

★ Roll Call Number
09-1530

Agenda Item Number
10A-1

Date August 24, 2009

RESOLUTION ACCEPTING WORK AND ORDERING PREPARATION OF PLAT AND
SCHEDULE OF ASSESSMENTS FOR
CARPENTER AVENUE RECONSTRUCTION FROM 30TH STREET TO 31ST STREET,
ACTIVITY ID 06-2008-014, SCHEDULE NO. 2008-04

WHEREAS, on February 25, 2008, by Roll Call No. 08-285, the City Council adopted a Resolution approving Petition and Waiver which approved and accepted a Petition and Waiver duly executed by the owner of property (Drake University) agreeing thereby to be assessed for the cost as shown on the Preliminary Assessment Schedule for Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, described as street reconstruction twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, pavement removal, 6' sidewalk, traffic signals, surface restoration and other incidental items, together with the necessary drainage facilities on Carpenter Avenue from 30th Street to 31st Street.

WHEREAS, on February 25, 2008, by Roll Call No. 08-286, the City Council adopted the Resolution of Necessity for the Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, described as follows:

- Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, described as street reconstruction twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, pavement removal, 6' sidewalk, traffic signals, surface restoration and other incidental items, together with the necessary drainage facilities on Carpenter Avenue from 30th Street to 31st Street.

WHEREAS, On May 5, 2008, under Roll Call No. 08-832, the City Council awarded a contract to Concrete Technologies, Inc., Brad Baumler, President, 3809 109th Street, Suite D, Urbandale, IA 50322 for the construction of the following improvement:

2007-08 Paving Program, 06-2008-010

The improvement includes street paving in accordance with the contract documents including Plan File Nos. 489-068/087 further described as:

- Street paving twenty-one (21) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items together with the necessary drainage facilities on S.W. 5th Street from Broad Street to Virginia Avenue, Activity ID 06-2008-011, Schedule No. 2008-01;
- Street reconstruction twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, pavement removal, 8' sidewalk, traffic signals, surface restoration, together with the necessary drainage facilities on Carpenter Avenue from 30th to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04

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WHEREAS, said contractor has fully completed the construction of said improvements, known as the 2007-08 Paving Program, Activity ID 06-2008-010, which included said Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, 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 August 24, 2009, and

WHEREAS, your Chief Civil Engineer now recommends that the City Council accept the construction of the improvements known as the Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, 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 CARPENTER AVENUE RECONSTRUCTION FROM 30TH STREET TO 31ST STREET, ACTIVITY ID 06-2008-014, SCHEDULE NO. 2008-04 :

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 \$192,427.73.

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 \$249,917.78 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 \$115,456.64 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 Kiernan to adopt.

FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

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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.

MOTION CARRIED APPROVED
T. M. Franklin
 Mayor

Diane Rauh
 City Clerk