



Legislation Details (With Text)

File #: 68745 **Version:** 1 **Name:** Approving plans and specifications for public improvements necessary for the project known as 133 E Lakeside Street and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-21-00505 Private Contract No. 9043.

Type: Resolution **Status:** Passed

File created: 12/7/2021 **In control:** Engineering Division

On agenda: 1/4/2022 **Final action:** 1/4/2022

Enactment date: 1/10/2022 **Enactment #:** RES-22-00012

Title: Approving plans and specifications for public improvements necessary for the project known as 133 E Lakeside Street and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-21-00505 Private Contract No. 9043. (13 AD)

Sponsors: BOARD OF PUBLIC WORKS

Indexes:

Code sections:

Attachments: 1. 9043 Exhibits_Entity Change.pdf

Date	Ver.	Action By	Action	Result
1/4/2022	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
12/15/2021	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
12/7/2021	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 133 E Lakeside Street and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-21-00505 Private Contract No. 9043. (13 AD)

Body

WHEREAS, the developer, The Post Apartments, LLC, has received the City of Madison's conditional approval for a demolition permit to allow demolition of a one-story commercial building and a conditional use for dwelling units in a mixed-use building to allow construction of a four-story, mixed-use building with 1,240 square-feet of commercial space and 66 residential units at 133 E Lakeside Street, and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances and the conditions of approval require the developer to install the public improvements necessary to serve the rezoning; and,

WHEREAS the developer received approval of the project using the entity of Avante Properties, LLC on July 26, 2021 by Resolution RES-21-00505, File No. 66220; and,

WHEREAS the developer has set up the new entity of The Post Apartments, LLC for the project and requested that this new entity be used for the required agreements with the City for the construction of the necessary

public improvements

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 133 E Lakeside Street, with The Post Apartments, LLC.
2. That the plans and specifications for the public improvements necessary to serve the development 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. 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.
7. The Resolution RES-21-00505, File No. 66220 is hereby rescinded.