



## Legislation Text

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**File #:** 27140, **Version:** 1

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### **Fiscal Note**

Budget authority is available in Acct. No. EW01-58273-810455-53W1487 \$15,000.00

### **Title**

Approving Addendum 1 for the project known as Westgate Mall Hy-Vee and authorizing construction to be undertaken by the Developer, Private Contract No. 2224. (~~20~~ 10<sup>th</sup> AD)

### **Body**

WHEREAS, the owner, Hy-Vee, has received the City of Madison's approval for a Conditional Use Permit to construct a new grocery store within the Westgate Mall, and;

WHEREAS, the owner's contractor (hereinafter "Developer"), Homburg Contracting, Inc., has entered into a Contract For the Construction of Public Improvements to be Accepted by the City of Madison For Westgate Mall Hy-Vee, Contract 2224, with the City of Madison for the construction of the public infrastructure, per Resolution RES-10-00268, File ID 17617, and;

WHEREAS, the City and Developer have mutually agreed to expand the scope of the Contract to allow for additional work to be included to benefit the City, which shall be reimbursable to the Developer.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum 1 for the Contract For the Construction of Public Improvements to be Accepted by the City of Madison For Westgate Mall Hy-Vee, with Homburg Contracting, Inc.
2. That the plans and specifications for the public improvements necessary to serve the work as detailed in Addendum 1 of the Contract 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.