

★ Roll Call Number  
09-720

Agenda Item Number  
14

Date May 4, 2009

RESOLUTION ACCEPTING WORK AND ORDERING PREPARATION OF PLAT AND  
SCHEDULE OF ASSESSMENTS FOR  
LINCOLN AVENUE SANITARY SEWER - VICTORIA DR. TO 33<sup>RD</sup> ST.,  
ACTIVITY ID 07-2008-005, SCHEDULE NUMBER 2008-05

WHEREAS, on May 5, 2008, by Roll Call No. 08-778, the City Council adopted the Preliminary Resolution for the Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05, which stated under Subdivision E that:

Subdivision E. That said improvement or portion thereof shall be designated as follows:

Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05

and such name shall be sufficient designation to refer to said improvement in all subsequent proceedings.

WHEREAS, on June 9, 2008, by Roll Call No. 08-1037, the City Council adopted the Resolution of Necessity for the Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05, described as:

Construction of a new sanitary sewer to service four properties in the 3200 and 3300 block of Lincoln Avenue including construction of the sanitary sewer, manholes, restoration of pavement & landscaping, and other incidental items which will allow for the abandonment of deteriorated and obsolete septic systems that are located on the properties.

WHEREAS, on September 8, 2008, under Roll Call No. 08-1616, the City Council approved a construction contract with The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047, for the following improvements:

Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005

The improvement includes construction of a new sanitary sewer lateral main to service four properties in the 3200 and 3300 blocks of Lincoln Avenue, Des Moines, Iowa. This project will allow for the abandonment of deteriorated and obsolete septic systems that are located on these properties. This contract includes construction of the sanitary sewer, manholes, restoration of pavement & landscaping, and other incidental items; in accordance with the contract documents including Plan File Nos. 491-075/084

WHEREAS, said contractor has fully completed the construction of said improvements, known as the Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street, Activity ID 07-2008-005, which included said Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05, in accordance with the terms and conditions of said contract and plans and

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specifications, as shown by the certificate of the Engineer filed with the Clerk on April 20, 2009, under Roll Call No. 09-616, and

WHEREAS, your Chief Civil Engineer now recommends that the City Council accept the construction of the improvements known as the Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05, 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 LINCOLN AVENUE SANITARY SEWER - VICTORIA DR. TO 33<sup>RD</sup> ST., ACTIVITY ID 07-2008-005, SCHEDULE NUMBER 2008-05:

Section 1. That the attached April 20, 2009 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 \$120,431.05.

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 \$175,666.96 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 \$33,169.37 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 Hensley to adopt.

FORM APPROVED: Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

SEB Funding Source: 2009-2010 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, Being: \$33,169.37 from Special Assessments against benefited property owners and the remainder in Sanitary Sewer funds

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

MOTION CARRIED APPROVED  
*T. M. Franklin* 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.

*Diane Rauh* City Clerk