



## Legislation Text

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**File #:** 53432, **Version:** 1

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### **Fiscal Note**

The proposed resolution approves plan documents for the private contract for the Birchwood Point South subdivision at a cost to the City not to exceed \$25,000. The Engineering Major Streets adopted 2018 capital budget provides funding for minor improvements to land within private developments via the Reconstruction Streets capital program. Funding is provided by GO Borrowing.

Funds available in Acct. No. 11136-402-170: 54410 (96339)

### **Title**

Approving plans and specifications for surface paving required to serve the Subdivision known as Birchwood Point South and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-18-00429, File Number 51615. Private Contract No. 8197. (9<sup>th</sup> AD)

### **Body**

WHEREAS, the developer, VH Birchwood South, LLC, has received the City of Madison's conditional approval to create the subdivision known as Birchwood Point South; and,

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

WHEREAS, the developer received approval for the project on June 5, 2018 by Resolution RES-2018-00429, File No. 51615, and

WHEREAS, the fiscal note was incorrect on the June 5, 2018 approval.

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 Birchwood Point South - Surface, with VH Birchwood South, LLC.
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: 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).
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. That Resolution RES-18-00429, File No. 51615 is hereby rescinded.