



**WEST DES MOINES WATER WORKS
BOARD OF TRUSTEES MEETING COMMUNICATION**

ITEM:

DATE: November 19, 2018

7. Recommendation from Staff

a. Motion

Approving a Memorandum of Understanding to Transfer Possession of the Abandoned Holiday Park Well Houses from West Des Moines Water Works to the City of West Des Moines

FINANCIAL IMPACT:

N/A

SUMMARY:

Approval of this Memorandum of Understanding (MOU) will transfer ownership to the City of West Des Moines (City) of two abandoned well houses (Well #12 and Well #13) which will be used as storage buildings for the adjacent Holiday Park ballfields.

This MOU was written by the City Attorney's office and reviewed by Amy Beattie of Brick Gentry.

BACKGROUND:

West Des Moines Water Works properly abandoned shallow Wells 12 and 13 in 2018, as these wells required frequent and expensive maintenance and yielded low volumes of water. While the wells themselves are no longer useful, the well house buildings are concrete block, quality construction. The City expressed interest in using the well houses for storage for sports equipment. Transferring ownership of the well houses reduces the expense of WDMWW demolishing the buildings, and the City from constructing new storage buildings.

RECOMMENDED ACTION BY THE BOARD OF TRUSTEES:

That The Board of Trustees Approve a Memorandum of Understanding to Transfer Possession of the Abandoned Holiday Park Well Houses from West Des Moines Water Works to the City of West Des Moines.

Prepared by: _____

Approved for Content by: _____

MEMORANDUM OF UNDERSTANDING

TRANSFER OF POSSESSION OF THE ABANDONED HOLIDAY PARK WELL HOUSES FROM WEST DES MOINES WATER WORKS TO THE CITY OF WEST DES MOINES

This Agreement is hereby entered into this ____ day of _____, 2018, by and between the City of West Des Moines ("City") and West Des Moines Water Works ("Water Works") (collectively referred to as the "Parties").

WHEREAS, Water Works has abandoned two (2) well houses located on City property at Holiday Park, 1701 Railroad Avenue in West Des Moines;

WHEREAS, the City desires to use the two (2) abandoned well houses for purposes of storage; and

WHEREAS, Water Works is willing to transfer and the City is willing to receive possession of the well houses according to the following stated terms and conditions.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. Water Works has taken all necessary measures to abandon the two (2) Holiday Park well houses and provided abandoned water well plugging records that were submitted to the Iowa Department of Natural Resources to the City. Water Works will provide the City with keys to the well house buildings upon transfer.
2. Water Works will transfer possession of the well houses to the City without any compensation or restrictions and in "as is" condition. Following transfer of possession, Water Works acknowledges that the City will have sole discretion to determine the uses of the well houses.
3. Once the abandoned well houses have been transferred to the City, the City shall be responsible for the well houses, including any necessary maintenance, repair, construction, or demolition. Water Works agrees to provide copies of any records pertaining to the well houses upon request to the City and to answer any questions the City may have regarding the history of the well houses to the best of its belief and knowledge.

By authorized signature of this Agreement, the Parties agree to this Memorandum of Understanding for the transfer of possession of the two (2) abandoned Holiday Park well houses from West Des Moines Water Works to the City of West Des Moines.

West Des Moines Water Works

(Signature)

Date

(Print Name, Title)

