



VANDEWALLE & ASSOCIATES INC.

To: City of Madison
From: Brian Munson
CC: Mullins Design Team
Date: Monday, February 21, 2011
Re: 2550 University Avenue: Site Restoration Language

The release of the RFP for the City of Madison Campus Drive Storm Sewer project has raised a potential timing issue for the developer regarding its ability to start the 2550 project in a timely manner in 2011. Through input gathered by contractors, the City has revised the timeline for construction of the storm sewer from 60 days to 110 days. This extends the period of time where the City Contractor will be using 50' of the northern edge of the Mullins Site. In order to complete its project in a timely manner, the Mullins' contractor must, by May 1, 2011, be able to begin and continue in earnest until completed, the project's permanent wall along the Campus Drive right of way. This requirement will be part of the easement that the Mullins are providing the City. A delay in the City's project could expose the Mullins project to potential start delays that could jeopardize the ability of the project to start in 2011 as the start date has to tie out to a construction schedule that allows the building to be opened no later than August of 2012.

But for the City's Storm Sewer project, the developer would not be seeking the demolition of the buildings at this time, as they are typically not removed until the developer is 100% confident the project will commence. The potential for delay due to the City storm sewer project complicates the Demolition Permit language proposed in the Staff report as the 6 month site restoration clause could trigger restoration of the site that is torn up in the following spring; a cost of more than \$100,000 to the developer due to delays not triggered by the development. The development team recognizes that it is not in the owner's, neighborhood's, or City's best interest to have an open construction site for an extended length of time but needs to reduce the potential issue with the construction timing; as such, we would like to propose the following amendment to the language:

Existing Language

1. If construction of the approved planned unit development does not commence within 6 months following the issuance of demolition/ wrecking permits for the razing of the existing buildings, the entire subject site shall be graded and seeded with grass, all driveway openings shall be removed and the terraces restored, and no parking shall be permitted on the site at any time.

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Shaping places, shaping change

Proposed Language

1. If the construction of the approved planned unit development does not commence by June 1, 2012 the entire subject site shall be graded and seeded with grass, all driveway openings shall be removed and the terraces restored no later than July 1, 2012. Parking shall not be permitted on the site at any time after July 1, 2012, without prior approval by the Plan Commission.

This revision allows an appropriate timeline to address the restoration of the site in the event that the City of Madison sewer project is not completed on time and the resulting delay forces the delay of the Mullins' project to 2012. This also sets a date certain restoration trigger for the restoration of the site in the event that the project itself does not move forward.