

Date April 8, 2013

ACCEPTANCE OF REVISED TEMPORARY EASEMENT FROM DANIEL E. AND ELIZABETH CLARK AND MICHAEL J. AND MARY SPRECHER FOR THE GRAND AVENUE BRIDGE REPLACEMENT PROJECT

WHEREAS, on April 2, 2013, Daniel D. and Elizabeth Clark and Michael J. and Mary Sprecher, the owners of property located south of Grand Avenue and east of Walnut Creek, Polk County District/Parcel No. 090/05358-012-007, granted to the City a revised temporary easement for construction and construction-related activities upon such property for construction of a portion of the Grand Avenue Bridge Replacement Project, which revised easement is intended to replace and supersede the temporary easement granted in 2012 by these property owners to the City for this Project; and

WHEREAS, the revised temporary easement includes provisions by which the City agrees to indemnify, defend, and hold harmless the property owners from claims directly related to the temporary relocation of the American Discovery Recreational Trail onto the easement area during construction of the project and/or the construction of the project improvements, except to the extent caused by the owners' negligence, recklessness, or intentional acts and omissions, and by which the City further agrees to request its Project contractor to comply with certain specifications related to driveway access and drive lanes to the easement area during construction of the project; and

WHEREAS, the revised temporary easement has been approved by the City Manager on behalf of the City in order to allow the Project construction to continue on schedule and without delay to the Project contractor, and the easement is now being presented to the City Council for acceptance and ratification due to the aforementioned easement terms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, 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, accepted, and ratified as follows:

Property Owner: Daniel E. and Elizabeth Clark and Michael J. and Mary Sprecher
 Property Location: Polk County District/Parcel No. 090/05358-012-007
 Document Type: Revised 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 document with the Polk County Recorder's Office, as applicable.

APPROVED AS TO FORM:

Moved by _____ to adopt.

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

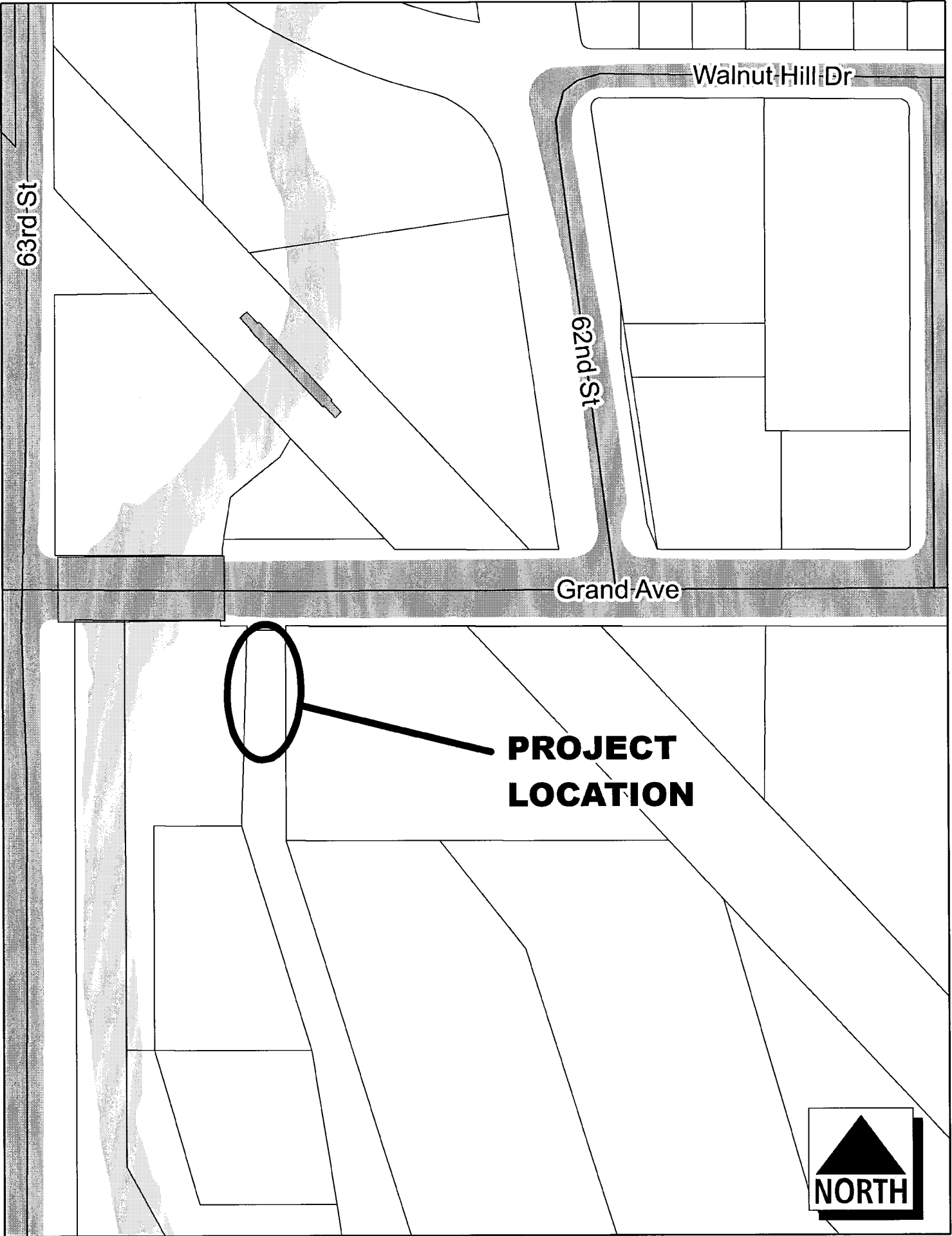
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
			Mayor	

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.

 City Clerk



63rd St

Walnut Hill Dr

62nd St

Grand Ave

**PROJECT
LOCATION**

