RESOLVED that said hearing shall be held Monday, August 28, 2023, at 10:00 am, in the formal Board Room on the lower level of the Jean Oxley Linn County Public Service Center, 935 2nd St SW, Cedar Rapids, Iowa, for the above stated purpose and that notice of the time and place of said public hearing shall be published in accordance with §331.305, Code of Iowa.

Dated at Cedar Rapids, Linn County, Iowa, on August 21, 2023.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

Chairperson

Vice Chairperson

Supervisor

ATTEST:

Linn County Auditor

STATE OF IOWA)
COUNTY OF LINN)SS


I, _____, County Auditor of Linn County, Iowa, Linn County, Iowa, hereby certify that at a regular meeting of the said Board, the foregoing resolution was duly adopted by a vote of ____ aye, ____ nay and ____ abstained from voting.

Linn County Auditor

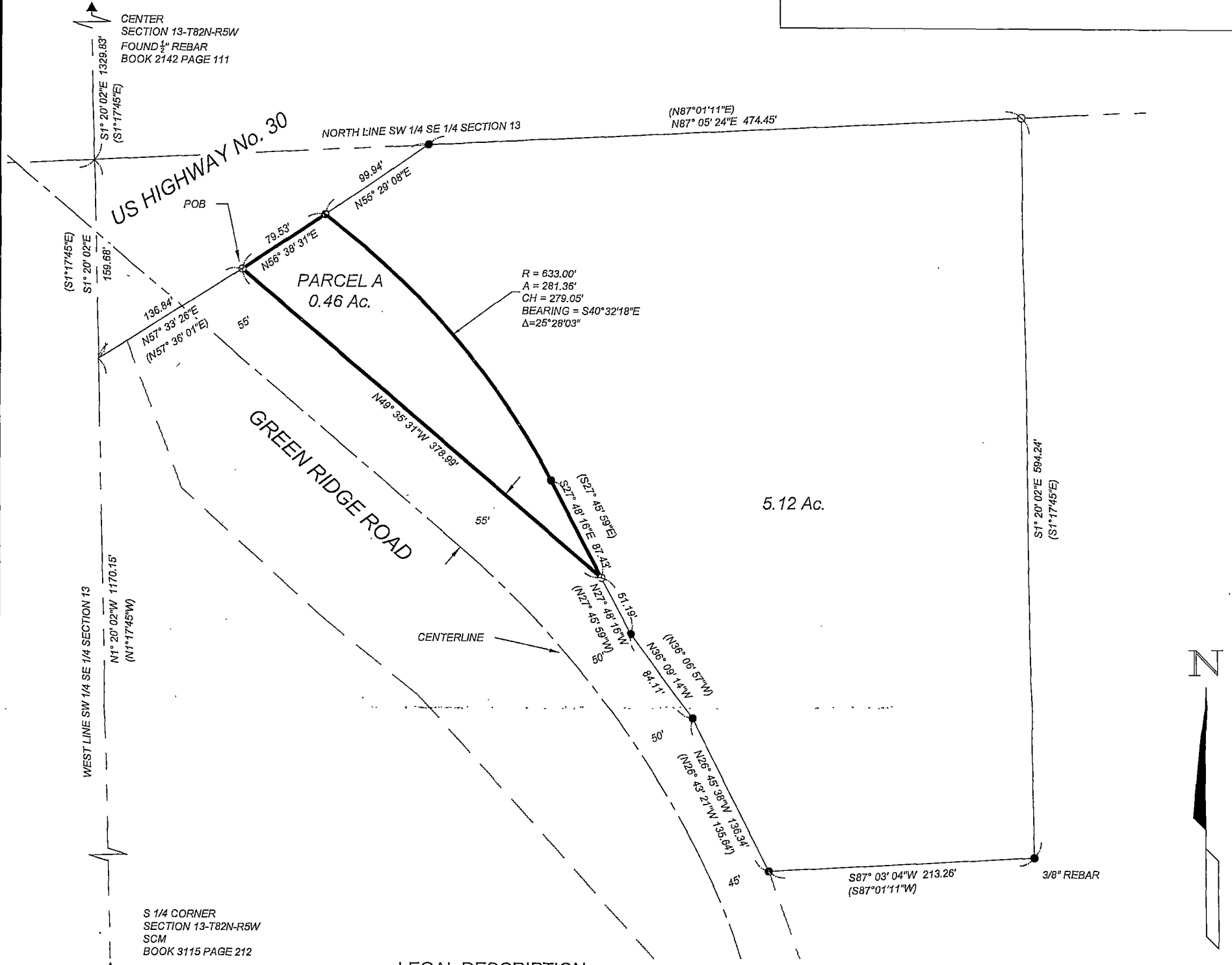
Subscribed and sworn to before me by the aforesaid on this ____ day of _____, 20____.

