



Legislation Details (With Text)

File #: 79423 **Version:** 1 **Name:** Approving plans and specifications for public improvements necessary for the project known as 4205 Portage Road CSM Phase 1 and authorizing construction to be undertaken by the Developer, Private Contract No. 9310.

Type: Resolution **Status:** Passed

File created: 8/16/2023 **In control:** Engineering Division

On agenda: 9/5/2023 **Final action:** 9/5/2023

Enactment date: 9/7/2023 **Enactment #:** RES-23-00550

Title: Approving plans and specifications for public improvements necessary for the project known as 4205 Portage Road CSM Phase 1 and authorizing construction to be undertaken by the Developer, Private Contract No. 9310. (District 17)

Sponsors: BOARD OF PUBLIC WORKS

Indexes:

Code sections:

Attachments: 1. 9310 Exhibit.pdf

Date	Ver.	Action By	Action	Result
9/5/2023	1	COMMON COUNCIL	Adopt	Pass
8/23/2023	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/16/2023	1	Engineering Division	Refer	

Fiscal Note

No City Funds required. Private contract.

Title

Approving plans and specifications for public improvements necessary for the project known as 4205 Portage Road CSM Phase 1 and authorizing construction to be undertaken by the Developer, Private Contract No. 9310. (District 17)

Body

WHEREAS, the developer, Winston at Churchill, LLC, has received the City of Madison's conditional approval for a four-lot Certified Survey Map at 4205 Portage Road, 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 to serve Lot 1 as Phase 1.

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.

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 4205 Portage Road CSM Phase 1, with Winston at Churchill, 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.