

★ Roll Call Number

16-1697

Agenda Item Number

10A

Date October 10, 2016

RESCIND PREVIOUS PRIVATE CONSTRUCTION CONTRACT APPROVAL AND APPROVE  
NEW PRIVATE CONSTRUCTION CONTRACT  
SUMMERSFIELD PLAT 3 STORM SEWER

WHEREAS, on July 23, 2007, by Roll Call No. 07-1388, the City Council approved a Private Construction Contract in the amount of \$177,811, between McAninch Corporation, (Douglas D. McAninch, President/COO, 4001 Delaware Avenue, Des Moines, IA, 50313 – as Contractor), and Summersfield, LLC, (Rick J. Tollakson, President and CEO, 6900 Westown Parkway, West Des Moines, IA, 50266 – as Owner), for construction of Storm Sewer Improvements to service the proposed Summerfield Plat 3 on E. 48<sup>th</sup> Street, north of E. Merced Street, as per Plan File Nos. 474-12/20, Activity ID 08-2008-101, and granted permission to the parties to construct said Storm Sewer Improvements, and

WHEREAS, construction proposed in the previous private construction contract has not initiated, and

WHEREAS, Summersfield, LLC desires to modify the development improvements to proceed with constructing improvements, and has submitted a new Contract for said work to the City Engineer, and

WHEREAS, before the City Council can approve the replacement Contract it must rescind its previous action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby rescinds its action on July 23, 2007, by Roll Call No. 07-1388, to approve a Private Construction Contract in the amount of \$177,811, between McAninch Corporation, and Summersfield, LLC; and directs the City Engineer to return all original contracts and bonds to Summersfield, LLC.

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 \$72,876.00, between McAninch Corporation, (Douglas D. McAninch, President/COO, 4001 Delaware Avenue, Des Moines, IA, 50313 – as Contractor), and Summersfield, LLC, (Rick J. Tollakson, President and CEO, 6900 Westown Parkway, West Des Moines, IA, 50266 – as Owner), for construction of Storm Sewer Improvements to service the revised proposed Summerfield Plat 3 on E.48<sup>th</sup> Street, north of E. Merced Street, in accordance with the contract documents including Plan File Nos. 563-167/172, Activity ID 08-2017-102, be and the same are hereby approved.

BE IT FURTHER RESOLVED: That permission be and is hereby granted to the parties of said contract to construct said Storm Sewer Improvements in accordance with said contract documents and subject to inspection and approval of the Des Moines City Engineer.

Activity ID 08-2008-101  
08-2017-102

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Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

AE Funding Source: All project costs are to be paid by the Owners(s), Summersfield, LLC.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> Mayor				

**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.

Diane Rauh City Clerk