

11-0512

16B

DATE March 28, 2011

CONDITIONAL APPROVAL OF PRIVATE CONSTRUCTION CONTRACT BETWEEN
OPUS DESIGN BUILD, L.L.C. AND
ODC GANNETT AVE, L.L.C.
FOR PAVING, SANITARY AND STORM SEWER IMPROVEMENTS IN AIRPORT BUSINESS PARK PLAT 3

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached contract documents for a Private Construction Contract between Opus Design Build, L.L.C., Dave Bangasser, President & CEO, 10350 Bren Road West, Minnetonka, MN, 55343 - as Contractor, and ODC Gannett Ave, L.L.C., Tom Shaver, President & CEO, 9700 West Higgins Road, Suite 900, Chicago, IL, 60018 - as Owner, for construction of Paving, Sanitary and Storm Sewer Improvements described as Airport Business Park Plat 3 located in the vicinity of SW 34th Street and Gannett Avenue, Des Moines, Iowa, in accordance with the contract documents including Plan File Nos. 511-118/124, be and the same are hereby approved, subject to the following:

1. Receipt of Certificate of Insurance from the contractor and receipt of executed contract and performance, payment, and maintenance bond acceptable to the City Engineering and Legal Departments.
2. Payment of the City's administrative, inspection, and testing fees for the private construction contract.
3. Issuance of a City of Des Moines Grading Permit for Airport Business Park Plat 3.
4. Receipt of consent to construct the improvements from the property owner at the time of construction.

BE IT FURTHER RESOLVED: That permission be and is hereby granted to the parties of said contract to construct said Paving, Sanitary and Storm Sewer Improvements in accordance with said contract documents and subject to the following:

1. Receipt of Certificate of Insurance from the contractor and receipt of executed contract and performance, payment, and maintenance bond acceptable to the City Engineering and Legal Departments.
2. Payment of the City's administrative, inspection, and testing fees for the private construction contract.
3. Issuance of a City of Des Moines Grading Permit for Airport Business Park Plat 3.
4. Receipt of consent to construct the improvements from the property owner at the time of construction.
5. Inspection and approval by the Des Moines City Engineer.

★ Roll Call Number

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Agenda Item Number

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Activity ID: 06-2011-103

Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: All project costs are to be paid by the Owner(s), ODC Gannett Ave, L.L.C.

SEB

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<i>T. M. Franklin</i>				
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