City of West Des Moines



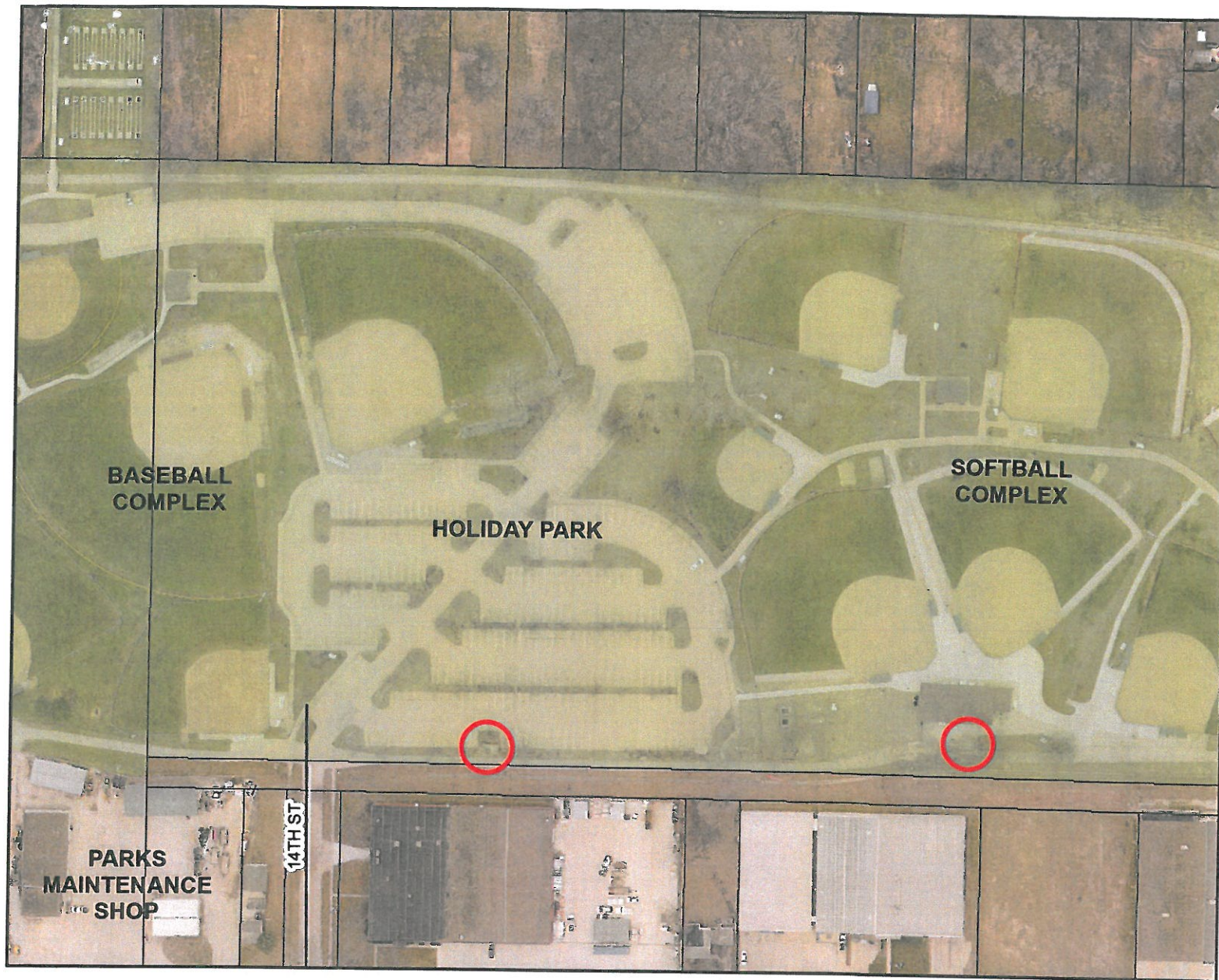
(Signature)

10/15/18

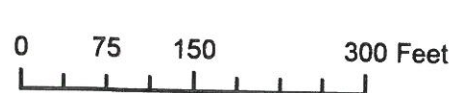
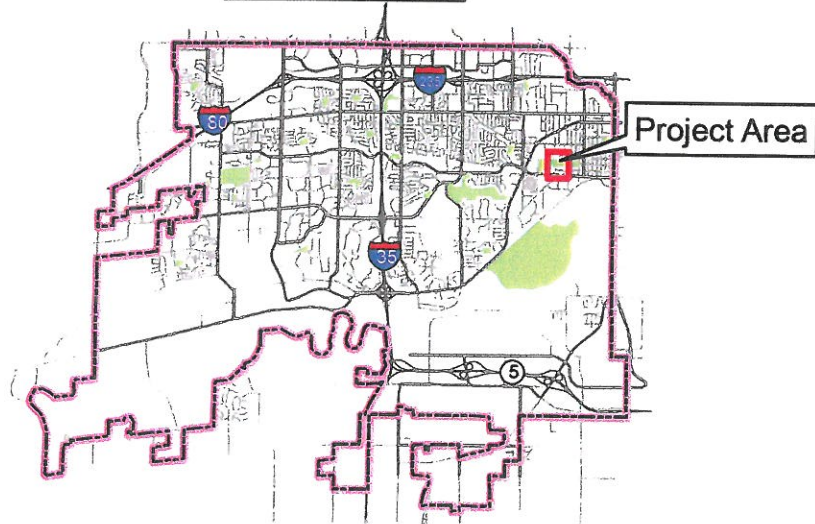
Date

Steven K. Gaer, Mayor

(Print Name, Title)



VICINITY MAP



LEGEND



	PROJECT:				HOLIDAY PARK WELL HOUSE BUILDINGS	
	LOCATION:				HOLIDAY PARK - 1701 RAILROAD AVE	
	DRAWN BY:	MAA	DATE:	10/10/2018	PROJECT NO.:	
						SHT. 1 of 1