Notary Public, State of Iowa

PLAT OF SURVEY No. 2731 PARCEL A

Recorder's Stamp:

 Doc ID: 025983990001 Type: GEN
 Recorded: 07/12/2023 at 02:00:48 PM
 Fee Amt: \$12.00 Page 1 of 1
 Linn County Iowa
 CAROLYN SIEBRECHT RECORDER
BK 11521 PG 73804


Index Legend
 Location Description A part of the SW 1/4 SE 1/4 Section 13-82-5
 Requestor: Stacy Ross
 Proprietor: Linn County, Iowa
 Surveyor: Kevin F. Bradshaw, L.S.
 Surveyor Company: Brain Engineering, Inc.
 Return to: SM Brain, 1540 Midland Ct NE Cedar Rapids, IA
 52402 or mikeb@brain-eng.com (319) 294-9424




LEGAL DESCRIPTION

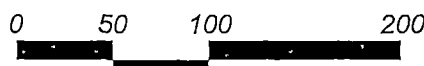
A part of the SW 1/4 SE 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing as a point of reference at the S 1/4 corner;
 thence N01°20'02\"W along the west line of said SW 1/4 SE 1/4, 1170.15 feet;
 thence N57°33'26\"E, 136.84 feet to the Point of Beginning;
 thence N56°38'31\"E, 79.53 feet to the east right of way line of Green Ridge Road;
 thence SE-ly along said east right of way line on an arc of 281.36 feet of a 633.00-foot radius curve to the right, having a chord length of 279.05 feet bearing S40°32'18\"E;
 thence S27°48'16\"E along said east right of way line, 87.43 feet;
 thence N49°35'31\"W, 378.99 feet to the Point of Beginning, containing 0.46 acres.

PARCEL LETTER DESIGNATION
APPROVED BY LINN COUNTY AUDITOR
 JOEL MILLER
 DATED THIS 12th DAY OF July, 2023

 Joel Miller, Linn County Auditor


NOTES: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.

I hereby certify that this land surveying document and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
 Signed  Date 7-06-23
 Kevin F. Bradshaw, L.S.
 My License Renewal Date Is December 31, 2024
 License Number 17543
 Pages or sheets covered by this seal: THIS PAGE



- ▲ FOUND SECTION CORNER
- FOUND 1/2" REBAR WOPC #19515 OR AS LABELED
- △ SET SECTION CORNER
- SET 1/2" REBAR W/ YPC #9647
- POB POINT OF BEGINNING
- () RECORDED AS
- SCM 4"x 4" CONCRETE POST W/DISK
- UE UTILITY EASEMENT
- YPC YELLOW PLASTIC CAP
- OPC ORANGE PLASTIC CAP

DATE OF SURVEY: 4/20/23

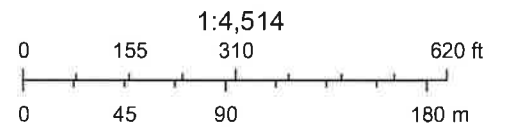
Project No: 599123-10	Title: PLAT OF SURVEY No. 2731	Drawn: SMB 4/21/23	Book: DC	
	PARCEL A		Checked: <u>SMB</u> 7/5/23	Scale: 1"=100'
	 CIVIL • LAND DEVELOPMENT • SURVEYING • TRANSPORTATION ENGINEERING, INC.		Drawn: SMB 4/21/23 Checked: <u>SMB</u> 7/5/23	
			Book: DC Scale: 1"=100'	

