



Roll Call Number

19-0560

Agenda Item Number

32

Date April 8, 2019

RESOLUTION APPROVING AMENDMENT TO EXTEND THE TERM OF A TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES GRANTED TO THE CITY OF WEST DES MOINES, IOWA FOR THE 62ND STREET AND RAILROAD AVENUE GATE STRUCTURE REPLACEMENT PROJECT

WHEREAS, on January 28, 2019, by Roll Call No. 19-0122, the City of Des Moines ("City") granted to the City of West Des Moines ("WDM") a Temporary Easement for Construction and Construction Related Activities ("Temporary Easement") for WDM to undertake the 62nd Street and Railroad Avenue Gate Structure Replacement Project ("Project"); and

WHEREAS, the Temporary Easement has an initial term ending on March 31, 2019; and

WHEREAS, due to high water conditions on Walnut Creek, WDM has advised the City that the Project will not be completed by March 31, 2019 and WDM has requested an extension of the Temporary Easement until April 27, 2019, with the understanding that WDM will use all reasonable efforts to complete the Project and restore and open the City of Des Moines Levy Trail prior to April 27, 2019; and

WHEREAS, City and WDM staff have negotiated an Amendment to Extend the Term of Temporary Easement for Construction and Construction Related Activities ("Amendment") that will extend the Temporary Easement term until April 27, 2019.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa that the above described Amendment to Extend the Term of Temporary Easement for Construction and Construction Related Activities, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to sign said Amendment on behalf of the City and the City Clerk is hereby directed to attest to said signature.

MOVED by Coleman to adopt.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

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PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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