



## Legislation Text

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**File #:** 42313, **Version:** 1

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### **Fiscal Note**

In the adopted 2016 capital budget, Engineering Major Streets has budgeted \$4.02 million for the Rural to Urban Streets capital program (MUNIS 10204) to provide for reconstructing streets with substandard pavement to City standards. Funding primarily comes from GO borrowing as well as other sources. The minor capital project for Park Frontage (MUNIS 10619) has sufficient authority for the amount in the proposed resolution.

The proposed resolution approves plan documents for the project estimated at a cost not to exceed \$25,000.

### **MUNIS:**

10619-402-170: 54410 (96339)

### **Title**

Approving plans and specifications for public improvements required to serve Phase 6 of the Subdivision known as Birchwood Point and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-16-00018, File Number 39080, Private Contract No. 7646. (9<sup>th</sup> AD)

### **Body**

WHEREAS, the developer, MREC VH Birchwood Point, LLC, has received the City of Madison's approval to create the subdivision known as Birchwood Point; 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 received approval for the project on January 5, 2016 by Resolution RES-16-00018, File Number 41104; and,

WHEREAS, the developer has requested a decrease in the size of this plat phase that was approved for the project on January 5, 2016 by Resolution RES-16-00018, File Number 41104; and,

WHEREAS, the developer proposes to provide public improvements to serve Lots 72-83 and a portion of Outlot 8.

**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, Phase 6, with MREC Birchwood Point, LLC and a Release of the Declaration of Conditions, Covenants, and Restrictions on the lots for which public improvements are to be provided.
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-16-00018, File Number 41104 is hereby rescinded which had previously rescinded.