\$12 Cash LB

Linn County, Iowa Land Records



July 31, 2023



Linn County, Iowa GIS, Linn County, Iowa GIS, Maxar



BOARD OF SUPERVISORS LINN COUNTY, IOWA

Title: Employee Recognition <u>and</u> <u>Training</u> Policy		Policy Number: PM-007	
Responsible Department: Human Resources			
Revision No: 9	Revision Date: 6/28/23	Policy Effective Date: 6/28/23	Expiration Date: None until next revision
Initial Approval Date: 7/1/96 BOS Minutes: 5/28/96; 5/20/97; 9/25/02; 10/27/05; 6/25/07; 7/1/09; 7/1/11; 7/3/19; 6/28/23		Distribution: PolicyStat	

I. PURPOSE & OBJECTIVES

~~It is the policy of the Linn County Board of Supervisors to recognize employees for their continuous years of service to the organization, for exemplary service to the County, and upon their retirement from County employment. The Board of Supervisors believes that activities that impact public health, safety, general welfare, security, and quality of life in Linn County serve a public purpose. In accordance with the County's Strategic Plan, we strive to create a culture of empowered employees who understand what customers want and who are provided the tools and resources to advance customer satisfaction. To this end, it is the policy of the Linn County Board of Supervisors to train employees in the areas of communication, respect, accountability, cooperation, safety and security. It is also the policy of the Linn County Board of Supervisors to recognize employees for their continuous years of service to the organization, for exemplary service to the County, and upon their retirement from County employment. These activities directly relate to the functions of government and benefits the general public.~~

II. SCOPE

This policy is applicable to all regularly scheduled full-time and permanent part-time Linn County employees responsible to the Board of Supervisors; to an Elected Official, including the Elected Official and their deputies including special deputies; and the Public Health and Conservation Departments.

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a Linn County labor agreement, the provisions of the Code of Iowa or the labor agreement will prevail.

III. PROCEDURES

Years of Service:

In appreciation for dedicated and continuous service, Linn County employees shall receive a recognition award at the completion of one (1) year of service, five (5) years of service, and in five (5) year increments thereafter. Awards will be given quarterly at a recognition breakfast held at a designated location for recipients, their guest and their supervisor.

The schedule for awards is as follows:

<u>Years of Continuous Service</u>	<u>Recognition Award</u>
1 year	Token of Appreciation such as a County Logo Key Chain or Lapel Pin
5 years	Certificate of Appreciation and a Gift Card equal to \$20.00
10 years	Certificate of Appreciation and a Gift Card equal to \$25.00
15 years	Certificate of Appreciation and a Gift Card equal to \$35.00
20 years	Certificate of Appreciation and a Gift Card equal to \$45.00
25 years	Certificate of Appreciation and a Gift Card equal to \$70.00
30 years and continuous 5-year increments	Certificate of Appreciation and a Gift Card equal to \$85.00

All Linn County employees with one (1) or more years of service will receive a token of appreciation.

All employees who reach a five (5) year increment will receive an invitation to the recognition breakfast and the designated award for years of service, according to the schedule of awards.

At the end of each quarter, the Human Resources Liaison will notify the Employee Recognition Committee of the employees scheduled to receive awards during the next breakfast.

EMPLOYEE RECOGNITION SELECTION COMMITTEE

A twelve (12) member Employee Recognition Selection Committee is established, as follows:

County departments will be divided into six (6) groups as equal in number of employees as possible. Departments with ten (10) or more employees will submit the names of one (1) management and one (1) non-management employee for possible appointment to the Selection Committee. Departments with less than ten (10) employees will submit the name of one (1) employee, either management or non-

management. The Human Resources Department will assign one staff member to serve as the HR Liaison to the committee.

The Groups are made up of the following departments:

Group 1 - Auditor's, County Attorney, Recorder, Board of Supervisors, Facilities, Finance & Budget

Group 2 - Secondary Roads and Conservation

Group 3 -LCCS and Risk Management

Group 4 - Juvenile Detention, Veteran's Affairs, IT, Purchasing and Veteran's Affairs

Group 5 - Sheriff's Office

Group 6 -Treasurer's Office, Planning and Public Health

It is suggested that the employees are chosen first by asking for volunteers and if more than one employee volunteers from each category, (management and non-management) then selection is made by a drawing from those names submitted. If there are no volunteers from a department, then that department will not forward any names to the Human Resources Department.

