

★ Roll Call Number

09-2090

Agenda Item Number

13 ✓

DATE November 23, 2009

APPROVING PRIVATE CONSTRUCTION CONTRACT BETWEEN  
TYLER EXCAVATING, INC. AND  
MELBOURNE APARTMENTS I, LLLP  
FOR SANITARY SEWER IMPROVEMENTS IN 5515 SE 14TH STREET  
\$21,500.00

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 \$21,500.00 between Tyler Excavating, Inc., Rob Tyler, Owner, 5372 NW 111th Drive, Grimes, IA, 50111 - as Contractor, and Melbourne Apartments I, LLLP, Steve Niebuhr, Senior Vice President, 6900 Westown Parkway, West Des Moines, IA, 50266 - as Owner, for construction of Sanitary Sewer Improvements described as sanitary sewer to serve the Melbourne Apartments at 5515 SE 14th Street, Des Moines, Iowa, as per Plan File Number 484-130, be and the same are hereby approved, subject to receipt of payment of the City's administrative, inspection and testing fees for private construction contracts and also subject to receipt of the contract, bond, insurance certificate for the project acceptable to the Engineering and Legal Departments.

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, subject to receipt of payment of the City's administrative, inspection and testing fees for private construction contracts and also subject to receipt of the contract, bond, insurance certificate for the project acceptable to the Engineering and Legal Departments.

BE IT FURTHER RESOLVED: That these sanitary sewer improvements to serve the Melbourne Apartments shall be constructed as a private sanitary sewer, and it is anticipated that upon completion of the work will remain a private sanitary sewer owned and maintained by Melbourne Apartments I, LLLP. Upon completion, the City of Des Moines will only acknowledge completion on the work, and this sanitary sewer will not be accepted or maintained by the City of Des Moines.

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Activity ID: 07-2010-103

Moved by Coleman to adopt.

FORM APPROVED:

Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source: All project costs are to be paid by the Owner(s), Melbourne Apartments I, LLLP

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin Cownie</u>				
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.

Diane Rauh  
 City Clerk