



Legislation Details (With Text)

**File #:** 30438      **Version:** 1      **Name:** Approving plans & specs for public improvements necessary for the project known as 413-429 Yellowstone Dr Storm Sewer Relocation, constr to be undertaken by the Developer, Private Contract #2341, and Rescinding Res. RES-13-00403, File No. 30015.

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

**File created:** 6/3/2013      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 6/18/2013      **Final action:** 6/18/2013

**Enactment date:** 6/19/2013      **Enactment #:** RES-13-00491

**Title:** Approving plans and specifications for public improvements necessary for the project known as 413-429 Yellowstone Drive Storm Sewer Relocation, construction to be undertaken by the Developer, Private Contract No. 2341, and Rescinding Resolution RES-13-00403, File No. 30015. (19th AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/18/2013	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
6/5/2013	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	Pass
6/3/2013	1	Engineering Division	Refer	

**Fiscal Note**

Private Contract, No City Funds Required.

**Title**

Approving plans and specifications for public improvements necessary for the project known as 413-429 Yellowstone Drive Storm Sewer Relocation, construction to be undertaken by the Developer, Private Contract No. 2341, and Rescinding Resolution RES-13-00403, File No. 30015. (19<sup>th</sup> AD)

**Body**

WHEREAS, the developer, PDC Midwest, Inc. has received the City of Madison's conditional approval for a Conditional Use permit to construct addition to existing community-based assisted living residential facility, and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances requires the developer to install the public improvements necessary to serve the development; and

WHEREAS, The Common Council previously approved the plans and specifications for this project on May 21, 2013 as Resolution RES-13-00403, File Number 30015, and,

WHEREAS, the Developer has requested that the entity name be changed to BKD Wynwood of Madison West Real Estate, LLC, a Delaware limited liability company.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized and directed to execute a Contract For the Construction of Public Improvements That Will be Accepted by the City of Madison For 413-429 Yellowstone Drive Storm Sewer Relocation, with BKD Wynwood of Madison West Real Estate, LLC, a Delaware limited liability company.
2. That the 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, except as follows: NONE
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.
6. Resolution RES-13-00403, File Number 30015 is hereby rescinded.