

**RESOLUTION**

**RESOLUTION ACCEPTING REPAIRS TO THE SEWER DEFECTS ON THE ROCK CREEK LATERAL SEWER PROJECT**

---

**WHEREAS**, the construction improvements associated with the Rock Creek Lateral Sewer Project were completed by Morgan Contracting, Inc. (Morgan) in 2013; and

**WHEREAS**, the said project included construction of lateral sanitary sewers to provide sanitary service to neighborhoods within the Country Club Court Plats 1 – 5 and Golf View Acres Plat 4 subdivisions; and

**WHEREAS**, the said project was developed and financed jointly by the City of Ankeny, Polk County and the Water Reclamation Authority (WRA) with the constructed improvements being part of the City of Ankeny’s sanitary sewer system; and

**WHEREAS**, the said sewer improvements as constructed were found to have numerous defects in workmanship for which the project contractor, Morgan, was responsible according to the projects maintenance bond requirements; and

**WHEREAS**, negotiations between Municipal Utilities staff and Morgan yielded a list of corrections (Exhibit 1) that Morgan needed to complete at no cost to the City to meet the maintenance bond requirements; and

**WHEREAS**, the City of Ankeny, Morgan and Polk County have agreed to a mutual release and settlement agreement pending the satisfactory completion of said corrections; and

**WHEREAS**, the City Council of the City of Ankeny, Iowa, approved the Mutual Release and Settlement Agreement on August 20, 2018; and

**WHEREAS**, at this time, all of the corrections referenced in the settlement agreement have been completed by the contractor; and

**WHEREAS**, the City of Ankeny, Iowa, has generated the attached Certificate of Completion certifying that the corrections to the sewer defects have been completed on May 13, 2019 with the following exceptions:

NONE

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Ankeny, Iowa:

1. That the Certificate of Completion be hereby received and filed; and
2. That the above-described sewer defect corrections are hereby accepted based on said certification.

CITY OF ANKENY, IOWA

By: \_\_\_\_\_  
Mark Holm, Mayor Pro tem

ATTEST:

By: \_\_\_\_\_  
Debra M. Arend, Interim City Clerk