

★ Roll Call Number

Agenda Item Number

21

Date December 3, 2007.....

**APPROVING SETTLEMENT AGREEMENT BETWEEN
THE CITY OF DES MOINES AND ENTERPRISE RENT-A-CAR COMPANY**

WHEREAS, Enterprise Rent-A-Car (“Enterprise”) owns and operates rental car agencies in Iowa, the greater Midwest and the nation, and in the course of such business from 1998 through January 1, 2005, has been charged by the City of Des Moines with a number of parking violations that are processed by the City Clerk’s office and that currently remain unpaid; and

WHEREAS, Enterprise and the City Clerk’s office have negotiated a settlement agreement acceptable to both parties regarding the unpaid parking tickets and the terms by which Enterprise and the City will process such violations from this point on; and

WHEREAS, pursuant to the negotiated settlement, the City will receive a lump-sum payment from Enterprise to resolve any and all disputes regarding the unpaid parking tickets dated from 1998 to January 1, 2005, and both parties resolve to follow the agreed-upon terms for processing parking violations subsequent to January 1, 2005; and

WHEREAS, this settlement has been negotiated and reviewed by the Legal Department and approval of the settlement would be 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 negotiated settlement calling for a lump sum payment by Enterprise to the City of Des Moines to resolve unpaid parking tickets dated from 1998 through January 1, 2005, in consideration of the City’s release of Enterprise’s liability for said tickets, and calling for following the agreed-upon terms for processing parking violations subsequent to January 1, 2005, is hereby approved.

That the Mayor is authorized and directed to sign the Settlement Agreement and Release pertaining to the unpaid tickets from 1998 to January 1, 2005, and the Memorandum of Understanding pertaining to the agreed-upon process for parking violations subsequent to January 1, 2005, and the City Clerk is authorized and directed to attest to the Mayor’s signature.

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Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
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