



## Legislation Text

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**File #:** 04534, **Version:** 1

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### **Fiscal Note**

Private Contract, No City Funds Required.

### **Title**

Approving plans and specifications for public improvements required to serve the Subdivision known as Hawks Creek and authorizing construction to be undertaken by the Developer, Private Contract No. 2105; and Rescinding Legistar File ID 04071, RES-06-00661 adopted on July 18, 2006. (1st AD)

### **Body**

WHEREAS, the developer, Badger Mill Creek, LLC, has received the City of Madison's approval to create the subdivision known as Hawks Creek (formerly known as Badger Mill Creek); 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 1-24, inclusive, Outlot 1, and pond easement.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized and directed to execute a Contract for Subdivision Improvements For Hawks Creek with Badger Mill Creek, 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 subdivision are hereby approved.
3. That the developer is authorized to construct the public improvements in accordance with the terms of the Contract for Subdivision Improvements at the sole cost of the developer, except as follows: The City shall construct or reimburse the Developer for street improvements adjacent to City-owned lands in accordance with Section 16.23(9)(d)(6)(d), Madison General Ordinances.
4. That the Mayor and City Clerk are hereby authorized to accept dedication of lands and/or easements from the Developer/Owner for public improvements located outside of existing public fee title or easement right-of-ways.

BE IT FURTHER RESOLVED, that Legistar File ID 04071, RES-06-00661 adopted on July 18, 2006, is hereby rescinded.