The Human Resources Department will divide the nominees according to which group their department is in above. The Human Resources Department will draw one name from each category of management and non-management for each of the six (6) groups, resulting in a committee of not more than twelve (12) people.

Each member selected to be on the committee will serve a two year term. At the end of the two year term, if there are no volunteers to join the committee, the member may continue to serve on the committee.

The HR Liaison will schedule quarterly meetings to review exemplary service nominations. Committee members may call the nominator to discuss the nomination and ensure the nomination meets the criteria set forth for exemplary service. The Employee Recognition Selection Committee and the Employee Recognition Policy Committee will jointly host the recognition breakfasts. A member of the Employee Recognition Selection Committee will narrate the breakfasts.

RECOGNITION FOR EXEMPLARY SERVICE

The Board of Supervisors will recognize employees for exemplary service on a quarterly basis. Awards will be presented for work in the following categories: innovation, customer satisfaction, teamwork, and core values. Notice of the awards and names of recipients will be published in the County Newsletter. At the end of the fiscal year, the HR Liaison will put out a special newsletter highlighting all employees who were nominated for awards during the previous fiscal year.

Nomination forms must be completed for each nomination that is made, and submitted to the Human Resources Department. The Human Resources Liaison will forward nominations to the Employee Recognition Selection Committee. The forms must be complete and legible. Nomination forms are available through the Human Resources Department, in the Employee Handbook, and on the Intranet.

Nomination forms for exemplary service must be submitted by September 1 for presentation in October; by December 1 for presentation in January; by March 1 for presentation in April and by June 1 for presentation in July.

Nominations must be for work accomplished in the previous twelve (12) month period from the date the nomination is due. An employee may be nominated no more than two (2) times for the same work in any year period. An employee may be selected for each award for different work in any year period. An employee may receive the same award only once in any two (2) year period. Any employee or supervisor may nominate any other employee or supervisor.

Innovation:

Innovation may be demonstrated through the following ways:

1. The creation of a new product or enhancement/improvement of an existing product which results in improved customer satisfaction
2. The creation or improvement of a process which result in time savings, work flow enhancements, cost savings, revenue increases, improved service, or increased safety
3. Implementation of a new technology application which enhances customer satisfaction

Nominations will be evaluated based upon the following behaviors:

- A. **Initiative:** the awarded work will display a willingness to start an activity without having it assigned
- B. **Creativity:** the awarded work will be of an original nature or an original adaptation of existing work
- C. **Results:** the awarded work will have an impact on dollars, effectiveness, systems, and/or technology

Customer Satisfaction:

Customer satisfaction may be demonstrated through the following ways:

1. Prioritizing customer satisfaction with the creation or enhancement Linn County Products to better satisfy Customers
2. Providing understanding and assistance to Customers who are not satisfied with a Product or process
3. Taking the initiative to resolve and close the customer experience gap
4. Listening to the Customer to understand their needs and/or expectations in order to improve the customer experience
5. Taking the initiative to determine and confirm understanding of customer needs and expectations to enhance the customer experience

Nominations will be evaluated based upon the following:

- A. **Products:** the awarded work will highlight the creation of new and/or improved existing products to meet customer needs & expectations
- B. **Voice of the Customer:** the awarded work will focus on identifying and prioritizing needs of the customer
- C. **Bridging the Gap:** the awarded work utilize information from customer interactions to improve and innovate products to enhance customer

experiences to reconcile any differences that exist between customer expectations and customer experience

Teamwork:

Teamwork may be demonstrated through the following way:

1. A collaborative effort between individuals who work toward the solution of mutual goals and internal customer satisfaction.

Nominations will be evaluated based upon the following behaviors:

- A. **Cooperation:** the awarded work will display the willingness to take on additional responsibilities to meet department and/or organizational goals or to complete a special project
- B. **Openness:** the awarded work will display the willingness to freely share and accept information, ideas, technologies, knowledge, and skills
- C. **Teambuilding:** the awarded work will display the willingness to create an environment that encourages working together

Core Values:

Core Values is demonstrated through the following way:

1. An employee or group of employees creating an environment and culture of positive attitudes and behaviors that result in improved customer satisfaction.

