



Roll Call Number

Agenda Item Number

Ex. 1

Date January 8, 2018

RESOLUTION AUTHORIZING DISBURSEMENT OF FUNDS FOR WORK PERFORMED ON THE EAST SECOND STREET PARKING GARAGE

WHEREAS, by Roll Call No. 16-0636 of April 11, 2016, the City Council of the City of Des Moines, Iowa approved the Lease Purchase Agreement between the City of Des Moines and 101 East Grand Parking, L.L.C. ("Lessor") and West Bank relating to the construction and acquisition of a multi-story public parking garage located in the vicinity of East Second Street; and

WHEREAS, the East Second Street Parking Garage has been substantially completed and in accordance with the terms of the Lease Purchase Agreement and the approved plans for the Garage and by the terms of Roll Call No. 17-1774 of October 9, 2017, the City approved a Commencement Date Agreement to take possession of the Garage improvements on or about October 10, 2017; and

WHEREAS, by Roll Call No. 17-1774 the City Council approved an Agreement Regarding Escrow Fund with the Lessor and West Bank for the disbursement of certain project costs that were not yet final and prior to preparation of a Restated Commencement Date Agreement the City Council must authorize the disbursement of Garage project costs incurred by the contractor, Ryan Companies, US, Inc., which costs have been approved in writing by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that payment to Ryan Companies, US, Inc. from the Agreement Regarding Escrow Fund for work it performed in the amount of \$848,374.35 is hereby authorized and approved and the City Engineer is hereby directed to execute such approval in writing.

APPROVED AS TO FORM:

Moved by \_\_\_\_\_ to adopt.

Lawrence R. McDowell
Deputy City Attorney

Sponsor: Mayor Cownie

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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

# AIA Document G702™ – 1992

## Application and Certificate for Payment

<b>TO OWNER:</b> Jake Christensen & Tim Rypma 101 East Grand Parking LLC 2404 Forest Drive Des Moines, IA 50312	<b>PROJECT:</b> East 2nd St Parking 402 East 2nd Street Des Moines, IA 50309	<b>APPLICATION NO:</b> 17 FINAL <b>PERIOD TO:</b> December 15, 2017	<b>Distribution to:</b> OWNER: <input type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
<b>FROM CONTRACTOR:</b> Ryan Companies US, Inc. 14001 University Ave., Ste 300 Clive, IA 50325	<b>VIA ARCHITECT:</b> Brian Warthen Neumann Monson 418 6th Avenue, #209 Des Moines, IA 50309	<b>CONTRACT FOR:</b> General Construction <b>CONTRACT DATE:</b> <b>PROJECT NOS:</b> 000 / 3869 / 001	

### CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM .....	19,284,000.00
2. NET CHANGE BY CHANGE ORDERS .....	31,879.54
3. CONTRACT SUM TO DATE (Line 1 ± 2) .....	19,315,879.54
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) .....	19,315,879.54
<b>5. RETAINAGE:</b>	
a. 5% of Completed Work (Column D + E on G703)	965,793.98
b. 0% of Stored Material (Column F on G703)	0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703) .....	965,793.98
6. TOTAL EARNED LESS RETAINAGE .....	18,350,085.56
(Line 4 Less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT .....	17,501,711.21
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE .....	848,374.35
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	965,793.98

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	155,772.00	0.00
Total approved this Month		123,892.46
TOTALS	155,772.00	123,892.46
NET CHANGES by Change Order		31,879.54

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

**CONTRACTOR:**  
By: Kenneth Lentz Date: 12/18/17  
State of: Iowa

County of: Polk  
Subscribed and sworn to before  
me this 19 day of December

Notary Public: Kelly Hagge  
My Commission expires:



### ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

**AMOUNT CERTIFIED** ..... 848,374.35  
(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

**ARCHITECT:**  
By: Brian Warthen Date: 12/18/2017

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.