

**CHAPTER 23 - PHASE IV OF THE NORTHWEST ARTERIAL ORDINANCE
OF DUBUQUE COUNTY, IOWA**

Adopted October 16, 1989

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AN ORDINANCE ADOPTING AN AGREEMENT BETWEEN THE CITY OF SAGEVILLE, THE CITY OF DUBUQUE AND THE COUNTY OF DUBUQUE REGARDING PHASE IV OF THE NORTHWEST ARTERIAL

**PART 1
GENERAL PROVISIONS**

23-1 RATIONALE.

- 23-1.1 The City of Dubuque and the County of Dubuque recognize a need to complete Phase Four (IV) of the Northwest Arterial Project from John F. Kennedy Road to U.S. Highway 52/U.S. Highway 3.
- 23-1.2 The City of Dubuque and the County of Dubuque believe the completed highway facility will enhance the opportunities for economic development in the Dubuque area.
- 23-1.3 A portion of Phase Four (IV) of the Northwest Arterial from John F. Kennedy Road to U.S. Highway 52/U.S. Highway 3 passes through the incorporated limits of the City of Sageville.
- 23-1.4 The City of Dubuque and the County of Dubuque have agreed to jointly and severally indemnify and hold the City of Sageville harmless from and against any and all liability, loss, damage, or expense of every nature which the City of Sageville may incur or sustain which relate to Phase Four (IV) of the Northwest Arterial from John F. Kennedy Road to U.S. Highway 52/U.S. Highway 3.
- 23-1.5 The parties desire to reduce their agreement to writing.

23-2 PROVISIONS.

- 23-2.1 In consideration of the respective agreements and undertakings set forth herein, the City of Dubuque, Iowa, and the County of Dubuque, Iowa, agree to jointly and severally indemnify and hold the city of Sageville and/or its successors and assigns harmless from and against any and all liability, loss, damage or expense of every nature with the City of Sageville and/or its successors and assigns may incur or sustain as a result of or arising out of Phase Four (IV) of the Northwest Arterial from John F. Kennedy Road to U.S. Highway 52/U.S. Highway 3. Such liabilities and expenses include but are not limited to: all attorney fees and administrative costs of every nature; all costs associated with funding applications; all costs associated with contract letting, eminent domain, and right of way; local match costs associated with the project; construction costs, repair and maintenance costs; costs for snow and ice removal; and all tort and/or contractual liability in any way associated with said roadway.
- 23-2.2 The City of Dubuque, Iowa and the County of Dubuque, Iowa, further agree that neither will jointly or severally pursue incorporation, discontinuance, boundary

- adjustment or annexation as provided by Chapter 368 of the Iowa code with regard to any property within the incorporated limits of the city of Sageville, Iowa.
- 23-2.3 The City of Dubuque, Iowa and the County of Dubuque, Iowa further agree that each has or shall pass an ordinance adopting this agreement in its entirety.
- 23-2.4 The City of Sageville, Iowa, agrees to partake in an application to the Iowa Department of Transportation for a grant of \$4,800,000.00 of RISE funds to be used in completion of the Northwest Arterial from John F. Kennedy Road to U.S. Highway 52/U.S. Highway 3.
- 23-2.5 This agreement shall and inure to the benefit of the parties hereto and their personal representatives, heirs, successors and assigns. In case any one or more of the provisions contained in this agreement shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

23-3 through 23-10 Reserved.

**PART 2
ENACTMENT**

- 23-11 EFFECTIVE DATE.
- 23-11.1 BE IT ENACTED BY THE DUBUQUE COUNTY BOARD OF SUPERVISORS that County of Dubuque agrees to the terms of the Agreement as amended and authorizes the Chairperson to sign it on behalf of the County.
- 23-11.2 This ordinance shall take effect upon publication as provided by law, and only if the City of Sageville adopts a resolution of support for and participation in an application to the Iowa DOT for a RISE Grant for the completion of the Northwest Arterial from John F. Kennedy Road to U.S. 52/3 along the Union Park Hollow Route prior to October 17, 1989.