

April 7, 2015

To: Mayor Bemrich and City Council
From: David Fierke, City Manager
Subject: ROW Lease Agreement



ACTION: For vote Monday April 13

Brief History – For many years before the east region storm sewer project Custom Made Products Co provided CDL training on the un-named city street under Veterans Bridge. During construction City Staff prohibited the training. Now that construction is complete City staff determined that if the training returned it should be approved by Council with an agreement.

Analysis of Issue – The attached agreement provides the non-exclusive use of the aforementioned street for CDL training. Per the agreement, Custom Made Products is required to indemnify the City as well as provide a certificate of insurance.

Budget Impact – the agreement calls for the company to pay the City \$600 per month.

A handwritten signature in blue ink, appearing to be "D. Fierke", is located at the bottom left of the page.

RESOLUTION NO. _____

A RESOLUTION APPROVING RIGHT OF WAY USE AGREEMENT

Whereas, and Custom Made Products Co., requests the non-exclusive use of the north portion of the street under the Veteran's Bridge for Commercial Driver Licensing skills training.

NOW THEREFORE BE IT RESOLVED that the City Council Hereby approves a public right of way use agreement with Custom Made Products Co.

The above Resolution passed and adopted by the City Council of the City of Fort Dodge, Iowa this ____th day of April, 2015.

Ayes: _____

Nays: _____

Other: _____

CITY OF FORT DODGE

BY: _____

Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers , City Clerk

PUBLIC RIGHT-OF-WAY USE AGREEMENT

It is agreed this ___ day of April 2015, between the City of Fort Dodge and Custom Made Products Co., for the non-exclusive use of the north portion of the street under the Veteran's Bridge for Commercial Driver Licensing skills training. Custom Made Products Co. may also park vehicles under the bridge between the two streets.

At all times, the street will be open to the public.

Custom Made Product Co. will pay the City of Fort Dodge \$600 per month for use of the right-of-way.

To the fullest extent permitted by law, the Custom Made Products Co. agrees to defend, pay on behalf of, and hold harmless the City of Fort Dodge, against any and all claims, demands, suits, losses, including all costs connected therewith, for any damage which may be asserted, claimed or recovered against or from the City of Fort Dodge, its elected and appointed officials, employees, volunteers or all others working in behalf of the City of Fort Dodge, by reason of personal injury, including bodily injury and death; and/or property damage, including loss of use thereof, which arises out of the alleged negligence of the Custom Made Products Co. and/or in any way connected or associated with this use agreement.

For the duration of this agreement the Custom Made Product Co. will provide a certificate of liability insurance naming the City of Fort Dodge as additionally insured.

Either party may terminate this agreement with a 30-day notice

City of Fort Dodge, Iowa

Matt Bemrich, Mayor

Custom Made Products Co.
