

Date June 3, 2019

**RESCIND PREVIOUS PRIVATE CONSTRUCTION CONTRACT APPROVAL AND
APPROVE NEW PRIVATE CONSTRUCTION CONTRACT
SANITARY SEWER IMPROVEMENTS AT 1920, 1924, 1928, 1932 AND 1936 MERLE
HAY ROAD**

WHEREAS, on January 14, 2019, by Roll Call No. 19-0018, the City Council approved a Private Construction Contract in the amount of \$86,886.75, between JRS Excavating LLC, Bruce Holtry Jr., Owner, 2987 St. Charles Road, St. Charles, IA, 50240 - as Contractor, and Elevate Development Company, LLC, Jeff Stanbrough, Owner, 10888 Hickman Road, Suite 3B, Clive, IA, 50325 - as Owner, for construction of Sanitary Sewer Improvements described as sanitary sewer improvements to serve new townhomes located at 1920, 1924, 1928, 1932 and 1936 Merle Hay Road, as shown on Plan File Numbers 597-235/236, Activity ID 07-2019-107, and granted permission to the parties to construct said Sanitary Sewer Improvements; and

WHEREAS, construction proposed in the previous private construction contract has not initiated; and

WHEREAS, Elevate Development Company, LLC desires modifications prior to proceeding with constructing Private Construction Contract improvements, and has submitted a new Contract for said work to the City Engineer; and

WHEREAS, before the City Council can approve the replacement Contract it must rescind its previous action.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby rescinds its action on January 14, 2019, by Roll Call No. 19-0018, to approve a Private Construction Contract in the amount \$86,886.75, between JRS Excavating LLC, and Elevate Development Company, LLC; and directs the City Engineer to return all original contracts and bonds to Elevate Development Company, LLC.

BE IT FURTHER RESOLVED: That the attached contract documents for a Private Construction Contract in the amount of \$12,180.00, between The Underground Company, Ltd., (Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 - as Contractor), and Elevate Development Company, LLC, Jeff Stanbrough, Owner, 10888 Hickman Road, Suite 3B, Clive, IA, 50325 - as Owner), for construction of Sanitary Sewer Improvements to service the revised proposed sanitary sewer improvements at 1920, 1924, 1928, 1932 and 1936 Merle Hay Road, in accordance with the contract documents including Plan File Nos. 597-235/236, Activity ID 07-2019-107, be and the same are hereby approved.

★ Roll Call Number

Agenda Item Number

8

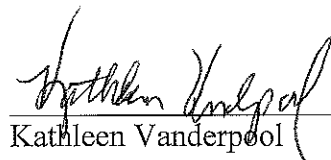
Date June 3, 2019

BE IT FURTHER RESOLVED: That permission be and is hereby granted to the parties of said contract to construct said Sanitary Sewer Improvements in accordance with said contract documents and subject to inspection and approval of the Des Moines City Engineer.

Activity ID 07-2019-107

Moved by _____ to adopt.

FORM APPROVED:


 Kathleen Vanderpool
 Deputy City Attorney

SLN

Funding Source: All project costs are to be paid by the Owners(s), Elevate Development Company, LLC.

Activity ID 07-2019-107

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

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.

 Mayor

 City Clerk



10888 Hickman Road suite 3B Clive, IA 50325

May 28th, 2019

Des Moines City Council:

As it relates to the townhome project at 1920 Merle Hay Road, the contract between Elevate Development Company LLC and JRS Excavating LLC has been cancelled. I'm requesting Council's approval to rescind the existing private contract and approve the new private contract with The Underground Company, Ltd.

Thank you,

A handwritten signature in black ink, appearing to be 'Jeff Stanbrough', written over a circular scribble.

Jeff Stanbrough,

Elevate Development Company LLC