

Date July 26, 2010

RESOLUTION APPROVING SETTLEMENT AGREEMENT

WHEREAS, on March 9, 2009, by Roll Call No. 09-409, the City Council passed Ordinance No. 14,841 vacating 13th Street right-of-way from Keosauqua Way to School Street and the North/South alley right-of-way west of 13th Street from School Street to Keosauqua Way, and by Roll Call No. 09-410, said property was conveyed by real estate contract to Central Iowa Shelter and Services (“CISS”); and

WHEREAS, thereafter Owen Crist Auto Body Service, Inc. and Lawrence Crist (hereinafter collectively “Crists”) challenged the actions of the City of Des Moines in vacating and conveying said property in Polk County District Court, Case No. CE 63094, and Crists also have challenged the actions of the Iowa Department of Transportation (“IDOT”) in selling adjoining property to CISS in Polk County District Court, Case No. EQCE 062958, in which cases CISS has participated as an intervening party; and

WHEREAS, a settlement has been negotiated by the City’s Legal Department, CISS, IDOT and Crists resolving all claims associated with the aforementioned lawsuits, which settlement is in the best interest of the City of Des Moines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Settlement Agreement between the City, IDOT, CISS and Crists, as on file in the office of the City Clerk, is hereby approved; the Mayor is authorized and directed to sign the Agreement, and the City Clerk is directed to attest to his signature; and the City Manager and/or his designee is authorized and directed to administer the terms of said Agreement.

Moved by _____ to adopt.

Sponsor: Council Member Hensley

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk