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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
PROJECT COSTS LOAN - DELAWARE COUNTY AND CITY OF DUNDEE

This agreement entered into this 2 day of May, 2012, by and between Delaware County, Iowa, and the City of Dundee, Iowa.

WHEREAS, both Delaware County and the City of Dundee 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 initially bear all costs of construction along the portion of W69 that is under the jurisdiction of the City of Dundee, and

WHEREAS, the City of Dundee will reimburse Delaware County for its share of construction costs over a period of four years, and

WHEREAS, the Delaware County Board of Supervisors and the City of Dundee have informed themselves as to the construction costs.

IT IS NOW AGREED that Delaware County and the City of Dundee enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway construction project on W69 and, said cooperative actions include the following:

1) SCOPE OF WORK – Delaware County, as a part of its FY 2013 W69 paving project, will rehabilitate the portion of road on W69 that is under the jurisdiction of the City of Dundee.

2) DURATION - This Agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the City of Dundee has fully reimbursed Delaware County.

3) PURPOSE - The purpose of this Agreement is to accomplish the proposed road construction 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 Dundee 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 construction of the City of Dundee's portion of W69. Once said construction is completed, Delaware County will invoice the City of Dundee for its construction costs to be reimbursed as set apart in this agreement.

Signed on this 7th day of May A.D. 2012

Board of Supervisors
Delaware County, Iowa

Shirley E. Helmrichs, Chairperson

Jeff Madlom

Jerry Ries

ATTEST:

Carla Becker
Delaware County Auditor

Signed on this 2 day of May A.D. 2012

City of Dundee
Dundee, Iowa

Barb Robinson, Mayor

Tom Gibbs, Council Member

Absent
Ryan Koelker, Council Member

Vern Feldmann, Council Member

Aaron Waugh, Council Member

A.J. Koloc, Council Member

ATTEST:

Marge Horstman
City of Dundee Clerk