



Roll Call Number

22-1649

Agenda Item Number

37

Date October 24, 2022

APPROVING ASSIGNMENT OF AGREEMENT BETWEEN CITY AND CENTRAL IOWA WATER TRAILS, LLC FOR PROPOSED IMPACT TO LEVEE

WHEREAS, on November 9, 2020, by Roll Call No. 20-1829, the City Council approved and authorized execution of an Agreement between the City of Des Moines and Central Iowa Water Trails, LLC (CIWT) for Proposed Impact to Levee, which Agreement obligates CIWT to reimburse the City for additional professional services for hydraulic modeling and re-design for the Des Moines River levee by City consultants, as well as for increased real estate costs and construction costs associated with the revised levee design to accommodate the proposed water trail improvements to be undertaken by CIWT; and

WHEREAS, said Agreement restricts assignment of the parties' rights and liabilities without the prior written consent of the other party; and

WHEREAS, CIWT wishes to assign its rights and liabilities under the Agreement to its successor organization, Iowa Confluence Water Trails (ICON), an Iowa non-profit corporation, and has requested City consent thereto in accordance with the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that consent is hereby given on behalf of the City to the assignment by Central Iowa Water Trails, LLC (CIWT) to Iowa Confluence Water Trails (ICON) of its rights and liabilities in and to the Agreement for Proposed Impact to Levee; and the City Manager is authorized to execute said consent on behalf of the City on any required documents following approval as to form by the Legal Department.

(Council Communication No. 22-478)

MOVED BY Gatto TO ADOPT.

SECOND BY Boesen

APPROVED AS TO FORM:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Total yeas is 7.

MOTION CARRIED APPROVED J. M. Frankh Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner City Clerk