

RESOLUTION 2022-102

**RESOLUTION APPROVING AN INDEMNIFICATION AGREEMENT WITH BBCO,
LLC.**

WHEREAS, City is the owner of the property legally described on that certain Retracement Plat of Survey attached as Exhibit "A" (the "Property"); and

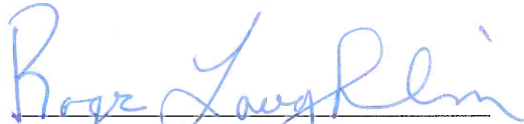
WHEREAS, BBCO has approached the City about entering the Property to perform work prior to the transfer of the Property to BBCO; and

WHEREAS, both parties have agreed to enter into an indemnification agreement to allow BBCO to access the Property to perform tasks associated with the Project to be constructed on the Property at BBCO's own risk; and

WHEREAS, it is now necessary for the City Council to approve said agreement.


NOW, THEREFORE, It Is Resolved by the Council of the City of West Branch, Iowa, that the City Council of the City of West Branch that the aforementioned Indemnification Agreement is hereby approved. Further, the Mayor and City Clerk are hereby directed to execute the agreement on behalf of the City.

Passed and approved this 7th day of November, 2022.



Roger Laughlin, Mayor

ATTEST:



Leslie Brick, City Clerk

INDEMNIFICATION AGREEMENT

THIS AGREEMENT entered into by and between the **City of West Branch, Iowa**, 110 N. Poplar Street, West Branch, Iowa 52358 hereinafter referred to as "City"; and **BBCO, LLC**, 32 Hummingbird Lane, Iowa City, Iowa 52245 hereinafter referred to as "BBCO."

WHEREAS, City is the owner of the property legally described on that certain Retracement Plat of Survey attached as Exhibit "A" (the "Property"); and

WHEREAS, BBCO has approached the City about entering the Property to perform work prior to the transfer of the Property to BBCO; and

WHEREAS, both parties have agreed to enter into an indemnification agreement to allow BBCO to access the Property to perform tasks associated with the Project to be constructed on the Property at BBCO's own risk.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

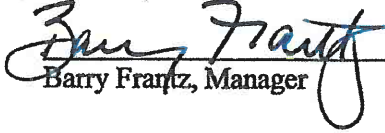
1. That City allows BBCO and its agents to access the Property and perform project tasks on the Property at its own risk prior to transfer of the Property to BBCO. BBCO and its agents shall notify City at least 24 hours in advance of accessing the Property to perform Project tasks.
2. BBCO agrees to fully indemnify, defend, save and hold City, its officers, representatives, agents, contractors, subcontractors, employees, personal representatives and beneficiaries harmless from any and all liability to third parties (including reimbursement of reasonable legal fees and costs) arising directly or indirectly from the negligent act, error or omission of BBCO, its officers, representatives, agents, contractors, subcontractors or employees in connection with the accessing the Property prior to conveyance to BBCO and performance of Project tasks on the Property by BBCO.
3. BBCO shall restore the Property to the original condition if BBCO does not construct the Project for any reason whatsoever.
4. That BBCO shall provide City with a certificate of insurance naming the City as an additional insured on its general liability policy while this Agreement is in effect.
5. Once the Property is conveyed to BBCO pursuant to the Development Agreement between the City and BBCO, this Agreement will cease to be in full force and effect.

Dated this 17th day of November, 2022.

BBCO, LLC

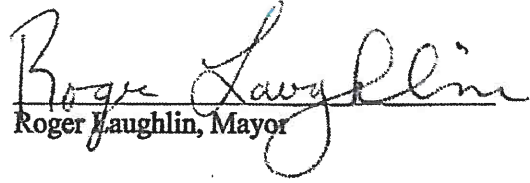


Robert E. Thomas, Manager




Barry Frantz, Manager

City of West Branch, Iowa



Roger Laughlin, Mayor

ATTEST:



Leslie Brick, City Clerk

RETRACEMENT PLAT OF SURVEY

INDEX LEGEND

COUNTY: CEDAR
 SECTION: 5 TOWNSHIP: 79 RANGE: 4
 ALIQUOT PART: SW 1/4
 CITY: WEST BRANCH, IA
 LOCATION: PART OF THE FORMER CRIP
 STATION GROUND
 PROPERTIES: CROELL REDMAX INC
 PREPARED BY: BOBBY J. MADDALENO, PLS 19980
 VEENSTRA & KIMM INC.
 860 22ND AVE, SUITE 4
 CORALVILLE, IA 52241
 (319) 466-1000

Exhibit "A"

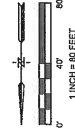
SURVEY PREPARED BY: BOBBY J. MADDALENO, VEENSTRA AND KIMM INC. - 860 22ND AVENUE - CORALVILLE, IA 52241 - (319) 466-1000

CURVE TABLE

CURVE	ARC LENGTH	DELTA	RAIUS	CHORD BEARING	CHORD DISTANCE
C1	40.07 (69.94)	0°23'05"	6427.00 (6427.00)	S19°39'15"E (S19°39'23"E)	40.08 (40.08)
C2	80.07 (69.94)	0°32'05"	6427.00 (6427.00)	S17°06'00"E (S15°28'27"E)	60.02 (69.94)
C3	30.39 (30.37)	0°15'46"	6627.00 (6627.00)	S22°21'57"E (S20°05'28"E)	30.39 (30.37)
C4	193.16 (193.16)	1°14'44"	6527.00 (6527.00)	N27°55'W (S20°45'27"E)	193.16 (193.16)
C5	155.37 (155.37)	1°21'50"	6527.00 (6527.00)	N20°27'55"W (S19°14'34"E)	155.37 (155.37)

