



Legislation Text

File #: 37396, **Version:** 1

Fiscal Note

Est. cost not to exceed \$25,000

Funds available in Acct. No. 10619-402-170: 54410 (96339)

Title

Approving plans and specifications for public improvements required to serve Phase 3 of the Subdivision known as Birchwood Point and authorizing construction to be undertaken by the Developer, Private Contract No. 2414 and Rescinding Resolution RES 15-00163, File No. 36961. (9th 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 Common Council has previously approved this project with Resolution RES 15-00163, File No. 36961 on February 24, 2015; and,

WHEREAS the developer has requested that the original phase limits be extended on Blue Moon Drive to include Lots 170-173 and 187 - 190; and,

WHEREAS, the developer proposes to provide public improvements to serve Lot 2-3, 26-32, 39-45, 54-65, 137-146, 148-152, 169-173, and 187-191 as Phase 3.

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 3, with MREC VH 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 15-00163, File No. 36961 is hereby rescinded.