Legislation Details (With Text)

File #:	33959	**Version:**	1	**Name:**	Approving plans and specifications for public improvements required to serve Phase 2 of the Subdivision known as Birchwood Point and authorizing construction to be undertaken by the Developer, Private Contract No. 2382.
Type:	Resolution			**Status:**	Passed
File created:	4/30/2014			**In control:**	BOARD OF PUBLIC WORKS
On agenda:	5/20/2014			**Final action:**	5/20/2014
Enactment date:	5/21/2014			**Enactment #:**	RES-14-00421

Title: Approving plans and specifications for public improvements required to serve Phase 2 of the Subdivision known as Birchwood Point and authorizing construction to be undertaken by the Developer, Private Contract No. 2382. (9th AD)

Sponsors: BOARD OF PUBLIC WORKS

Indexes:

Code sections:

Attachments: 1. Birchwood Point Final Plat 2014 04 18 1.pdf

Date	Ver.	Action By	Action	Result
5/20/2014	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
5/7/2014	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER	Pass
4/30/2014	1	Engineering Division	Refer	

Fiscal Note

Est. cost not to exceed $10,000

Funds available in Acct. No. CS53-58250-810354-00-53B2382

Title

Approving plans and specifications for public improvements required to serve Phase 2 of the Subdivision known as Birchwood Point and authorizing construction to be undertaken by the Developer, Private Contract No. 2382. (9th AD)

Body

WHEREAS, the developer, MREC VH Birchwood Point, LLC, has received the City of Madison's 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 Lot 1 and OL 3 as Phase 2.

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 2, with MREC VH Birchwood Point, 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 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.

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