



Legislation Text

File #: 38093, **Version:** 1

Fiscal Note

Private Contract, No Funds Required.

Title

Approving Addendum No. 3 to McAllen 120 Business Park - Phase I, Contract No. 2209. (16th AD)

Body

WHEREAS, on April 2, 2009, the developer, McAllen 120 Properties, LLC, hereinafter the "Developer" had entered into a *Contract For the Construction of Public Improvements that will be Accepted by the City of Madison* hereinafter the "Contract" with the City of Madison, and;

WHEREAS, the Developer has not completed the improvements as required under the Contract and has elected to delay construction, and,

WHEREAS, on June 20, 2012, the Developer and City entered into executed Addendum 1 to the original Contract that allowed for the release of the surety requirement, and,

WHEREAS, the Developer and the City have since mutually agreed to reduce the scope of the original contract to require Phase 1 construction to be reduced to serve Lot 1 of the proposed CSM, and,

WHEREAS, on November 4, 2013, the Developer and City entered into executed Addendum 2 to the original Contract that allowed Phase 1 construction to be reduced to serve Lot 1 of the proposed CSM, and,

WHEREAS, the Developer and the City have since mutually agreed to expand the scope of work for the project to extend McAllen Way approximately 150ft to allow for improvements to be completed adjacent to Lot 3 of the McAllen 120 Business Park subdivision.

WHEREAS, the Developer shall provide the required surety as necessary to construct public improvements to serve Lot 3 of the McAllen 120 Business Park subdivision.

NOW, THEREFORE, BE IT RESOLVE:

1. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum No. 3 for McAllen 120 Business Park - Phase I, Contract No. 2209, with McAllen 120 Properties, LLC.
2. That the revised plans and specifications for the public improvements necessary to serve this phase of the subdivision are hereby approved.
3. That the developer is authorized to construct the public improvements in accordance with the terms of the Contract For the Construction of Public Improvements That Will be Accepted by the City of Madison at the sole cost of the developer.
4. That the Mayor and City Clerk are hereby authorized to sign and grant easements or right-of-way release or procurement documents, maintenance agreements or encroachment agreements, as necessary and grant or accept dedication of lands and/or easements from/to the Developer/Owner for public improvements located outside of existing public fee title or easement right-of-ways.

5. The Common Council is approved to accept ownership of the improvements in the Maintenance Area if a maintenance agreement is executed and recorded as a condition of this contract.