

Date May 22, 2006

WHEREAS, on February 21, 2005, the City of Des Moines sent an "Official Notice to Abate Public Nuisance" notifying the property owner of a nuisance that existed in front of the property locally described at 1230 6<sup>th</sup> Ave., Des Moines, Iowa; and

WHEREAS, said Official Notice to Abate Public Nuisance was given for a faulty sewer service creating a hazardous condition in the public roadway by possible undermining of the street and sidewalk; and

WHEREAS, said Notice gave the property owner 14 days to abate the nuisance or the City would make the necessary repairs and assess the cost of repairs to the property owner; and

WHEREAS, the property owners failed to abate and repair the nuisance within the specified time; and

WHEREAS, the City of Des Moines, took three bids for the repair work and Accurate Mechanical Co. Inc. was the lowest bidder; and

WHEREAS, by Requisition No. 11470, the City of Des Moines contracted with Accurate to do the emergency sewer repair at 1230 6<sup>th</sup> Ave. for the total amount of \$15,000; and

WHEREAS, Accurate billed the City significantly more for the work claiming an unforeseen condition resulted in additional costs; and

WHEREAS, Accurate Mechanical Co., Inc. and the previous property owners, Midwest Futures, Inc., Ray O. Sprague and Amy Sprague have agreed to settle the claim with the City of Des Moines; NOW, THEREFORE,

BE IT RESOLVED by the City Council of Des Moines, Iowa;

That the Agreement for Release and Satisfaction of all Claims relating to the increased Cost of a Nuisance Sanitary Sewer Repair at 1230 6<sup>th</sup> Avenue be approved and the Mayor is hereby authorized and directed to execute the agreement and the City Clerk to attest to his signature.

(Continued on page 2)

★ Roll Call Number

Agenda Item Number

24

Date May 22, 2006

-2-

That the Finance Department is authorized to issue a check in the amount of \$20,000 to Accurate Mechanical Co., Inc. upon receipt of the \$20,000 which is being held in escrow by Nolden Gentry.

APPROVED AS TO FORM:

*Kathleen Vanderpool*

Kathleen Vanderpool  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

..... City Clerk