

★ Roll Call Number  
06-993

Agenda Item Number  
13 F(1)

Date May 22, 2006

RESOLUTION ACCEPTING WORK AND ORDERING PREPARATION OF PLAT  
AND SCHEDULE OF ASSESSMENTS FOR E. MARKET STREET CURB-AND-  
GUTTER FROM S.E. 24TH COURT TO 370' WEST, ACTIVITY ID 06-2004-026,  
SCHEDULE NO. 2004-06

WHEREAS, on December 20, 2004, by Roll Call No. 04-2678, the City Council adopted the Petition and Waiver from Titan Tire Corporation, Jeff Krumer, 2345 E. Market Street, Des Moines, Iowa, requesting that the improvements be constructed to benefit its respective property and that special assessments be levied against its property. The general description and location of said improvements being as follows:

E. Market Street curb-and-gutter from SE 24<sup>th</sup> Court to 370 feet west, Activity ID 06-2004-026, Schedule No. 2004-06, described as construction of a 30-inch-wide Portland Cement curb-and-gutter section along the north side of Market Street from SE 24<sup>th</sup> Court to 370 feet west.

WHEREAS, on December 20, 2004, by Roll Call No. 04-2679, the City Council adopted the Resolution of Necessity for the E. Market Street curb-and-gutter from SE 24<sup>th</sup> Court to 370 feet west, Activity ID 06-2004-026, Schedule No. 2004-06, described as:

E. Market Street curb-and-gutter from SE 24<sup>th</sup> Court to 370 feet west, Activity ID 06-2004-026, Schedule No. 2004-06, described as construction of a 30-inch-wide Portland Cement curb-and-gutter section along the north side of Market Street from SE 24<sup>th</sup> Court to 370 feet west.

WHEREAS, on April 11, 2005, under Roll Call No. 05-915, the City Council approved a construction contract with Grimes Asphalt & Paving Corp., J. M. Yonker, President, 12021 NW 54<sup>th</sup> Avenue, Grimes, Iowa, 50111, for the following improvements:

2004-05 Paving Program, 06-2004-020

- Street paving twenty (20) feet wide between existing curb and gutter with Portland Cement Concrete six (6) inches thick, or with Hot Mix Asphalt (a.k.a. Asphaltic Cement Concrete) eight (8) inches thick on:

College Avenue paving from 56th Street to Merle Hay Road, Activity ID 06-2004-021, Schedule No. 2004-01;

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- 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 (a.k.a. Asphaltic Cement Concrete) eight (8) inches thick with Portland Cement Concrete curb and gutter, together with the necessary drainage facilities on:

Terrace Drive paving from 28th Street to Lincoln Place Drive, Activity ID 06-2004-022, Schedule No. 2004-02;

E. 28th Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue, Activity ID 06-2004-024, Schedule No. 2004-04;

- Alley paving ten (10) feet wide with Portland Cement Concrete six (6) inches thick or with Hot Mix Asphalt (a.k.a. Asphaltic Cement Concrete) eight (8) inches thick on:

Alley between Pennsylvania Avenue and E. 8th Street from Buchanan Street to Fremont Street, Activity ID 06-2004-025, Schedule No. 2004-05;

- Curb and Gutter thirty (30) inches wide of Portland Cement Concrete on each side of:

Urbandale Avenue from Merle Hay Road to the west city limits, except where curb and gutter currently exists, Activity ID 06-2004-023, Schedule No. 2004-03;

North side of E. Market Street from S.E. 24th Court to 370' West, Activity ID 06-2004-026, Schedule No. 2004-06.

WHEREAS, said contractor has fully completed the construction of said improvements, known as the 2004-05 Paving Program, Activity ID 06-2004-020, which included said E. Market Street curb-and-gutter from SE 24<sup>th</sup> Court to 370 feet west, Activity ID 06-2004-026, Schedule No. 2004-06, 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 May 22, 2006, and

WHEREAS, your Chief Civil Engineer now recommends that the City Council accept the construction of the improvements known as the E. Market Street curb-and-gutter from SE 24<sup>th</sup> Court to 370 feet west, Activity ID 06-2004-026, Schedule No. 2004-06, and levy the final assessments for the work against the benefited properties on the street.

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NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA, REGARDING SAID E. Market Street curb-and-gutter from S.E. 24th Court to 370' West, Activity ID 06-2004-026, Schedule No. 2004-06:

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 \$10,760.25.

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 \$17,184.37 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 \$3,726.08 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 Vlassis to adopt.

FORM APPROVED: Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

Funds Available: \$3,726.08 Special Assessments with the remainder in G.O. Bonds, 2006-2007 CIP, Page Street-8, City-Wide Paving Program - City-Wide, STR013.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BROOKS	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin Cownie</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