



Council
Communication
Office of the City Manager

Date

June 4, 2007

Agenda Item No. 38

Roll Call No. 07-

Communication No. 07-342

Submitted by: Richard A. Clark, City Manager

AGENDA HEADING:

Approving agreement with Summersfield, LLC, regarding the future improvement of NE 46th Street.

SYNOPSIS:

Recommend approval of the *Agreement Regarding Paving of a Portion of NE 46th Street adjoining Summersfield Plats 1 and 2 in Des Moines, Iowa*. It provides for the City to retain the \$108,226 received incident to the platting of Summersfield Plats 1 and 2 in exchange for a commitment by the City to not assess any of the lots within such plats for the future cost of improving NE 46th Street to City standards.

FISCAL IMPACT:

Amount: \$108,226 (Revenue)

Funding Source: Operating Budget, Hubbell Properties II, LC, AG183 FIN861300 (Good Faith Deposit)

ADDITIONAL INFORMATION:

On December 4, 2006, by Roll Call Nos. 06-2363 and 06-2364, the City Council approved the final plats entitled Summersfield Plats 1 and 2 and accepted a check from Hubbell Properties II, LC, in the amount of \$108,226 as a bond for one-half of the estimated costs to improve the adjoining portion of NE 46th Street to City standards.

Summersfield LLC (represented by Dan Dutcher, Vice President), the successor to Hubbell Properties II, LC and owner of Summersfield Plats 1 and 2, has offered to release the bond to the City in exchange for an agreement by the City to not assess any part of the costs for future improvements of NE 46th Street to City standards against the lots within Summersfield Plats 1 and 2.

Currently there is no project programmed in the Capital Improvement Program. As development increases, any proposed project would be included in the Capital Improvement Program budgeting process and would include these funds. The costs of full width paving may exceed twice the deposit due to inflation depending on the year constructed. However, future improvements may be staged to address more immediate traffic issues at the intersection of NE 46th Street and Hubbell Ave. These funds would be used to cover the first stage of any improvements.

PREVIOUS COUNCIL ACTION(S):

Date: December 4, 2006

Roll Call Numbers: 06-2363

Action: Conditionally approving final subdivision plats located in vicinity of E. 46th Street and Hubbell Avenue for the following: [Summersfield](#) Plat 1. ([Council Communication No. 06-748](#)) Moved by Vlassis to adopt. Motion Carried 6-0.

Date: December 4, 2006

Roll Call Numbers: 06-2364

Action: Conditionally approving final subdivision plats located in vicinity of E. 46th Street and Hubbell Avenue for the following: [Summersfield](#) Plat 2. ([Council Communication No. 06-747](#)) Moved by Vlassis to adopt. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Capital Improvement Program budget approval by City Council for future project