Nominations will be evaluated based upon the following behaviors:

Communication: the awarded work will display a willingness to communicate openly and effectively

Respect: the awarded work will demonstrate personal integrity and respect for others

Accountability: the awarded work will recognize the accountability of an employee or group of employees' actions and/or decisions

Valued contributions: the awarded work will recognize the valued contributions of an employee or group of employees

Supportive environment: the awarded work will document the creation of a supportive, positive work environment

SELECTION PROCESS

The selection process has been designed to assure objectivity and fairness to eligible nominees. Nomination facts will be verified by the Chairperson of the Selection Committee prior to the committee meeting. This is not intended to judge the worth of the nomination, but to confirm the facts given on the nomination form, so that ratings are based on fact. The rating system will be a weighted average method along a four-point scale as described below. A minimum averaged score of 1.0 is required for any award to be given.

- * 0 = does not meet definition
- * 1 = meets definition
- * 2 = exceeds definition
- * 3 = greatly exceeds definition

Nominations will be ranked based upon the characteristics below and their associated weights.

In the event of a tie the Employee Recognition Selection Committee will flip a coin to determine a quarterly award winner.

In the event of a single nomination the Selection Committee will evaluate the nomination based on the criteria set forth in this policy. If the nomination doesn't receive a minimum score of 1.0 then no award will be given.

If a member of the Employee Recognition Selection Committee is nominated for an award and/or submitted a nomination for a quarterly award or directly supervises a nominee for a quarterly award, he/she shall abstain from the selection process for that award category.

INNOVATION:

- Initiative = 30%
- Creativity = 30%
- Results = 40%

CUSTOMER SATISFACTION

- Products = 33%
- Voice of the Customer = 34%
- Bridging the Gap = 33%

TEAMWORK:

- Cooperation = 20%
- Openness = 30%
- Team Builder = 50%

CORE VALUES:

- Communication = 20%
- Respect = 20%
- Accountability = 20%
- Valued contributions = 20%
- Supportive = 20%

Example:

Employee A and Employee B have each been nominated for the innovation award. The ERSC rates the two (2) employees as follows on the scale of 0-3:

<u>Employee</u>	<u>Initiative (30%)</u>	<u>Creativity (30%)</u>	<u>Result (40%)</u>
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Employee A	1	3	3
Employee B	3	2	2

Next, the scores in each category are multiplied by the percentage weight:

Employee A	1 x 30% = .3	3 x 30% = .9	3 x 40% = 1.2
Employee B	3 x 30% = .9	2 x 30% = .6	2 x 40% = .8

Then, the scores are added:

Employee A	.3	+	.9	+	1.2	=	2.4
Employee B	.9	+	.6	+	.8	=	2.3

Employee A would receive the award in the Innovation category.

Presentations for exemplary service will be made during the same breakfast meeting, which is held for years of service award recipients in the first month of each quarter for the previous quarter (October, January, April, and July). The employee who made the nomination, and the employee's department head or supervisor, if applicable, will be invited to attend the breakfast.

Awards for Exemplary Service

Permanent full-time and part-time employees receiving an award for exemplary service in each quarter will receive a \$100 award and a certificate from the Board of Supervisors.

The award for any group of employees (2 or more) is a monetary award to each employee (according to the chart below) and a certificate from the Board of Supervisors for each member of the group.

2-5 Employees	\$50
6-10 Employees	\$25
10+ employees	\$25 (The department/office of the employee will fund any group awards over 10 employees)

All monetary awards for exemplary service will be paid via the payroll process. The award will be deposited directly into the employee's bank account or a check mailed to their home address.

There is a possibility of a maximum of four (4) awards each quarter. If no employees are nominated during an award period, no awards will be given.

RECOGNITION AT RETIREMENT

In the interest of recognizing an employee's accomplishments at the conclusion of his/her work life, permanent full-time and part-time employees who retire from the County shall be formally recognized as indicated below. The Board of Supervisors will present these awards at one of the quarterly breakfast meetings. The schedule of awards shall be as follows:

1. An eligible employee who retires with less than ten (10) years of continuous service shall receive a certificate of appreciation from the Board of Supervisors & a \$25 Visa gift card.
2. An eligible employee who retires with at least ten (10) years of continuous service, but less than twenty (20) years, shall receive a certificate of appreciation from the Board of Supervisors and a \$50 Visa Gift Card.
3. An eligible employee who retires with twenty (20) or more years of continuous service but less than thirty (30) years shall receive a certificate of appreciation from the Board of Supervisors and a \$75 Visa Gift Card.
4. An eligible employee who retires with at least 30 years or more of continuous service shall receive a certificate of appreciation from the Board of Supervisors and a \$100 Visa Gift Card.

