



**Roll Call Number**

10-888

**Agenda Item Number**

11

DATE June 14, 2010

ACKNOWLEDGE COMPLETION OF THE PRIVATE CONSTRUCTION  
CONTRACT FOR SANITARY SEWER IMPROVEMENTS, 5515 SE 14TH STREET,  
BETWEEN TYLER EXCAVATING, INC. AND MELBOURNE APARTMENTS, LLP

WHEREAS, on November 23, 2009 under Roll Call No. 09-2090, the City Council approved 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, LLP, 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, and granted permission to the parties of said contract to construct these improvements in accordance with the contract documents and subject to the inspection and approval of the Des Moines City Engineer.

WHEREAS, said Roll Call No. 09-2090 included the following:

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, LLP. 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.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer acknowledging the completion of the construction of said Sanitary Sewer Improvements in the amount of \$21,500.00, which have been constructed in substantial compliance with the contract documents between Tyler Excavating, Inc. and Melbourne Apartments, LLP, which were approved under Roll Call No. 09-2090, dated November 23, 2009, be received and filed; and that completion of said 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, is hereby acknowledged. Said Sanitary Sewer Improvements shall remain a private sanitary sewer owned and maintained by Melbourne Apartments, LLP.



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Activity ID 07-2010-103

Moved by Hensley to adopt.

FORM APPROVED:

[Signature]

Kathleen Vanderpool
Deputy City Attorney

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

MOTION CARRIED APPROVED
T. M. Franklin Council
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.

[Signature: Diane Rauh]

City Clerk