

Date February 5, 2018

**APPROVING SUBSTITUTION OF THE INSURANCE ATTACHMENT TO EXHIBIT E OF THE FIRST AMENDED AND RESTATED CHAPTER 28E AGREEMENT BY AND BETWEEN THE CITIES OF DES MOINES AND WEST DES MOINES, PROVIDING FOR THE MANAGEMENT, OPERATION, MAINTENANCE AND SECURITY OF THE RACCOON RIVER AND WALNUT CREEK FLOOD PROTECTION IMPROVEMENTS AND PERMANENT EASEMENT FOR STORM SEWER RIGHT-OF-WAY, PUMP STATION, AND FLOOD PROTECTION LEVEE**

**WHEREAS**, on January 22, 2018, by Roll Call No. 18-0148, following a hearing, the Des Moines City Council approved the conveyance of a permanent easement for storm sewer right-of-way, pump station, and flood protection levee to the City of West Des Moines (hereinafter "Easement"); and

**WHEREAS**, on January 22, 2018, by Roll Call No. 18-0149, the Des Moines City Council approved the First Amended and Restated 28E Agreement with the City of West Des Moines for the management, operation, maintenance and security of the Raccoon River and Walnut Creek flood protection improvements (hereinafter "Agreement"); and

**WHEREAS**, the Easement is Exhibit E to the Agreement; and

**WHEREAS**, West Des Moines has not yet approved or executed the Agreement or Easement; and

**WHEREAS**, after the action by the City Council on January 22, 2018, West Des Moines subsequently requested additional changes to the insurance attachment for the Easement; and

**WHEREAS**, the City of Des Moines' risk management recommends approving the substitution of said insurance attachment to reflect West Des Moines' requested changes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF Des Moines, Iowa:**

1. That the substitution of the insurance attachment to the permanent easement for storm sewer right-of-way, pump station, and flood protection levee to the City of West Des Moines approved by Roll Call No. 18-0148 and to Exhibit E of the First Amended and Restated Chapter 28E Agreement Providing for the Management, Operation, Maintenance and Security of the Raccoon River and Walnut Creek Flood Protection Improvements Constructed by the U.S. Army Corps of Engineers approved by Roll Call No. 18-0149, a copy of which is now on file in the office of the City Clerk, be and the same is hereby approved as to form and content.

★ Roll Call Number

Agenda Item Number

31

Date February 5, 2018

Moved by \_\_\_\_\_ adopt.

APPROVED AS TO FORM



Lisa A. Wieland  
Assistant City Attorney

(Council Communication No. 18-069)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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