Any additional celebration in honor of an employee beyond the quarterly recognition breakfast meeting will be the responsibility of employees within the retiree's department. The use of County time and facilities (if available) for a retirement party will be granted, but no County funds will be expended for this purpose.

RECOGNITION FOR HEALTH, WELLNESS, SAFETY AND SKILL DEVELOPMENT

In the interest of recognizing an employee's efforts to take care of themselves (physically, mentally, emotionally, and financially) and to promote safe workplace practices, the Board of Supervisors specifically authorizes the following events:

- Annual Health & Safety Fair
- Annual Secondary Road Safety Days (Fall and Spring)

Attendance at these events requires the employees to do so during a meal period. Therefore, The Board of Supervisors authorizes the expenditure of public funds for the purpose of providing a meal. Any meal or snack paid for with public funds must be a reasonable price and be an integral part of an employee's job duties.

In addition, safety, skill and competency development training sessions for both managers and non-supervisory employees serve a public purpose by ensuring that those who serve the public are trained in safety, communication and conflict resolution skills and that managers are trained in employment practices that comply with the law and follow County policies and procedures to reduce the County's liability.

In order for food to be served at a training that meets the above criteria, the training must occur during a meal time and attendance has been authorized by an employee's supervisor as being necessary and beneficial to the ability of the employee to perform their job functions. The number of employees in attendance for these trainings where

food is provided must be attached to an itemized receipt for the meal or snack provided.

ADMINISTRATIVE PROCEDURES

1. The Human Resources Department is responsible for administering the provision of this policy to ensure the timely presentation of recognition awards. The Human Resources Department and the Risk Management Department are responsible for training content, schedules and ensuring that any meals provided adhere to the above requirements.
2. The Department Heads are expected to cooperate in the effective implementation of this policy by verifying lengths of service as may be needed; ~~and~~ by notifying the Human Resources Department as far in advance as possible of impending retirements and by cooperating with both departments when coordinating training times and criteria.

SPACE ABOVE FOR RECORDER

Preparer Information: Jeff Wozencraft, City of Cedar Rapids, 101 1st Street SE, Cedar Rapids, Iowa 52401 (319) 286-5772
Return to: City Clerk's Office, 101 1st Street SE, Cedar Rapids, Iowa 52401
Taxpayer Information: Linn County, 935 2nd Street SW, Cedar Rapids, Iowa 52404

PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement is entered into this day of , 2023, by and between Linn County (the "Owner") and the City of Cedar Rapids, Iowa (the "City").

WHEREAS, Linn County is the Owner of Property located at 650 Walford Road and 800 Walford Road and legally described as follows;

WHEREAS, the Owner desires to voluntarily annex its Property into the City of Cedar Rapids, Iowa, and

WHEREAS, the Properties are currently zoned AG under the Linn County Zoning ordinance and are to be zoned P-IN (public institutional) when annexed into the City; and

WHEREAS, the City of Cedar Rapids recognizes the roles both the Linn County Juvenile Detention Center and Linn County Secondary Road facility serve in our community; and

WHEREAS, the Owner and the City both desire to enter into this Agreement to clarify and define its respective rights and responsibilities.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements set forth below, the parties hereto agree as follows:

1. **Annexation.** The City agrees to assist the Owner to annex the Properties into the City upon the terms and conditions set forth in this agreement.

