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Date April 25, 2011

RESOLUTION APPROVING CLOSEOUT OF ASSISTANCE AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, on June 20, 2003, the U.S. Environmental Protection Agency ("US EPA") awarded the City of Des Moines \$1.2 million in grant funds with \$1 million of that to be used to establish a Brownfields Revolving Loan Fund to be initially used for cleanup activities in the Riverpoint West Redevelopment Area; and,

WHEREAS, on July 14, 2003, by Roll Call No. 03-1609, the City Council authorized the Mayor to execute Assessment Agreement BF 98734301 between the City and US EPA, to access the \$1 million to be used to establish the Brownfields Revolving Loan Fund; and,

WHEREAS, on November 21, 2005, by Roll Call No. 05-2793, the City Council approved the use the Brownfields Revolving Loan Fund to finance a Brownfields Cleanup Revolving Loan Fund ("BCRLF") Loan of up to \$1,007,800 to Hubbell Terminal Corporation, which has been fully advanced to pay qualifying costs for the cleanup and remediation of the hazardous environmental condition of the former Pitts-Des Moines Steel site west of SW 11th Street between Tuttle Street and DART Way; and,

WHEREAS, the City and US EPA both desire to close out the Assessment Agreement in accordance with the terms of the closeout agreement identified below; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Agreement between the United States Environmental Protection Agency, Region 7, and the City of Des Moines, Iowa, Concerning Closeout of Assistance Agreement BF 98734301, which is now on file and available for public inspection in the office of the City Clerk, is hereby approved, and the Mayor is hereby authorized and directed to sign such agreement on behalf of the City of Des Moines.
2. The City Manager is hereby authorized and directed to prepare and submit the annual reports to the US EPA as provided in the closeout agreement.

( Council Communication No. 11- 241 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown, Assistant City Attorney

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

MOTION CARRIED APPROVED

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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk