 Council Communication Office of the City Manager	Date:	September 7, 2018
	Agenda Item No.	3A 3B
	Roll Call No.	[_____]
	Communication No.	<u>18-466</u>
	Submitted by:	Erin Olson-Douglas, Economic Development Director and Steven L. Naber, P.E., City Engineer

AGENDA HEADING:

Approval of Private Construction Contracts between McAninch Corporation and HRC NFS I LLC for certain storm sewer and sanitary sewer improvements in Gray’s Station Plat 2.

SYNOPSIS:

Approval of Private Construction Contracts between McAninch Corporation and HRC NFS I LLC for certain storm sewer improvements in Gray’s Station Plat 2 in the amount of \$975,415.

Approval of Private Construction Contracts between McAninch Corporation and HRC NFS I LLC for certain sanitary sewer improvements in Gray’s Station Plat 2 in the amount of \$599,695.

The City is taking this action at the request of HRC NFS I LLC to allow construction storm and sanitary sewer improvements on land owned by HRC NFS I LLC at HRC NFS I LLC’s sole expense and risk and prior to having all necessary property rights to connect all improvements necessary for the development.

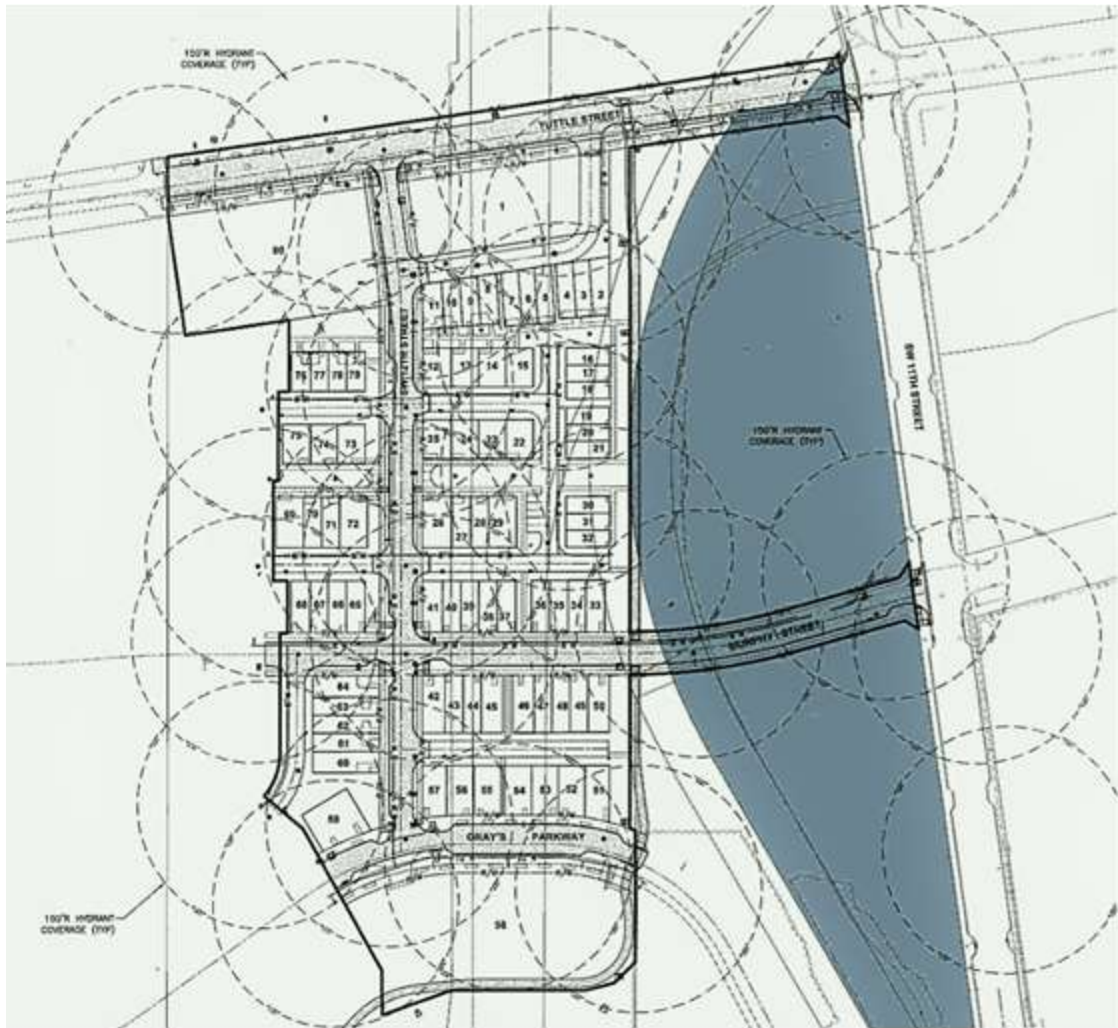
FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Gray’s Station Plat 2 includes public improvements located on property owned by HRC NFS I LLC and also property owned by Riverpoint West, L.L.C.
- On August 27, 2018, by Roll Call Numbers 18-1458, 18-1459, and 18-1460, City Council approved private construction contracts for public improvements in Gray’s Station Plat 2, with conditions, one (1) of which included receipt of documentation provided on or before August 30, 2018 of the conveyance of the necessary property interests to construct the improvements from Riverpoint West, L.L.C., to HRC NFS I LLC.
- The conditions in the August 27, 2018 Roll Calls were not met; therefore, the private construction contracts for public improvements in Gray’s Station Plat 2 were not approved.
- These September 10, 2018 actions approve and grant permission to construct only storm sewer improvements and sanitary sewer improvements located on property owned by HRC NFS I

LLC in accordance with the contract documents for Gray's Station Plat 2 subject to conditions, including, but not limited to, the City will not accept ownership of the storm sewer improvements and sanitary sewer improvements until the following conditions are met:

- All conditions set forth in the Private Construction Contract have been met.
 - Owner and Contractor have complied with any additional testing requirements and made all repairs determined necessary by the City Engineer for acceptance of the improvements.
 - HRC NFS I, LLC has acquired the necessary permanent property interests from River Point West, L.L.C. to construct all the Storm Sewer Improvements described as Storm Sewer improvements to serve Gray's Station Plat 2, as shown on Plan File Numbers 598-001/064.
 - HRC NFS I, LLC has constructed the additional Storm Sewer Improvements on property currently owned by River Point West, L.L.C., pursuant to a separate Private Construction Contract approved by City Council.
 - Council has accepted the Storm Sewer improvements on property currently owned by River Point West, L.L.C.
- In addition, the City will not issue any building permits for the property, as contained in the City's Gray's Station PUD, except for Gray's Station Plat 1 when approved by the City Council, until such time as the above conditions have been met.
 - Once HRC NFS I, LLC has acquired the necessary permanent property interests from River Point West, L.L.C. to construct all the public improvements for Gray's Station Plat 2, Council will need to approve, separate Private Construction Contracts to construct the remaining sanitary sewer improvements and storm sewer improvements on property currently owned by River Point West, L.L.C., as well as a Private Construction Contract for the paving improvements.



 = River Point West, LLC

PREVIOUS COUNCIL ACTION(S):

Date: August 27, 2018

Roll Call Number: [18-1458](#), [18-1459](#), and [18-1460](#)

Action: Approval of private construction contracts for public improvements in Gray's Station Plat 2, contingent upon and subject to the conditions set forth in the Roll Calls:

- (A) Between McAninch Corporation and HRC NFS I LLC, storm sewer improvements. Moved by Mandelbaum to adopt. Motion Carried 7-0.
- (B) Between McAninch Corporation and HRC NFS I LLC, sanitary sewer improvements. Moved by Mandelbaum to adopt. Motion Carried 7-0.
- (C) Between Alliance Group Construction, LLC and HRC NFS I LLC, paving improvements. Moved by Mandelbaum to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Once HRC NFS I, LLC has acquired the necessary permanent property interests from River Point West, L.L.C. to construct all the Sanitary Sewer Improvements and Storm Sewer Improvements to serve Gray's Station Plat 2, approval of Private Construction Contracts between McAninch Corporation and HRC NFS I LLC for remaining storm sewer and sanitary sewer improvements in Gray's Station Plat 2.

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