CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: March 21, 2022

ITEM: Mitzi's Sausages Awning, 206 5th Street – Approval and Acceptance of Indemnification/ Hold Harmless Agreement – Gordon Enterprises, LLC & Blue Tuesday, L.L.C. – MML1-005426-2021

Resolution: Approval and Acceptance of Indemnification/Hold Harmless Agreement

Background: The applicant is requesting approval to replace an existing awning that encroaches upon the right-of-way of 5th Street which is owned and controlled by the City. In exchange for approval by the City to allow the proposed awning the owner and tenant have agreed to enter into the proposed Indemnification/ Hold Harmless Agreement.

Staff Review & Comment: The requirement to provide the document(s) indicated above was reviewed by the City's Legal Department and found to be necessary based on the proposed impacts of the project. For policy and title purposes, formal acceptance by the City Council is required.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve and Accept Indemnification/Hold Harmless Agreement

Lead Staff Member: Bryce Johnson

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	March 21, 2022

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☒ Agenda Acceptance

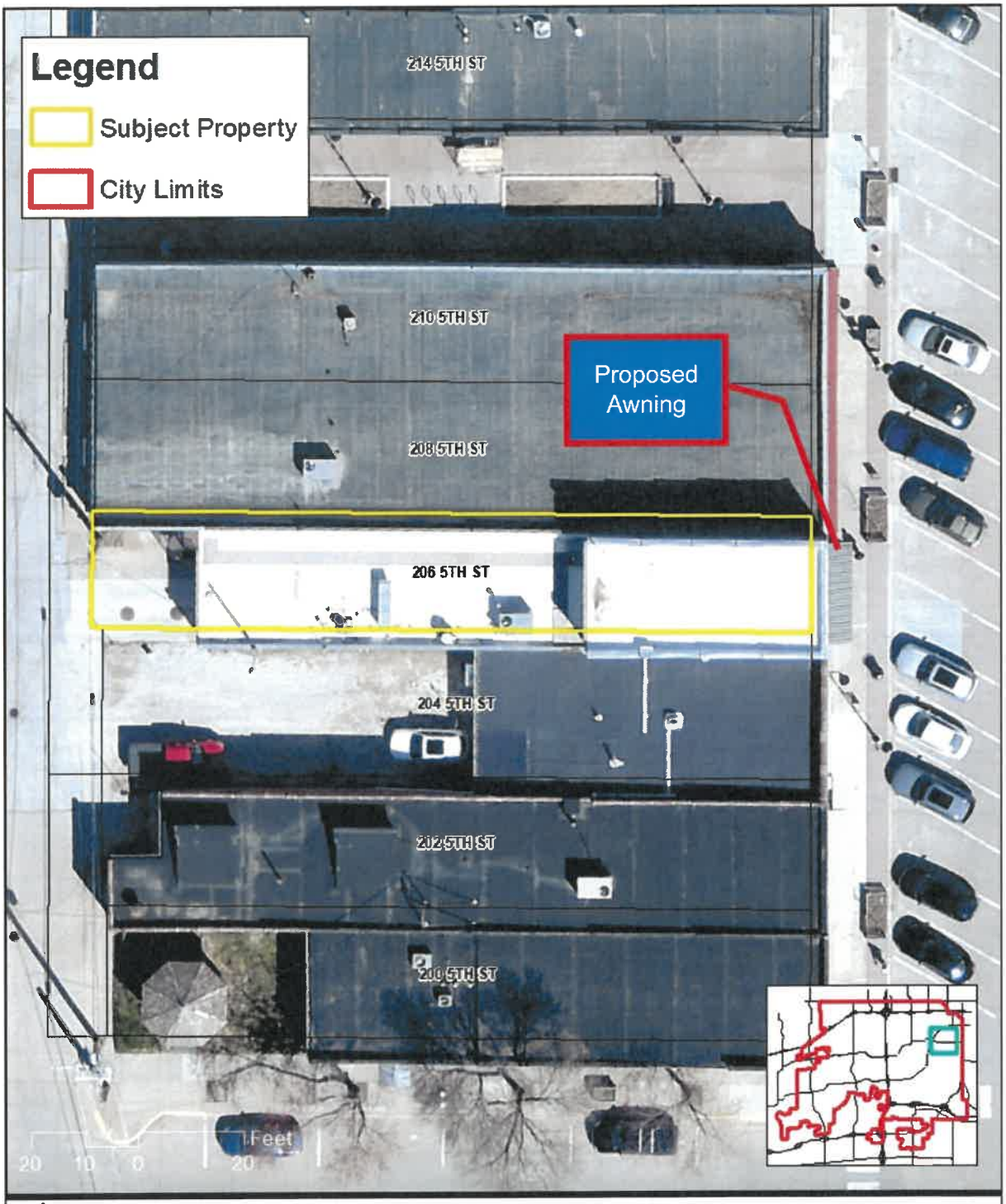
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Committee	Development & Planning
Date Reviewed	n/a
Recommendation	☐ Yes ☐ No ☐ Split

Location Map



206 5th Street
Location Map

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The City of West Des Moines makes no claim as to the accuracy, completeness or correctness of the City of West Des Moines digital maps and associate data and assumes no responsibility for their positional or content accuracy.

Prepared by: Bryce Johnson, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION APPROVING AND ACCEPTING HOLD HARMLESS AGREEMENT

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve all hold harmless agreements entered into with the City; and

WHEREAS, the following hold harmless agreement has been presented to the City Council for approval;

An Indemnification/Hold Harmless Agreement from Gordon Enterprises, LLC and Blue Tuesday, L.L.C. for property legally described on the associated documents; and

WHEREAS, it is in the best interests of the citizens of the City to approve and accept the above-described document(s).

NOW, THEREFORE, the City Council does approve and accept the document(s) described above. Said document(s) shall be filed with the county recorder as appropriate.

PASSED AND ADOPTED on March 21, 2022.

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Russ Trimble, Mayor

ATTEST:

_____

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on March 21, 2022, by the indicated vote.