



Roll Call Number

09-066

Agenda Item Number

8B-1

Date January 26, 2009

RESOLUTION ACCEPTING WORK AND ORDERING PREPARATION OF PLAT AND
SCHEDULE OF ASSESSMENTS FOR
STATE AVENUE SIDEWALK (EXCEPT WHERE SIDEWALK EXISTS)
FROM E 32ND STREET TO E 33RD STREET,
ACTIVITY ID 09-2007-003, SCHEDULE NO. 2007-01

WHEREAS, on April 21, 2008, by Roll Call No. 08-651, the City Council adopted the Preliminary Resolution for the State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01, which stated under Subdivision E that:

SUBDIVISION E. The said improvement shall be designated as follows: State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01, and such name shall be a sufficient designation to refer to said improvement in all subsequent proceedings, and

WHEREAS, on May 19, 2008, by Roll Call No. 08-910, the City Council adopted the Resolution of Necessity for the State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01, described as:

Construction of Class "B" Portland cement concrete sidewalks, four (4) inches thick, [six (6) inches thick at driveways], together with all necessary appurtenances on:

State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01

WHEREAS, on July 28, 2008, under Roll Call No. 08-1368, the City Council approved a construction contract with Ti-Zack Concrete, Inc., Steve J. Rutt, President, 39352 221st Avenue, LeCenter, MN, 56057, for the following improvements:

2008-09 Sidewalk Program, 09-2008-003

The improvement includes construction of Class 'B' Portland cement concrete sidewalk, four (4) inches thick, (six (6) inches through driveways), together with all appurtenances in accordance with the contract documents, including Plan File Nos. 490-120/123, at SE 14th Street from McKinley Avenue to Cummins Road (west side) and State Avenue from E. 32nd Street to E. 33rd Street (both sides), Des Moines, Iowa

WHEREAS, said contractor has fully completed the construction of said improvements, known as the 2008-09 Sidewalk Program, Activity ID 09-2008-003, which included said State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01, in accordance with the terms and conditions of said contract and plans and specifications, as shown by the certificate of the Engineer filed with the Clerk on December 22, 2008, under Roll Call No. 08-2186, and



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WHEREAS, your Chief Civil Engineer now recommends that the City Council accept the construction of the improvements known as the State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01, and levy the final assessments for the work against the benefited properties on the street.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA, REGARDING SAID STATE AVENUE SIDEWALK (EXCEPT WHERE SIDEWALK EXISTS) FROM E 32ND STREET TO E 33RD STREET, ACTIVITY ID 09-2007-003, SCHEDULE NO. 2007-01:

Section 1. That the attached report of the Engineer be and the same is hereby approved and adopted and said improvements are hereby accepted as having been fully completed in accordance with the said plans, specifications and contract. The total as-built cost of the improvements payable under said contract is hereby determined to be \$33,151.32.

Section 2. That the total project cost shall include all construction, engineering, legal, right-of-way and administrative costs that has been determined to be \$53,057.28 and the total project cost of said improvements shall be assessed against the benefited properties, but not in excess of the amounts so assessed in the preliminary plat and schedule for the improvement, and filed in the office of the Clerk.

Section 3. That the Engineer is hereby instructed to prepare a final plat and schedule showing the separate lots or parcels of ground subject to assessment for the cost together with the names of the owners thereof, so far as practicable, and the amount assessable by law against each lot or parcel of ground so assessable, and against any railway or street railway legally assessable therefore, and \$11,878.81 of the whole amount of the cost of said improvements shall be assessed against the benefited properties, but not in excess of the amounts so assessed in the preliminary plat and schedule for the improvement, and filed in the office of the Clerk.

Moved by Vlassis to adopt.

FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Funds Available: \$11,878.81 Special Assessments against benefited property owners and G. O. Bonds 2008-2009 CIP, Page Sidewalk-7, School Routes and Priority Sidewalks, STR081

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Rauh

City Clerk

MOTION CARRIED APPROVED
T. M. Franklin Mayor