

Date June 19, 2006

WHEREAS, the City of Des Moines owns the Des Moines Botanical Center; and

WHEREAS, on November 17, 1997, by Roll Call No. 97-3691, the City of Des Moines and Des Moines Botanical Center, Inc., now known as the Friends of the Botanical Center, (hereinafter "the Friends") entered into an Agreement pursuant to Chapter 28E of the Iowa Code, wherein the Friends agreed to design, construct and complete, with its own privately raised funds, a covered trellis area at the Botanical Center for the benefit of the Des Moines metropolitan area; and

WHEREAS, pursuant to the terms of the 28E Agreement, the City agreed to accept ownership of the covered trellis by resolution of the City Council upon recommendation by the City Engineer and

WHEREAS, on January 26, 2004, by Roll Call No. 04-174, the City and the Friends entered into an Addendum to such Agreement which provided that the Friends would be responsible for needed repairs to the trellis roof and to take all other steps necessary for the City Engineer to recommend acceptance by the City Council; and

WHEREAS, the construction and subsequent repair of such improvement funded by the Friends is now complete and ready for acceptance by the City; and

WHEREAS, the City Engineer recommends acceptance of the covered trellis pursuant to the attached letter from the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City hereby accepts ownership of the improvement known as the covered trellis at the Botanical Center as presented by the Friends of the Botanical Center.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

June 6, 2006

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To The Honorable Mayor
and
Members of the City Council
City of Des Moines

RE: Final Acceptance of the Wooden Trellis at the Botanical Center

On November 17, 1997 under Roll Call No, 97-3691, the City Council approved a 28E Agreement between the City of Des Moines and the Des Moines Botanical Center, Inc. that authorized the Des Moines Botanical Center, Inc. to design and construct a covered trellis area on the northwest side of the Botanical Center. In accordance with Section II, Paragraph B, Acceptance of Improvements, of said agreement, the City of Des Moines shall accept ownership of the improvements constructed under the Agreement subject only to the verification of the City Engineer that the project was constructed in compliance with the plans and specifications approved by the City; and such acceptance shall occur by resolution of the City Council and shall release the Des Moines Botanical Center, Inc. from any further duty or liability under the Agreement.

The Des Moines Botanical Center, Inc. hired RDG Planning & Design, 301 Grand Avenue, Des Moines, Iowa as Architect and Structural Consultants, P.C., Randy J. Magnani, P.E., President, 525 SW 5th Street, Suit D, Des Moines, Iowa as Structural Engineer for the trellis project. Randy J. Magnani, P.E. has conducted inspections and produced punch lists, which the Contractor has completed. It was not intended that the City Engineering Department coordinate or participate in the week to week construction observation of this project.

Randy J. Magnani, P.E. has submitted that attached letter certifying that the Wooden Trellis at the Botanical Center, to the best of his knowledge, was completed and constructed in accordance with plans and specifications originally prepared and certified by him in 1997, based on his review of his project documents, project correspondence files, and limited visual observations of the site. I concur with Mr. Magnani's recommendation and recommend that the City Council accept the Wooden Trellis at the Botanical Center as complete.

Sincerely,



Jeb E. Brewer, P.E.
City Engineer

Attachments

Cc: Ann DiDonato, Assistant City Attorney



ENGINEERING DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4920
FAX (515) 283-4112

ALL-AMERICA CITY
1949, 1976, 1981
2003

DENNIS & MAGNANI

STRUCTURAL CONSULTANTS, P.C.

May 31, 2006

Mr. Jeb Brewer
City Engineer
City of Des Moines Engineering Department
City Hall – 3rd Floor
400 East First Street
Des Moines, IA 50309

**RE: Botanical Center Wood Trellis
Des Moines, Iowa
DMSC No. 05112.01**

Dear Jeb;

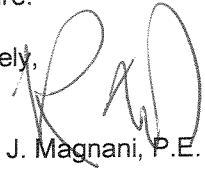
I am writing at the request of Mr. Don McLaughlin concerning the structure of the wood trellis located at the northwest side of the Botanical Center. I am the Structural Engineer of Record for this project.

The structure was constructed late 1997/early 1998 by the contractor, Jim Postma. A more recent round of inspections and fieldwork was completed earlier this year by myself and the City of Des Moines personnel.

To the best of my knowledge, this project is constructed per plans and specifications originally prepared and certified by me in 1997.

This letter is based on a review of our project documents, our project correspondence file and limited visual observations at the site. This report does not express or imply any warranty of structure.

Sincerely,


Randy J. Magnani, P.E.
President

RJM/ljs

Cc: Don McLaughlin
Park Development Manager
405 SE 20th Street
Des Moines, IA 50317

Allan Oberlander
RDG Planning & Design
301 Grand Avenue
Des Moines, IA 50309

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RECEIVED

JUN 01 2006

**DEPT. OF ENGINEERING
CITY OF DES MOINES, IOWA**