



## Legislation Details (With Text)

**File #:** 44019      **Version:** 1      **Name:** Approving Addendum No. 3 to the Contract for the Construction of Public Improvements that will be accepted by the City for Tradesmen Commerce Park, Contract No. 2189.

**Type:** Resolution      **Status:** Passed

**File created:** 8/9/2016      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 9/6/2016      **Final action:** 9/6/2016

**Enactment date:** 9/9/2016      **Enactment #:** RES-16-00646

**Title:** Approving Addendum No. 3 to the Contract for the Construction of Public Improvements that will be accepted by the City for Tradesmen Commerce Park, Contract No. 2189. (16th AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:** 1. Tradesmen Commerce Park plan.pdf

Date	Ver.	Action By	Action	Result
9/6/2016	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
8/17/2016	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER	
8/9/2016	1	Engineering Division	Refer	

### Fiscal Note

Private Contract, No Funds Required.

### Title

Approving Addendum No. 3 to the Contract for the Construction of Public Improvements that will be accepted by the City for Tradesmen Commerce Park, Contract No. 2189. (16th AD)

### Body

WHEREAS, on May 15, 2008, the developer, Marsh Road Development Corporation of Madison, Wisconsin, had entered into a Contract for the Construction of Public Improvements that Will be Accepted by the City, and;

WHEREAS, Upon the Developer's request, the City had authorized that the construction of the improvements to serve this plat may be phased, and;

WHEREAS, on October 18, 2011, the Developer and City entered into executed Addendum 1 to the original Contract that allowed that certain work be delayed to accommodate development within the property, and;

WHEREAS, the Developer and the City have since mutually agreed to reduce the surety requirement, and;

WHEREAS, on November 16, 2011, the Developer and City entered into executed Addendum 2 to the original Contract that allowed the Developer to provide a waiver of hearing and notice to the City to ensure the completion of the improvements as required for the plat approval.

WHEREAS, the Developer and the City have since mutually agreed to expand the scope of work for the

project to extend Tradesmen Drive approximately 400 ft to allow for improvements to be completed adjacent to Lot 4 of the Tradesmen Commerce Park subdivision.

WHEREAS, the Developer shall provide the required surety as necessary to construct public improvements to serve Lot 4 of the Tradesmen Commerce Park subdivision.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum No. 3 for Tradesmen Commerce Park, Contract No. 2189, with Marsh Road Development Corporation.
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.