

Date: May 6, 2013

WHEREAS, on May 7, 2012, by Resolution No. 12-0674, the City Council authorized execution of an agreement with Jenco Construction, Inc. ("Contractor") for the Walnut Creek Bridge Replacement; and

WHEREAS, on May 21, 2012, by Resolution No. 12-0768, the City Council approved a change order with the Contractor for the Walnut Creek Bridge Replacement in the amount of \$129,000 and revising the bridge closure date to 2013; and

WHEREAS, the City has contended that CenturyLink's failure to remove its utility and equipment in accordance with the timeframe represented by CenturyLink to the City and as directed by the City Engineer, resulted in the City's decision to delay the Walnut Creek Bridge Replacement and enter into a change order with the Contractor; and

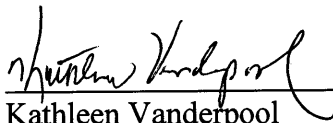
WHEREAS, CenturyLink has contended that the City and its agents were the cause of any such delay; and

WHEREAS, representatives from CenturyLink and the City have proposed a Settlement Agreement as attached to resolve the dispute.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That it hereby approves the Settlement Agreement between Qwest Corporation, dba CenturyLink, QC and the City of Des Moines and authorizes and directs the Mayor to execute the Settlement Agreement and the City Clerk to attest to his signature.

APPROVED AS TO FORM: Moved by \_\_\_\_\_ to adopt.

  
 Kathleen Vanderpool  
 Deputy 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