



Legislation Details (With Text)

**File #:** 79814      **Version:** 1      **Name:** Approving plans and specifications for public improvements required to serve Phase 4 of the Subdivision known as Western Addition to 1000 Oaks and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-23-00199, Private

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

**File created:** 9/12/2023      **In control:** Engineering Division

**On agenda:** 10/3/2023      **Final action:** 10/3/2023

**Enactment date:** 10/6/2023      **Enactment #:** RES-23-00629

**Title:** Approving plans and specifications for public improvements required to serve Phase 4 of the Subdivision known as Western Addition to 1000 Oaks and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-23-00199, Private Contracts 9221 and 9222 (District 9)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:** 1. TOW Ph4 Reapproval Exhibits.pdf

| Date      | Ver. | Action By             | Action  | Result |
|-----------|------|-----------------------|---|--------|
| 10/3/2023 | 1    | COMMON COUNCIL        | Adopt Unanimously                                 | Pass   |
| 9/20/2023 | 1    | BOARD OF PUBLIC WORKS | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass   |
| 9/13/2023 | 1    | Engineering Division  | Refer   |        |

**Fiscal Note**

The proposed resolution rescinds Resolution #23-00199 adopted March 7, 2023 (Legistar #76222) and approves plans and specifications and authorizes the developer to undertake construction for public improvements required for Phase 4 of the Western Addition to 1000 Oaks subdivision at an estimated cost not to exceed \$25,000. Funds are available in Munis account 14142-402-170. No additional appropriation is required.

**Title**

Approving plans and specifications for public improvements required to serve Phase 4 of the Subdivision known as Western Addition to 1000 Oaks and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-23-00199, Private Contracts 9221 and 9222 (District 9)

**Body**

WHEREAS, the developer, VH 1000 Oaks West, LLC, has received the City of Madison's conditional approval to create the subdivision known as Western Addition to 1000 Oaks; and,

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

WHEREAS, Section 16.23(9) of the Madison General Ordinances allows the developer to install the improvements in construction phases provided that a Declaration of Conditions, Covenants, and Restrictions is executed for those lots included in future construction phases until such time as surety is provided to the City to guarantee the installation of the public improvements to serve said lots; and,

WHEREAS, the developer proposes to provide public improvements (excluding surface asphalt pavement) to serve Lots 389-392, Lots 422-430, Outlot 20, and Outlot 23 as Phase 4; and,

WHEREAS, the developer proposes to provide public surface asphalt pavement improvements to serve Lots 389-392, Lots 422-430, Outlot 20, and Outlot 23 as Phase 4 - Surface Paving; and,

WHEREAS, the Board of Public Works previously approved this project with a condition to provide an interim bike path connection between Old Timber Pass and Sugar Maple Lane (Resolution RES-23-00199, File ID 76222); and,

WHEREAS, design of the interim bike path connection has determined significant drainage improvements would be required on lands not under the control of the Developer or the City of Madison; and,

WHEREAS, it is being requested to remove the interim bike path connection from the scope of work for Western Addition to 1000 Oaks Phase 4 and complete the bike path connection in the future by a separate public work project.

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 Western Addition to 1000 Oaks Phase 4 (contract 9221), with VH 1000 Oaks West, LLC.
2. 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 Western Addition to 1000 Oaks Phase 4 - Surface Paving (contract 9222), with VH 1000 Oaks West, LLC.
3. That the plans and specifications for the public improvements necessary to serve this phase of the subdivision are hereby approved.
4. 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: Reimbursement not to exceed the statutory limit for the cost of street improvements that benefit the City and abut lands owned by the City, in accordance with Section 16.23(9)(d)(6)(d).
5. 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.
6. 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.
7. The developer shall be permitted to assign this contract for the purposes of obtaining financing in a form to be approved by the City Attorney.
8. The Resolution RES-23-00199, File No. 76222 is hereby rescinded.