



**Roll Call Number**

**Agenda Item Number**

10B

DATE October 22, 2018

APPROVING PRIVATE CONSTRUCTION CONTRACT BETWEEN  
ALLIANCE CONSTRUCTION GROUP, LLC AND  
HRC NFS I, LLC  
FOR CERTAIN PAVING IMPROVEMENTS IN GRAY'S STATION PLAT 2  
\$669,265.35

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached contract documents for a Private Construction Contract in the amount of \$669,265.35 between Alliance Construction Group, LLC, Dustin Jones, President, 3000 S.E. Grimes Blvd., Suite 800, Grimes, IA, 50111 - as Contractor, and HRC NFS I, LLC, Rick Tollackson, President and CEO, 6900 Westown Parkway, West Des Moines, IA, 50266 - as Owner, for construction of Paving Improvements described as paving improvements for Gray's Station Preliminary Plat 2, as shown on Plan File Numbers 598-001/064, **(except the Private Construction Contract does not include construction of the Paving Improvements on property owned by River Point West L.L.C. and no approval is given for construction Paving Improvements on property owned by River Point West, L.L.C.)**, be and the same are hereby approved and permission be and is hereby granted to the parties of said contract to construct said Paving Improvements in accordance with said contract documents **all contingent upon and subject to:**

1. Receipt of Private Construction Contract prepared by the Legal Department, and bond approved as to form by the Legal Department and certificate of insurance acceptable to the Engineering Department; and
2. Inspection and approval of the Des Moines City Engineer.

BE IT FURTHER RESOLVED that the City will not accept ownership of the Improvements, as defined in the Private Construction Contract, until the City Council has determined that the following conditions have been met:

1. All conditions set forth in the Private Construction Contract have been met; and
2. 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; and
3. HRC NFS I, LLC or the City have acquired the necessary permanent property interests from River Point West, L.L.C. to construct all the Paving Improvements described as Paving Improvements to serve Gray's Station Preliminary Plat 2, as shown on Plan File Number 598-001/064; and
4. HRC NFS I, LLC has constructed the additional Paving Improvements on property currently owned by River Point West, L.L.C. pursuant to a separate Private Construction Contract that will need additional Council approval; and
5. Council has accepted the Paving Improvements on property currently owned by River Point West, L.L.C.

BE IT FURTHER RESOLVED that the City is taking this action at the request of HRC NFS I, LLC to allow it to undertake construction of the 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 permanent property rights to connect all Improvements as necessary for the development.

BE IT FURTHER RESOLVED that 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.



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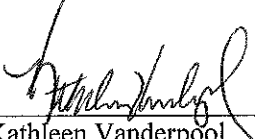
10B

DATE October 22, 2018

Activity ID: 06-2019-106

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

FORM APPROVED:

  
\_\_\_\_\_  
Kathleen Vanderpool  
Deputy City Attorney

**SLN** Funding Source: All project costs are to be paid by the Owner(s), HRC NFS I, LLC

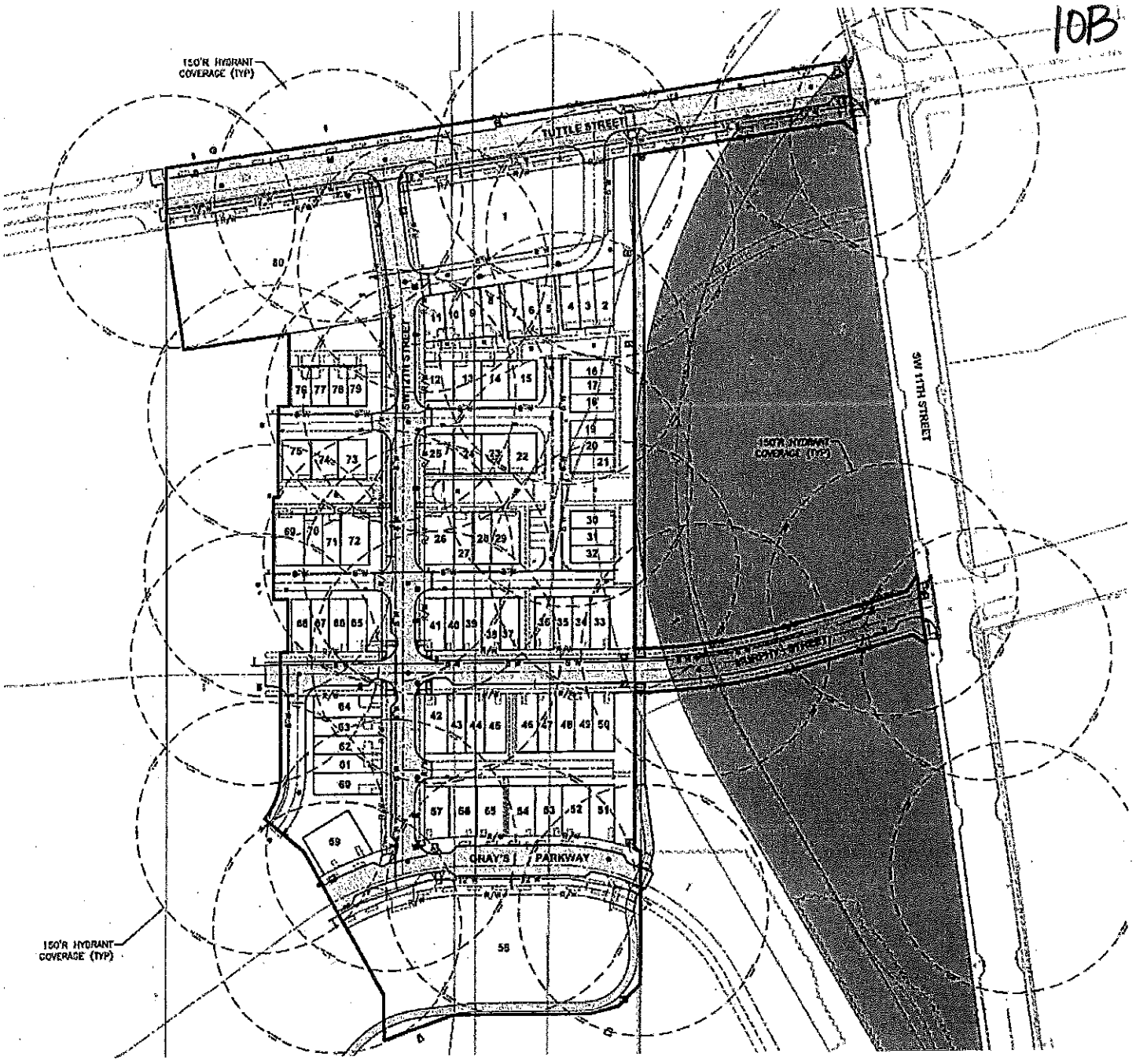
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
				Mayor

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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

10B



= River Point West, LLC

**GRAY'S STATION PRELIMINARY PLAT 2**

- PAVING IMPROVEMENTS - 06-2019-106**
- SANITARY SEWER IMPROVEMENTS - 07-2019-106**
- STORM SEWER IMPROVEMENTS - 08-2019-106**