



Roll Call Number

18-1980

Agenda Item Number

12-1(C)✓

DATE December 3, 2018

APPROVING PRIVATE CONSTRUCTION CONTRACT BETWEEN
MCANINCH CORPORATION AND
HRC NFS I, LLC
FOR STORM SEWER IMPROVEMENTS IN GRAY'S STATION PLAT 2
\$28,927.00

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 \$28,927.00 between McAninch Corporation, Douglas D. McAninch, President/CEO, 4001 Delaware Avenue, Des Moines, IA, 50313 - as Contractor, and HRC NFS I, LLC, Rick Tollackson, President and CEO, 6900 Westown Parkway, West Des Moines, IA, 50266 - as Owner, for construction of Storm Sewer Improvements described as storm sewer improvements to serve Gray's Station Plat 2, as shown on Plan File Numbers 598-001/064, that are located on property previously owned by River Point West, LLC and now owned by the City of Des Moines, Iowa, which property is as legally described in attached Exhibits D-1 and D-2, which improvements and property were excluded from the Private Construction Contract for construction of storm sewer improvements between Owner and Contractor dated September 7, 2018, be and the same are hereby approved and permission be and is hereby granted to the parties of said contract to construct said Storm Sewer Improvements in accordance with said contract documents **all contingent upon and subject to:**

1. Receipt of Private Construction Contracts prepared by the Legal Department, and bond approved as to form by the Legal Department, fees due with submission of Private Construction Contract and certificate of insurance acceptable to the Engineering Department; and
2. Inspection and approval of the Des Moines City Engineer.

BE IT FURTHER RESOLVED that the City will not accept ownership of the Improvements, as defined in the Private Construction Contract, until the City Council has determined that the following conditions have been met:

1. All conditions set forth in the Private Construction Contract have been met; and
2. Owner and Contractor have complied with any additional testing requirements and made all repairs determined necessary by the City Engineer for acceptance of the Improvements; and
3. The necessary permanent property interest from River Point West, L.L.C. have been acquired to construct all improvements described to serve Gray's Station Preliminary Plat 2, as shown on Plan File Numbers 598-001/064; and
4. HRC NFS I, LLC has completed construction of the additional storm sewer improvements which are included in a Private Construction Contract approved by the City on September 7, 2018; and
5. The City Engineer recommends acceptance of the Improvements to the City Council; and
6. Council has accepted by resolution the storm sewer improvements constructed pursuant to the Private Construction Contract approved by the City on September 7, 2018.



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Activity ID: 08-2019-107

Moved by Gatto to adopt.

FORM APPROVED:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

Funding Source: All project costs are to be paid by the Owner(s), HRC NFS I, LLC

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED
M. Franklin Cownie
Mayor

Diane Rauh
City Clerk