

COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF MADISON, WISCONSIN

Resolution No. 3023
Authorizing the Execution of Change Order
Number 001 and Change Order Number 002 to the
Contract by and between Burr Oaks Senior
Housing, LLC and Horizon Construction Group,
Inc.

Presented May 12, 2011
Referred _____
Reported Back _____
Adopted _____
Placed on File _____
Moved By _____
Seconded By _____
Yeas _____ Nays _____ Absent _____
Rules Suspended _____

Preamble

The Community Development Authority of the City of Madison (the “**Authority**”) adopted Resolution No. 2996 on November 11, 2010 in connection with the development of fifty (50) affordable housing units by Burr Oaks Senior Housing, LLC, a Wisconsin limited liability company (“**Company** “), together with the associated appurtenances located at West Badger Road and Cypress Way, Madison, Wisconsin (collectively, the “**Project**)

Resolution No. 2996 authorized the Authority, as the managing member of the Company, to take certain actions and sign certain documents, each related to the Project, each action to be taken under such terms and conditions as may be acceptable to the Chair, together with the Secretary of the Authority (the “**Authorized Officers** “). In addition to other authorizations, Resolution No. 2996 authorized the Company to negotiate with, execute and deliver to Horizon Construction Group, Inc. a Standard Form Agreement between Owner and Contractor for the construction of the Project in the approximate amount of \$4,960,000.00 (the “Construction Contract”). The Construction Contract was executed on December 9, 2010.

A portion of the total contract sum of \$4,958,021 equal to \$236,100 was designated as construction contingency. Pursuant to the Construction Contract, Horizon Construction Group, Inc. shall be paid for any additional Work (as defined in the Construction Contract) first from construction contingency.

Horizon Construction Group, Inc. has requested payment for additional Work due to (1) Work not in Contract Documents, (2) owner approved upgrades, and (3) unforeseen conditions. Payment for the additional Work shall come from the construction contingency.

NOW THEREFORE BE IT RESOLVED that the Secretary of the Authority is authorized to execute Change Order Number 001 in the amount of \$123,772. 75 (attached) and Change Order Number 002 in the amount of \$18,240.12 (attached) on behalf of the Company. The change to the contract sum shall be \$0.00.