

**Date** December 17, 2012

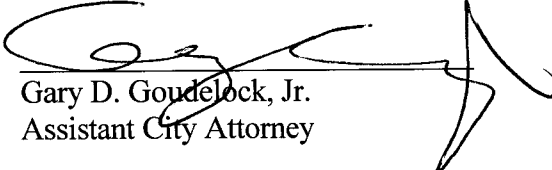
WHEREAS, The City of Des Moines has a lawsuit against Sivi Properties, L.L.C. and Real Optics, Inc. arising out of damage caused to City trees; and

WHEREAS, it is the opinion of the Legal Department that acceptance of a mutually-agreeable payment amount 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 City accept the sum of \$10,000.00 from Sivi Properties, L.L.C. and Real Optics, Inc., and the settlement agreement be entered into on behalf of the City, and the Legal Department is authorized to execute all documents necessary to effectuate the terms of the settlement agreement.

FORM APPROVED: \_\_\_\_\_ MOVED BY \_\_\_\_\_ TO ADOPT

  
 Gary D. Goudebeck, Jr.  
 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