



## Legislation Text

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**File #:** 17617, **Version:** 1

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### **Title**

Approving plans and specifications for public improvements necessary for the project known as Westgate Mall Hy-Vee and authorizing construction to be undertaken by the Developer, Private Contract No. 2224 and rescinding RES-09-00274, ID13740.

### **Body**

WHEREAS, the developer for Hy-Vee has received the City of Madison's conditional approval for a Conditional Use permit to construct a grocery store, and,

WHEREAS, the developer has received previous approval for the plans and specifications under RES-09-00274, ID13740, but since that time has requested a change in the contracting entity, and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances and the conditions of approval require the developer or their designee to install the public improvements necessary to serve the Conditional Use.

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 Westgate Hy-Vee with Homburg Contracting, Inc.
2. That RES-09-00274, ID13740 is hereby rescinded.
3. That the plans and specifications for the public improvements necessary to serve the Conditional Use 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.
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.

### **Fiscal Note**

Private Contract, No City Funds Required.