CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: December 12, 2016

ITEM:

Resolution - Accepting Public Improvements
Sanitary Sewer Extension
Christ's Church Subdivision, Lot 1
Dan Cleven Enterprises, LC

FINANCIAL IMPACT:

None at this time. The City will assume ownership of the public improvements, along with associated maintenance.

BACKGROUND:

The sanitary sewer stub in question was originally constructed as a private sewer service to the Culver's Restaurant. The stub was constructed to public sewer standards. The original construction was inspected by the City's Building Division. Dan Cleven Enterprises, LC has requested permission to connect an additional sewer service to the existing sewer stub as part of a future subdivision of the parcel. In order to connect more than one lot to the sewer, the stub would need to become a public facility. The City staff tested and re-inspected the stub recently, including televising, and noted no defects.

City normally requires a four (4) year maintenance bond for all public improvements that are constructed and are planned to be dedicated to the public. A maintenance bond had not been provided to the City by the original contractor or property owner since it was originally a private service. The contractor has subsequently went out of business since the stub was constructed. The property owner has requested that the maintenance bond requirement be waived in this case. Since the sewer has been in place for 10 years with no defects, Staff believes the risk of failure in the next four years to be minimal. Staff recommends waiving the maintenance bond requirement and accepting the sewer as constructed.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Resolution Accepting Public Improvements for Sanitary Sewer Extension, Christ's Church Subdivision, Lot 1 and waiving the maintenance bond requirements.

Lead Staff Member: Duane Wittstock, P.E., L.S., City Engineer

STAFF REVIEWS

Department Director	Duane C. Wittstock, P.E., L.S., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 28, 2016		
Recommendation	Yes	No	Split

RESOLUTION
ACCEPTING PUBLIC IMPROVEMENTS

WHEREAS, Dan Cleven Enterprises, LC is requesting the City accept as a public facility an existing private sanitary sewer stub known as;

Sanitary Sewer Extension
Christs Church Subdivision, Lot 1

WHEREAS, a preliminary site plan for Culver's Restaurant including the private sanitary sewer stub was approved by the City Council of the City of West Des Moines, Iowa on September 2, 2003;

WHEREAS, the sanitary sewer stub was constructed to public improvement standards;

WHEREAS, the City requires that individual services to subdivided lots access the public sewer system via a public sewer connection;

WHEREAS, the City inspected the private sanitary sewer stub at the time of the original construction and found no deficiencies;

WHEREAS, the City recently re-inspected and tested the sanitary sewer stub and found no deficiencies;

WHEREAS, the private sewer stub has been in place and functioning satisfactorily for over ten years;

WHEREAS, Dan Cleven Enterprises, LC, based on the fact the sanitary sewer stub was initially constructed to public standards and re-inspection has verified the sewer is functioning adequately is requesting acceptance of the private sanitary sewer stub as a public facility and further requests that a maintenance bond not be posted.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

Section 1: The public improvements for Sanitary Sewer stub for Christs Church Subdivision, Lot 1 is hereby accepted and are hereby dedicated for public purposes.

Section 2: That a maintenance bond not be required for the improvements.

PASSED AND APPROVED this **12th** day of **December, 2016.**

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

WETSCH ABBOTT OSBORN VAN VLIET PLC

ATTORNEYS AT LAW

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KEVIN V. ABBOTT †
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PATRICK BUTLER ‡

† Licensed in Iowa
‡ Licensed in Missouri
* Licensed in Nebraska

December 7, 2016

Sent via email: ben.mcalister@wdm.iowa.gov
City of West Des Moines
Attn: Ben McAlister, P.E.
PO Box 65320
West Des Moines, Iowa 50265-0320

RE: Dan Cleven
Lot 1 Christs Church Subdivision
Sewer dedication

Dear Mr. McAlister:

I am writing on behalf of Dan Cleven and Dan Cleven Enterprises, L.C. Dan Cleven Enterprises, L.C. is the owner of Lot 1 of Christ's Church Subdivision in West Des Moines. As you are aware we are going through the process of dedicating a sewer to the City of West Des Moines. This letter is to request that the City consider that action and approve the dedication of the sewer which is located on the North boundary of the property traversing under Office Park Drive. The sewer has been tested with pressure tests, has had a camera inspection done and there is a drawing that has been submitted to the City of West Des Moines by a licensed land surveyor describing the location of the facility. I believe the application for the dedication of the sewer is in order and we hope that the City of West Des Moines considers our request and grants the same.

