★ **Roll Call Number**

12-1740

Date November 5, 2012

ACCEPTANCE OF TEMPORARY EASEMENT FOR CONSTRUCTION LOCATED AT
2309 EUCLID AVENUE FROM POLK COUNTY

WHEREAS, Polk County is the owner of property locally known as 2309 Euclid Avenue, and the Polk County Board of Supervisors has granted to the City, by resolution, a temporary easement upon such property for construction of a portion of the Interurban Trail Bridge Repair Project; and

WHEREAS, Polk County has included an indemnity agreement in the temporary easement to the City which is being submitted to City Council for acceptance and approval, and which provision states that the City agrees to indemnify and hold harmless the County from all loss, cost or liability related to the possession and use of the temporary easement area by the City, except that resulting from the negligent, reckless or intentional acts or omissions of the County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached document conveying property interests, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and is hereby approved and accepted as follows:

Property Owner:	Polk County, Iowa
Property Location:	2309 Euclid Avenue, Des Moines, Iowa
Document Type:	Temporary Easement for Construction and Construction-Related Activities
Consideration:	Mutual Benefit

That the City Clerk is hereby authorized and directed to endorse upon the Easement the approval and acceptance of this Council and is further authorized and directed to deliver said Easement to the Real Estate Division Manager, who shall retain the document in City filed or may proceed to record the document with the Polk County Recorder's Office, as applicable.

Moved by _____*Griess*_____ to adopt.

Sponsor: Council Member Halley Griess

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(Council Communication No. 12-573)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✔			
COLEMAN	✔			
GRIESS	✔			
HENSLEY	✔			
MAHAFFEY	✔			
MEYER	✔			
MOORE	✔			
TOTAL	7			

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.

_____*Diane Rauh*_____ City Clerk