

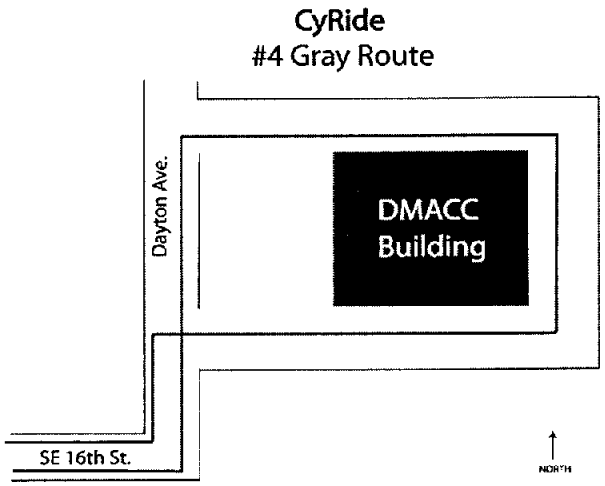
COUNCIL ACTION FORM

SUBJECT: APPROVAL OF CYRIDE MEMORANDUM OF AGREEMENT WITH DES MOINES AREA COMMUNITY COLLEGE (DMACC)

INFORMATION:

CyRide received a request from DMACC representatives for bus service to the DMACC Hunziker Complex. Concerns had been raised from students regarding the safety of walking from the complex to the nearest bus stop after dark. In reviewing current bus service operating near the DMACC facility, there is sufficient time in the schedule to extend this route to the facility without incurring additional expenses or route delays.

The challenge in implementing this change is in getting the bus turned around as it would require doing so on DMACC's private property. In discussions with DMACC about this possibility, its representatives have agreed to CyRide operating on DMACC property and are aware of the weight of the bus and potential damage to the parking lot. The following map illustrates the proposed bus route onto the DMACC property.



In order to release CyRide and the City of Ames from liability regarding damage to the DMACC parking lot, the attached Memorandum of Agreement (MOA) was drafted by the City's legal department to address this concern. CyRide's Board of Transit Trustees reviewed and approved the MOA at its February 20, 2008 meeting.

ALTERNATIVES:

1. The City Council may approve the Memorandum of Agreement to operate service onto the DMACC Hunziker Complex.
2. The City Council may modify the Memorandum of Agreement to include Council priorities.
3. The City Council may decline to approve the Memorandum of Agreement, and ask staff for further options.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative #1, and enter into a Memorandum of Agreement with DMACC releasing CyRide and the City of Ames from liability claims due to pavement damage by CyRide buses. This will allow CyRide to directly serve the students at the Hunziker Complex at no additional cost to CyRide.

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF AMES, IOWA,
AND DES MOINES AREA COMMUNITY COLLEGE
REGARDING THE OPERATION OF CY RIDE BUSES**

This Agreement is made and entered into this ____ day of _____, 2008, by and between the City of Ames, Iowa (City), and Des Moines Area Community College (DMACC), for the purpose of facilitating the operation of CyRide at the DMACC Ames Campus. It is agreed and understood by the City and DMACC that:

1. DMACC requests that the City provide CyRide transit bus service for the purposes of general public access to the DMACC Career Academy and to the businesses along East Dayton Avenue.
2. DMACC proposes that CyRide operate urban transit buses on the DMACC property located at 1420 South Bell Avenue, and the City has agreed to provide service to that location.
3. DMACC agrees to keep the DMACC property free from obstacles that would impede safe operation of urban transit buses in the areas illustrated on the #4 Gray Route map, which is attached and incorporated by reference in this Agreement as Exhibit A.
4. DMACC hereby agrees to hold the City harmless from any liability or damages to pavement that may occur due to operation of CyRide service on DMACC property.
5. This Agreement is effective upon approval of the Ames City Council.
6. Either party (DMACC or City) may terminate this Agreement for convenience by providing the other party with at least thirty (30) days written notice.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed by their authorized representatives.

CITY OF AMES, IOWA

**DES MOINES AREA COMMUNITY
COLLEGE**

By: _____
Ann H. Campbell, Mayor

By: _____

Attest: _____
Diane R. Voss, City Clerk

APPROVED AS TO FORM
BY: 
DOUGLAS R. MAREK
CITY ATTORNEY