



Legislation Details (With Text)

**File #:** 14044      **Version:** 1      **Name:** Approving plans and specifications for public improvements required to serve Phase I of the Subdivision known as Eastlawn and authorizing construction to be undertaken by the Developer, and rescinding RES-08-00831, ID No. 11495, Private Contract No. 2210.

**Type:** Resolution      **Status:** Passed

**File created:** 3/17/2009      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 3/31/2009      **Final action:** 3/31/2009

**Enactment date:** 4/2/2009      **Enactment #:** RES-09-00337

**Title:** Approving plans and specifications for public improvements required to serve Phase I of the Subdivision known as Eastlawn and authorizing construction to be undertaken by the Developer, and rescinding RES-08-00831, ID No. 11495, Private Contract No. 2210. (3rd AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|--|--------|
| 3/31/2009 | 1    | COMMON COUNCIL        | Adopt  | Pass   |
| 3/18/2009 | 1    | BOARD OF PUBLIC WORKS | RECOMMEND TO COUNCIL TO ADOPT<br>- REPORT OF OFFICER | Pass   |

**Title**

Approving plans and specifications for public improvements required to serve Phase I of the Subdivision known as Eastlawn and authorizing construction to be undertaken by the Developer, and rescinding RES-08-00831, ID No. 11495, Private Contract No. 2210. (3rd AD)

**Body**

WHEREAS, the developer, Homburg Equipment, Inc., has received the City of Madison's approval to create the subdivision known as Eastlawn; and,

WHEREAS, RES-08-00831, ID No. 11495, had previously approved the project but since that time the lot numbers and scope have changed, 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 99-105, inclusive, as Phase I.

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 Eastlawn, Phase I, with Homburg Equipment, Inc. and a Release of the Declaration of Conditions, Covenants, and Restrictions on the lots for which public improvements are to be provided.
2. That Resolution RES-08-00831, ID No. 11495, is hereby rescinded.
3. That the plans and specifications for the public improvements necessary to serve this phase of the subdivision are hereby approved.
4. 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: none
5. That the Mayor and City Clerk are hereby authorized to sign easements or right-of-way release or procurement documents, maintenance agreements or encroachment agreements, as necessary and 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.

**Fiscal Note**

Private Contract, No City Funds Required.