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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

THIS DOCUMENT WAS PREPARED BY ANTHONY BARDGETT, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38., MANCHESTER, IA 52057, 563-927-3505

Return to: Delaware County Auditor, 301 E. Main Street, Manchester, IA 52057

28E AGREEMENT
INSPECTION OF CITY SIGNS BY DELAWARE COUNTY

This agreement entered into this 22nd day of August 2011, by and between Delaware County, Iowa, and the City of Earlville, Iowa.

WHEREAS, both Delaware County and the City of Earlville are a public agency as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is proposed, that Delaware County will perform a retro-reflectivity inspection on the City of Earlville's sign inventory as required by the FHWA's minimum reflectivity requirements, and

WHEREAS, Delaware County will perform this inspection once every four years based on the terms of Delaware County's sign reflectivity inspection policy, and

WHEREAS, Delaware County will invoice the City of Earlville for the time spent on said inspection, based on an hourly rate of inspection staff plus any applicable equipment maintenance fees, and

WHEREAS, the Delaware County Board of Supervisors and the City of Earlville have informed themselves as to the proposed inspection.

IT IS NOW AGREED that Delaware County and the City of Earlville enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway construction project and, said cooperative actions include the following:

1) SCOPE OF WORK – Delaware County will perform retro-reflectivity inspection by the Retroreflectometer Method on the City of ~~Hopkinton's~~ Earlville sign inventory as required by the FHWA. Delaware County will store the inspection information on the county's GIS system and submit a report back to the city indicating which signs need to be replaced.

2) DURATION - This Agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until either party wishes to terminate said agreement by written letter.

3) PURPOSE - The purpose of this Agreement is to accomplish the proposed inspection as described herein in accordance with the aforesaid scope of work and in agreement with conditions specified in this Agreement.

4) ADMINISTRATION – Delaware County shall be responsible for the administration of this project.

5) Delaware County and the City of Earlville agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against either party or which in any way result from carelessness or neglect of either party or its agents, employees, or workmen in any respect whatsoever.

6) The parties agree to indemnify and hold each other, their employees and agents, wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by either party, its agents, servants or employees in the course of any work done in connection with any of the matters set forth in this agreement.

7) FINANCING – Delaware County will initially bear all costs of inspection of the City of Earlville's sign inventory. Once said inspection is completed, Delaware County will invoice the City of Earlville for inspection staff costs and any applicable equipment maintenance fees.

This Agreement is subject to termination by written notice from any party.

Signed on this 2nd day of Aug A.D. 2011

Board of Supervisors
Delaware County, Iowa

Jerry Ries, Chairperson

Shirley Helmrichs

Jeff Madlom

ATTEST:

Carla Becker
Delaware County Auditor

Signed on this 8 day of August A.D. 2011

City of ~~Hopkinton~~ EARLVILLE
~~Hopkinton~~, Iowa EARLVILLE

Dan Wheeler, Mayor

Mark Salow, Council Member

Bill Malinowski, Council Member

Bob Peters, Council Member

Daryld Lewin, Council Member

Shannon Richardson, Council Member

ATTEST:

Linda Gaul
City of Earlville, Clerk