



## Legislation Details (With Text)

**File #:** 18126      **Version:** 1      **Name:** Approving Addendum No. 1 to the Contract for the Construction of Public Improvements that Will be Accepted by the City for Tradesmen Commerce Park, Contract No. 2189.

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

**File created:** 4/13/2010      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 5/4/2010      **Final action:** 5/4/2010

**Enactment date:** 5/5/2010      **Enactment #:** RES-10-00416

**Title:** Approving Addendum No. 1 to the Contract for the Construction of Public Improvements that Will be Accepted by the City for Tradesmen Commerce Park, Contract No. 2189. (16th AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/4/2010	1	COMMON COUNCIL	Adopt	Pass
4/21/2010	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass

### Title

Approving Addendum No. 1 to the *Contract for the Construction of Public Improvements that Will be Accepted by the City* for Tradesmen Commerce Park, Contract No. 2189. (16th AD)

### Body

WHEREAS, on May 15, 2008, the developer, Marsh Road Development Corporation of Madison, Wisconsin, had entered into a *Contract for the Construction of Public Improvements that Will be Accepted by the City*, and;

WHEREAS, Upon the Developer's request, the City had authorized that the construction of the improvements to serve this plat may be phased, and;

WHEREAS, the Developer has requested that certain work be eliminated from the original contract and be constructed under separate contract sometime in the future, and;

WHEREAS, WHEREAS, Section 16.23(9) of the Madison General Ordinances allows the developer to install the improvements in future 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,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum No. 1 for Tradesmen Commerce Park Contract No. 2189, with Marsh Road Development Corporation to allow the subdivision improvements to be phased and eliminate Lots 4-10, inclusive and portions of OL 3 from Contract No. 2189.

2. That upon receipt of this addendum the Developer shall execute a Declaration of Conditions, Covenants, and Restrictions restricting the sale or transfer of Lots 4-10, inclusive, until such time as a new development agreement and surety are provided to the City to guarantee the installation of public improvements to serve said lots.
3. 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.
4. 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.

**Fiscal Note**

Private Contract, No Funds Required.