

Date April 25, 2011

WHEREAS, Gerald and Trisha James have a claim against the City of Des Moines arising out of a fall occurring on July 4, 2009; and

WHEREAS, the Plaintiffs' incurred personal and financial injuries as a result of the fall; and

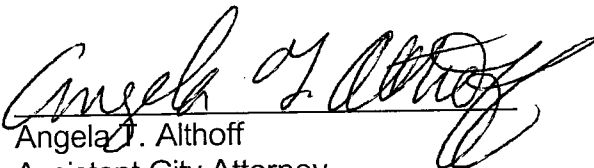
WHEREAS, it is the opinion of the Legal Department that payment of this negotiated settlement would be in the best interest of the City of Des Moines; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That payment of \$82,500.00 to Gerald and Trisha James, and their attorney, James Ballard, at the Cutler Law Firm, 1307 50th Street, West Des Moines, Iowa 50266, be made and the same is hereby approved and the Finance Director is authorized and directed to draw a warrant accordingly under Fund Codes 529810 SP360 PWK040400.

FORM APPROVED:

MOVED BY Hensley TO ADOPT

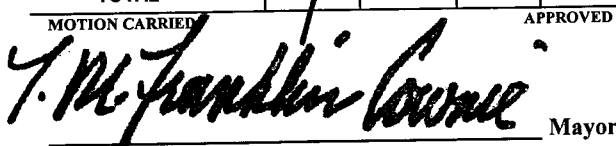

 Angela T. Althoff
 Assistant City Attorney

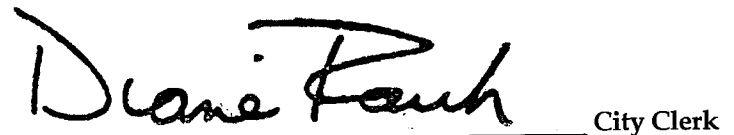
| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |

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.


 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk