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Date September 7, 2018

**APPROVAL OF PRIVATE CONSTRUCTION CONTRACT BETWEEN
MCANINCH CORPORATION AND HRC NFS I LLC
FOR CERTAIN STORM SEWER IMPROVEMENTS
IN GRAY'S STATION PRELIMINARY PLAT 2
\$975,415.00**

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 \$975,415.00 between McAninch Corporation, Douglas D. McAninch, President/CEO, 4001 Delaware Avenue, Des Moines, IA, 50313 – as Contractor, and HRC NFS I, LLC, Rick Tollakson, 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 Preliminary Plat 2, as shown on Plan File Numbers 598-001/064, *(except the Private Construction Contract does not include construction of the Sanitary Sewer Improvements on property owned by River Point West L.L.C. and no approval is given for constructing Sanitary Sewer Improvements on property owned by River Point West, L.L.C.)*, 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 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. HRC NFS I, LLC has acquired the necessary permanent property interests from River Point West, L.L.C. to construct all the Storm Sewer Improvements described as Storm Sewer improvements to serve Gray's Station Preliminary Plat 2, as shown on Plan File Numbers 598-001/064; and
4. HRC NFS I, LLC has constructed the additional Storm Sewer improvements on property currently owned by River Point West, L.L.C. pursuant to a separate Private Construction Contract that will need additional Council approval; and
5. Council has accepted the Storm Sewer improvements on property currently owned by River Point West, L.L.C.

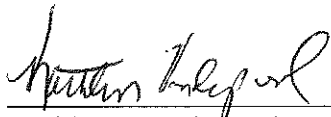
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BE IT FURTHER RESOLVED that the City is taking this action at the request of HRC NFS I LLC to allow it to undertake construction of the Improvements on land owned by HRC NFS I LLC at HRC NFS I LLC's sole expense and risk and prior to having all necessary permanent property rights to connect all Improvements as necessary for the development.

BE IT FURTHER RESOLVED that the City will not issue any building permits for the property, as contained in the City's Gray's Station PUD, except for Gray's Station Plat 1 when approved by the City Council, until such time as the above conditions have been met.

Moved by _____ to adopt.

FORM APPROVED:



 Kathleen Vanderpool
 Deputy City Attorney

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

Activity ID: 06-2019-106

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

MOTION CARRIED

APPROVED

 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.

 City Clerk