

20-1881

26

Date November 23, 2020

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY CARNEY & APPLEBY, P.L.C. IN A PROPERTY ACQUISITION MATTER WITH THE CITY OF DES MOINES AND JASON AND KATI MEDICK

WHEREAS, Carney & Appleby P.L.C. represents the City of Des Moines in legislative and lobbying matters; and,

WHEREAS, the City of Des Moines has authorized the acquisition by purchase, gift, or condemnation, of all necessary property interests for the 2021 Traffic Signal Replacement – 56th Street and Grand Avenue Project and an interest in the Medicks’ property is needed to complete the project; and,

WHEREAS, the Medicks would like to use Carney & Appleby, P.L.C. to review the Offer to Purchase Real Estate and Acceptance, the Temporary Easement for Construction and Construction-Related Activities, and any related documents that the Medicks received from the City of Des Moines regarding the proposed easement; and,

WHEREAS, the representation of the Medicks by Carney & Appleby, P.L.C. is limited to a review and analysis of the easement documents received from the City of Des Moines.

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

1. That the Mayor is hereby authorized and directed to execute the waiver and consent to any actual, potential or perceived conflict of interest associated with Carney & Appleby, P.L.C.’s representation of the Medicks with respect to the above-referenced easement document review.
2. That the City Attorney is authorized to withdraw and terminate such waiver and consent for any reason, in his sole discretion, should he determine that termination of the waiver and consent is appropriate. Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie
Mayor

P. Kay Cmelik

City Clerk