



Legislation Text

File #: 47279, **Version:** 1

Fiscal Note

The proposed resolution approves plans for the private contract for Phase 10 of the Birchwood Point subdivision. City expenditures of up to \$25,000 are possible for the frontage portions of the development, which is sufficiently planned for in the adopted 2017 capital budget via the Rural to Urban capital program (MUNIS 11125).

MUNIS:
11125-402-170:54410 (96339)

Title

Approving plans and specifications for public improvements required to serve Phase 10 of the Subdivision known as Birchwood Point and authorizing construction to be undertaken by the Developer, Private Contract No. 7953. (9th AD)

Body

WHEREAS, the developer, MREC VH Birchwood Point LLC, has received the City of Madison's conditional 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 proposes to provide public improvements to serve Lots 110-131, 158-166, and 209-211 as Phase 10.

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 10, with MREC VH Birchwood Point 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.