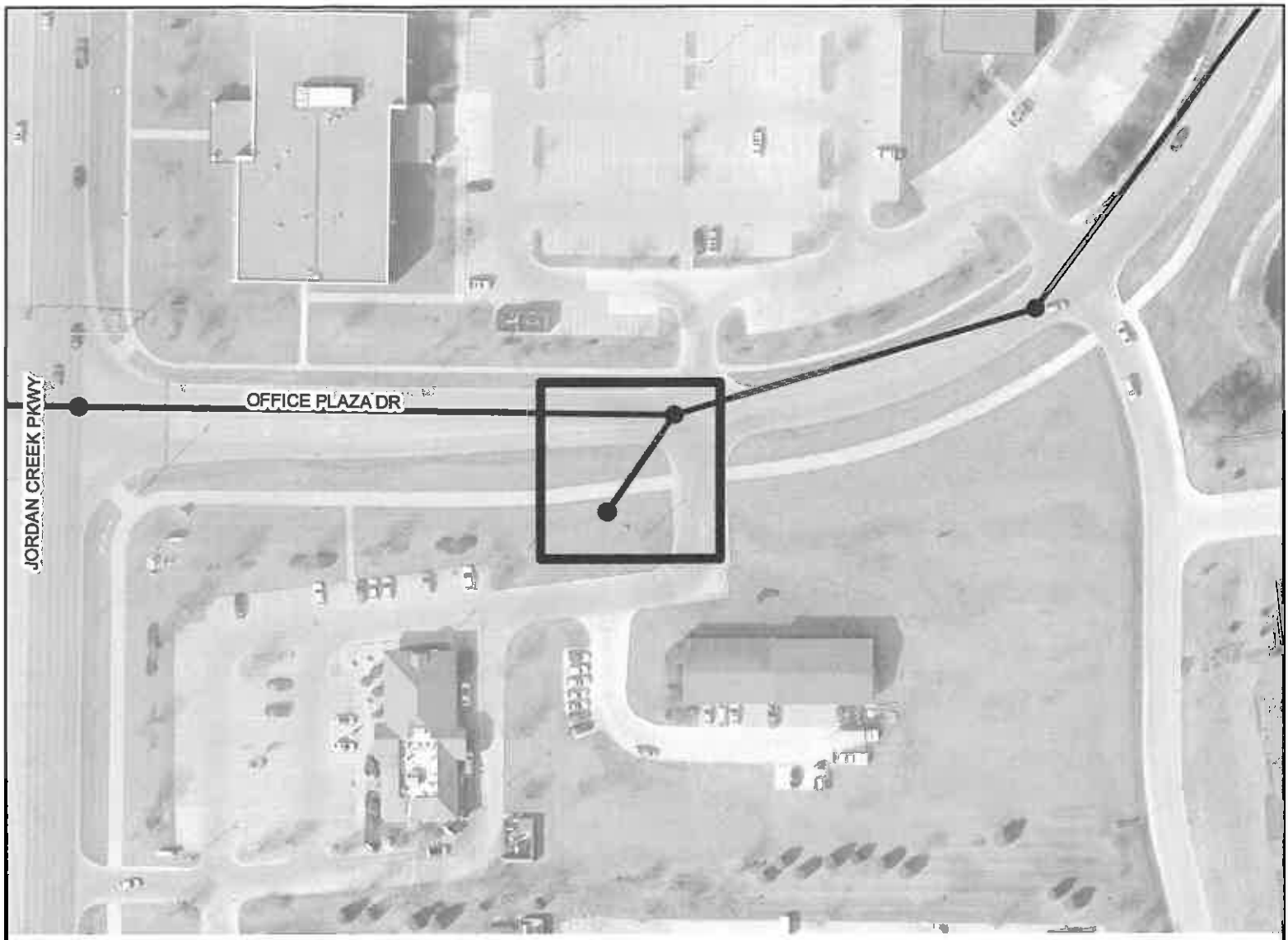
Thank you for your attention to this matter. It is greatly appreciated.

Sincerely,

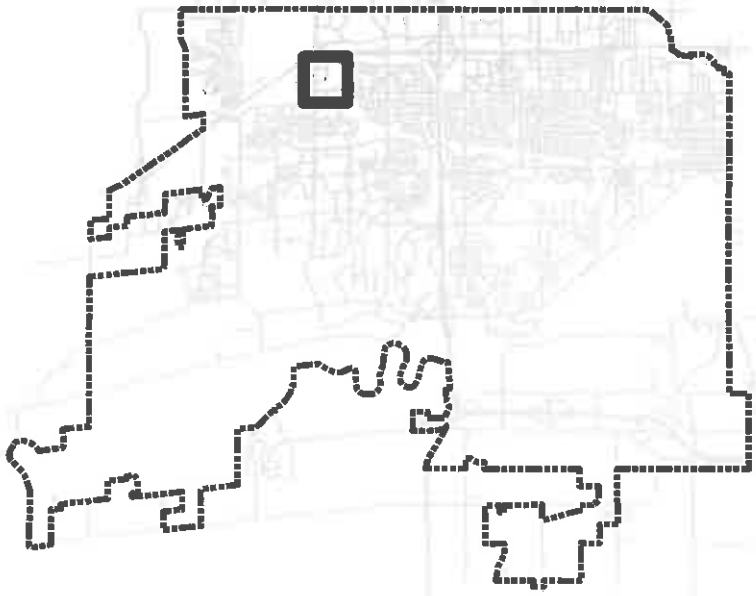
WETSCH ABBOTT OSBORN
VAN VLIET PLC

By: Brett T. Osborn
Brett T. Osborn

BTO:jdk



VICINITY MAP



LEGEND

PROJECT LOCATION

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THE CITY OF WEST DES MOINES	PROJECT: **Christ's Church Lot 1 Sanitary Sewer**		
	LOCATION: **1121 Jordan Creek Parkway**		
	DRAWN BY: JDR	DATE: 11/29/2016	PROJECT: Christ's Church Subdivision, Lot 1	SHT. 1 of 1