2. Conditions Associated With Voluntary Annexation

- a. The City will initiate, with consent from the County, the rezoning of the properties to match the desired zone district for the parcels, Public-Institutional (P-IN). The parties agree that the provisions of the P-IN zone district are not currently more restrictive than the AG zoning district with respect to building use, building types, building size, building height, or minimum property setbacks regardless of the immediately surrounding land use or zone district.
- b. No structural or land use changes to either property will be required with the rezoning. Linn County may continue to use the property and all facilities, buildings, furnishings, machinery, equipment, and/or structures on the property in the same or like manner and for the same or like purpose for as long as the County owns the property. Linn County may expand or make structural changes to the existing facilities, buildings, furnishings, machinery, equipment, and/or structures on the property subject to the setback requirements of the P-IN zone district in accordance with all ordinances then in effect.
- c. To the extent permitted by law, the City agrees to not assess the County for any roadway or other infrastructure improvements associated with the annexation or roadway improvements to Walford Road, 6th Street SW, or any other present or future roadway that benefits either property, or for any other infrastructure improvement that is on either property or that benefits either property. The City will accept Walford Road, its right-of-way, and any item or items in its right-of-way "as is".
- d. The City agrees that the County's existing use is permissible in the P-IN zone district.

3. **Assignment.** Except as provided below, this Agreement may not be assigned by any party without the express written permission of the other parties.

4. **Successor and Assigns.** The rights, duties, and obligations of the parties as contained in this Agreement shall run with the Property and be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors, legal representatives, and permitted assigns. Nothing in this Agreement, express or implied, is intended to confer upon any party other than the parties hereto, and their respective heirs, successors, legal representatives and permitted assigns, any rights, remedies, liabilities or obligations under or by reason of this Agreement. In order to ensure proper notice to all successors and assigns, a copy of this Agreement shall be filed with the Linn County Recorder.

5. **Governing Law.** All rights and obligations arising out of or related to this Agreement, and the application and interpretation hereof, shall be governed by and construed in accordance with the laws of the State of Iowa.
6. **Execution of Documents.** All parties agree to execute and deliver whatever documents or assurances as may be reasonably necessary to implement the terms and conditions of this Agreement and effectuate the intent thereof. The parties hereto will cooperate fully.
7. **Entire Agreement.** This Agreement, the exhibits attached and the documents delivered and recorded pursuant hereto constitute the entire agreement and understanding among the parties and supersede and revoke any prior agreements or understandings relating to the subject matter of this Agreement.
8. **Amendments.** No change, amendment, termination, or attempted waiver or variation of the terms and conditions of this Agreement shall be valid unless the same follow applicable statutes.
9. **Captions.** The headings, captions, or titles of articles, sections, and paragraphs of this Agreement are provided for convenience of reference only, and shall not be considered a part hereof for purposes of interpreting or applying this Agreement, and such titles or captions do not define, limit, extend, explain, or describe the scope or extent of this Agreement of any of its terms or conditions.
10. **Severability.** In the event any provisions of this Agreement is held invalid, illegal, or unenforceable, in whole or in part, the remaining provisions of this Agreement shall not be affected thereby and shall continue to be valid, legal, and enforceable. In the event any provision of this Agreement is held to be invalid, illegal, or unenforceable as written, but valid, legal, and enforceable if modified, then such provision shall be deemed to be amended to such extent as shall be necessary for such provision to be valid, legal, and enforceable and it shall be enforced to that extent. Any finding of invalidity, illegality, or unenforceability in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction.
11. **Counterparts.** This Agreement may be executed by one or more of the parties hereto on any number of separate counterparts (including by facsimile transmission), and all of said counterparts taken together shall be deemed to constitute one and the same Agreement.

CITY OF CEDAR RAPIDS, IOWA

(seal)

BY: _____

Jeffrey A. Pomeranz

City Manager

PROPERTY OWNER

BY: _____

Louis J. Zumbach

Chairperson, Linn County Board of Supervisors

Attest:

BY: _____

Alissa Van Sloten

City Clerk

STATE OF IOWA)

) ss:

COUNTY OF LINN)

On this _____ day of _____, 2023, before me a Notary Public in and for said County, personally appeared Jeffrey A. Pomeranz and Alissa Van Sloten to me personally known,

who being duly sworn, did say that they are the City Manager and City Clerk, respectively of the City of Cedar Rapids, Iowa, a Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council and said City Manager and City Clerk acknowledged said instrument to be the free act and deed of said Municipal Corporation by it voluntarily executed.

NOTARY PUBLIC, IN AND FOR STATE OF IOWA

My Commission Expires: _____