

★ Roll Call Number  
12-0596

Agenda Item Number  
10-B1

Date April 23, 2012

RESOLUTION ACCEPTING WORK AND ORDERING PREPARATION OF  
PLAT AND SCHEDULE OF ASSESSMENTS FOR E. 35<sup>TH</sup> STREET AND ARTHUR  
AVENUE FROM EASTON BOULEVARD TO E. 34<sup>TH</sup> STREET,  
ACTIVITY ID 06-2010-012, SCHEDULE NO. 2010-02

WHEREAS, on January 25, 2010, by Roll Call No. 10-097, the City Council adopted the Preliminary Resolution for E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02, which stated under Subdivision E that:

SUBDIVISION E. The said improvement shall be designated as E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02, and such name shall be a sufficient designation to refer to said improvement in all subsequent proceedings, and

WHEREAS, on January 25, 2010, by Roll Call No. 10-100, the City Council adopted the Resolution of Necessity for E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02, described as:

- Street paving 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, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities on E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02.

WHEREAS, on June 28, 2010, under Roll Call No. 10-1088, the City Council awarded a contract to Jasper Construction Services, Inc., Steven J. Rhoads, President, 929 N. 19<sup>th</sup> Avenue East, Newton, Iowa, 50208, for the construction of the following improvement:

2009-10 Paving Program, 06-2010-010

The improvement includes street paving in accordance with the contract documents including Plan File Nos. 520-064/109 further described as:

- Street paving 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, driveway approaches, water main, surface restoration and other incidental items, together with the necessary drainage facilities on Druid Hill Drive from Bell Avenue to Casady Drive, Activity ID 06-2010-011, Schedule No. 2010-01;
- Street paving 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, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities on E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02.

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WHEREAS, said contractor has fully completed the construction of said improvements, known as 2009-10 Paving Program, Activity ID 06-2010-010, which included said E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02, 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 April 23, 2012, and

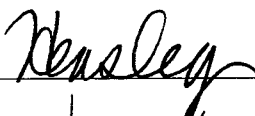
WHEREAS, your Chief Civil Engineer now recommends that the City Council accept the construction of the improvements known as E. 35<sup>th</sup> Street and Arthur Avenue from Easton Boulevard to E. 34<sup>th</sup> Street, Activity ID 06-2010-012, Schedule No. 2010-02, and levy the final assessments for the work against the benefited properties on the street.

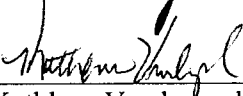
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA, REGARDING SAID E. 35<sup>TH</sup> STREET AND ARTHUR AVENUE FROM EASTON BOULEVARD TO E. 34<sup>TH</sup> STREET, ACTIVITY ID 06-2010-012, SCHEDULE NO. 2010-02:


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 \$574,737.66.

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 \$649,350.73 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 \$82,123.18 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  to adopt.

FORM APPROVED:   
Kathleen Vanderpool  
Deputy City Attorney



Funds Available: 2012-2013 CIP, Page Street-27, Residential Paving Program, STR013, Being: \$82,123.18 from Special Assessments against benefited property owners, \$420,195.14 in G. O. Bonds, and \$72,419.34 from the Des Moines Water Works for water main construction

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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