

★ Roll Call Number

Agenda Item Number

13-1881

11

Date December 9, 2013

ACCEPTANCE OF TEMPORARY EASEMENT FROM U.S. BANK NATIONAL ASSOCIATION FOR THE BEAVER AVENUE STREETScape PROJECT

WHEREAS, on August 26, 2013, by Roll Call No. 13-1314, the City Council authorized acquisition of the necessary right-of-way and easements for the Beaver Avenue Streetscape Project by gift, negotiation or condemnation; and

WHEREAS, U.S. Bank National Association is the owner of property locally known as 2716 Beaver Avenue, and the City requires a temporary easement for construction and construction-related activities upon such property for construction of a portion of the Beaver Avenue Streetscape Project; and

WHEREAS, City staff and U.S. Bank National Association have negotiated the terms of a temporary easement that includes provisions by which the City agrees to indemnify and hold harmless U.S. Bank National Association from claims directly related to the entry rights set forth in the easement and the acts or omissions by the City, its agents, employees, contractors, or others entering the property with the City's invitation or consent, during construction of the afore-mentioned project; and

WHEREAS, said easement is now being presented to the City Council for acceptance due to the aforementioned easement terms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the following document as on file with the City Real Estate Division Manager, 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: US Bank National Association
Property Location: 2716 Beaver Avenue, Des Moines, IA 50310
Document Type: Temporary Easement for Construction and Construction-Related Activities

BE IT FURTHER RESOLVED, that the City Real Estate Division Manager is directed to retain the document in City files or proceed to record the documents with the Polk County Recorder's Office, as applicable.

APPROVED AS TO FORM:

Moved by Hensley to adopt.

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MOORE, VOSS, and TOTAL.

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

MOTION CARRIED APPROVED

Handwritten signature of City Council member