RESOLUTION NO. 18-319

A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS AND POTTAWATTAMIE COUNTY EMERGENCY MANAGEMENT AGENCY IN RELATION TO THE JOINT STORAGE FACILITY.

WHEREAS, the City of Council Bluffs for the use of its Fire Department hereinafter referred to as "City" and the Pottawattamie County Emergency Management Agency hereinafter referred to as "EMA" for the storage of its equipment have agreed to jointly construct, maintain, and utilize a storage facility on a parcel of land owned by the "City".

WHEREAS, to establish the rights and obligations of the two parties regarding the construction, maintenance, utilization and continued rights to the use of the storage agreement the following terms are hereby agreed to:

1. Both parties have equally contributed to the construction of the storage facility more fully described in Exhibit A attached here to. The total cost of which were $336,439.00. Each party has contributed $168,219.50. Subject to the terms of agreement, both parties will have the right to occupy the area equally as identified on the aforementioned Exhibit A.
2. The storage facility was built on a parcel of land owned by the "City". This land is identified in Exhibit B hereto.
3. All utilities shall be the responsibility of "City".
4. All maintenance costs shall be the responsibility of "City".
5. "City will maintain insurance on the structure and the grounds, which will include both property and general liability. Both parties shall maintain insurance on the value of their equipment is so desired and will hold the other party harmless for any damage caused to their equipment unless the or one of its employees or agents of the party were negligent and the negligence was the proximate cause of the damage to the equipment.
6. Right to Terminate. EMA shall have the absolute right to occupy its designated space in the facility for 10 years. After 10 years and prior to use of the facility for 20 years, the City may terminate the EMA's right to occupy by giving one year's written notice of its intent to do so and paying EMA 50% of EMA's financial contribution to the project, which would be $84,105.25. After 20 years of usage, the City may terminate EMA's right to occupy by giving them one year's written notice and paying them $50,000. This method of termination shall remain in place until both parties agree that the condition of the facility is no longer makes it functional for storage of equipment. The time periods set out above will be calculated based upon the date the certificate of occupancy is granted for the facility.
7. For the purposes of interpreting the agreement, initial occupancy is deemed to have occurred on June 15, 2018.

\

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Fire Department is hereby authorized to enter into such agreement in regards to the jointly constructed, maintained, and utilized storage structure.

ADOPTED
AND
APPROVED November 5, 2018

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush , City Clerk