

RESOLUTION 2016-22

A RESOLUTION TEMPORARILY CLOSING THE PORTION OF 11TH STREET LYING EAST OF THE EAST EDGE OF AVENUE L AND WEST OF THE WEST EDGE OF AVENUE M, HAWARDEN, IOWA

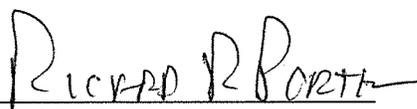
WHEREAS, Iowa Code Section 364.12 (2) provides that public ways may be temporarily closed by resolution of the City Council; and

WHEREAS, the City Council has received a request from Samuels Group, Inc. acting as a representative for Hawarden Regional Healthcare to close a portion of 11th Street to allow the Contractors working on the Hawarden Regional Health Care expansion to locate construction trailers and materials on the street while the hospital expansion project is completed; and,

WHEREAS, the City Council has determined that it is in the City and the citizens of Hawarden's interests to facilitate the completion of the expansion project;

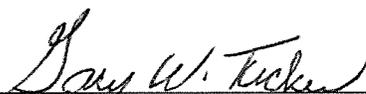
NOW, THEREFORE, be it RESOLVED by the City Council of Hawarden, Iowa that the portion of 11th Street lying between the East edge of Avenue L and the West edge of Avenue M shall be closed to the public from October 13, 2016 until no longer needed by Samuels Group, Inc. for use in facilitating the completion of the Hawarden Regional Health Care expansion project; but no later than April 1, 2017 without approval of the Hawarden City Council by further resolution.

Passed and approved this 12th day of October, 2016.



Ricard R. Porter, Mayor

Attest:



Gary W. Tucker, City Administrator/Clerk

STREET USE AGREEMENT

By their signatures below the parties agree as follows:

Hawarden Regional Healthcare has requested that the City of Hawarden, Iowa (City) temporarily close the portion of 11th Street lying between the East edge of Avenue L and the West edge of Avenue M in Hawarden and allow contractors and companies as permitted by The Samuels Group to use this area for storage and for activities related to the completion of the Hawarden Regional Health Care expansion project.

In consideration for using the closed street Hawarden Regional Healthcare agrees as follows:

1. Hawarden Regional Healthcare will be solely responsible for marking the closed street area and providing warning to the public that the street is closed.
2. Hawarden Regional Healthcare will be solely responsible for maintaining the area in a safe condition and controlling access to use of the area.
3. Hawarden Regional Healthcare will restore any damage to the street which may occur during the time that it is closed regardless of the cause of such damage.
4. To the fullest extent permitted by law, Hawarden Regional Healthcare shall indemnify and hold harmless the City, its officers, agents, officials and employees from and against all claims, damages, losses and expenses, including but not limited to, attorney fees whether incurred prior to or during litigation, administrative hearings, arbitration, mediation or bankruptcy proceedings, including trial and appellate levels, arising in connection with the use of the closed street during the time it is closed at the request of Hawarden Regional Healthcare.

Dated: 10/13/16

Hawarden Regional Healthcare

By: Jayson Pullman
Jayson Pullman, CEO

Dated: 10/13/16

CITY OF HAWARDEN, IOWA

By: Ricard R. Porter
Ricard Porter, Mayor

ATTEST:

Gary Tucker
Gary Tucker, City Administrator/ Clerk