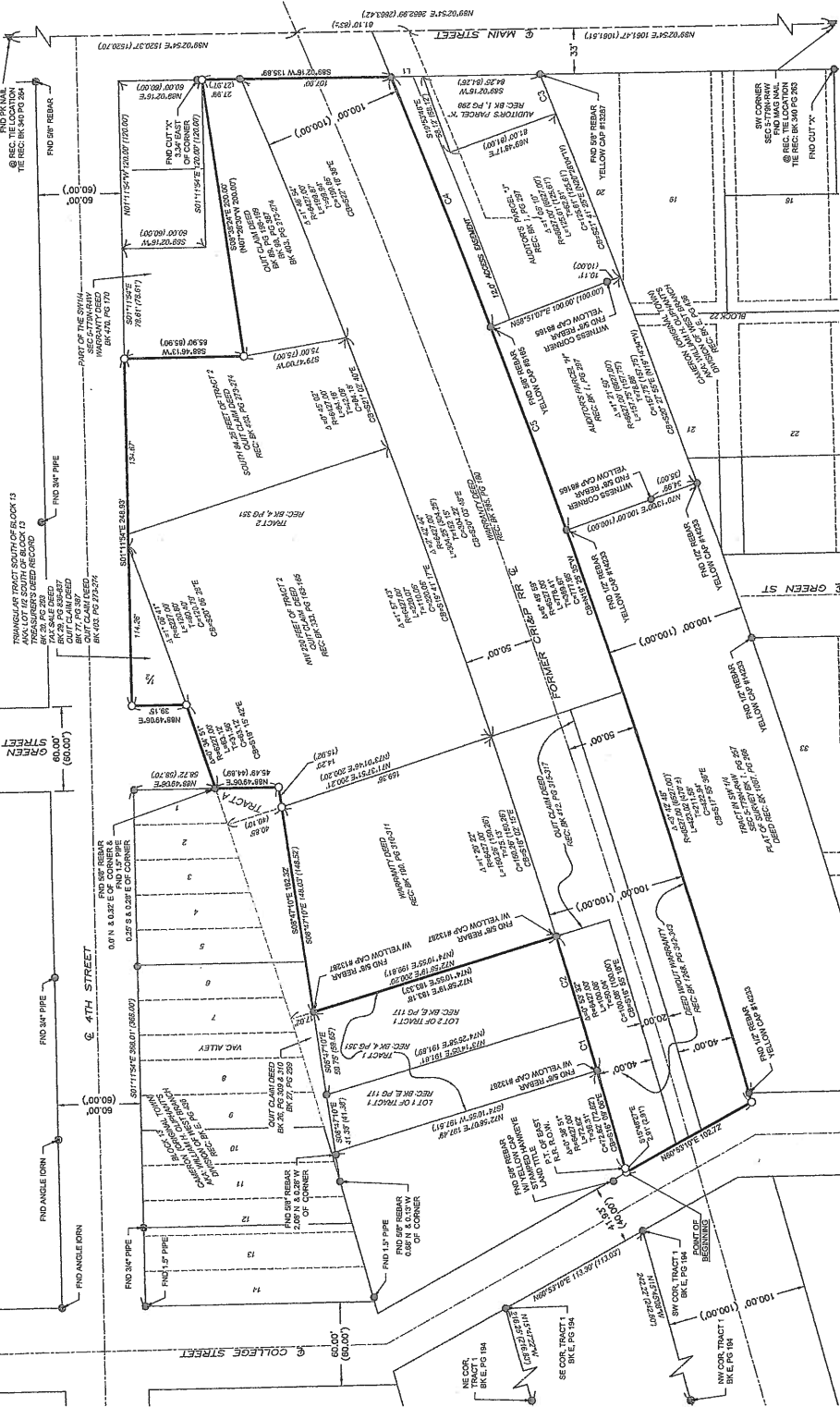
LINE TABLE


LINE	BEARING	DISTANCE
L1	S89°02'16"W (N89°43'27"W)	23.38' (23.38')



- LEGEND
- FOUND PROPERTY CORNER
 - SET 5/8" REBAR WITH PLASTIC YELLOW CAP #19880
 - △ FOUND SECTION CORNER AS NOTED
 - (x) RECORD DISTANCE OR BEARING
 - ▭ PARCEL BOUNDARY
 - PROPERTY LINES
 - EASEMENT LINES
 - R.O.W. LINES
 - SECTION LINES
 - PLATTED LINES
 - CENTER LINE (ROAD AND RAILROAD)

DATE SURVEYED 8-16-2018
 PROPRITOR: CROELL REDMAX INC
 SURVEY PREPARED FOR: CITY OF WEST BRANCH, IOWA
 BASIS OF BEARING: NAD83 (2011) BEACH 2910.00 IOWA STATE
 REFERENCE TO THE ZONE 1402.75 BROADCAST
 BY THE IOWA REAL TIME NETWORK.



DWG. NO.		PS-01
PROJECT		382251
RETRACEMENT PLAT OF SURVEY IN THE SW 1/4 OF SEC 5-179N-R4W FOR THE CITY OF WEST BRANCH, IOWA		
CROELL SITE RETRACEMENT SURVEY CITY OF WEST BRANCH, IOWA		
		
VEENSTRA & KIMM, INC. 860 22nd Avenue • Suite 4 • Coralville, Iowa 52241-1565 319-466-1000 • 319-466-1000/FAX • 888-241-8001/01/01/75		
DATE	SCALE	AS NOTED
DRAWN	BY	BT
CHECKED	BY	ALG
APPROVED	DATE	DATE
ISSUED FOR	REVISIONS	VERIFY SCALE
		BASE IS ONE (1) ON ORIGINAL DRAWING.
		PROFESSIONAL SEAL REQUIRED FOR THIS SHEET. AUTHORITY QUALITY ACCREDITED.