File #:	63738	**Version:**	1	Name:	Approving plans and specifications for public asphalt surface pavement improvements required to serve Phase 4 of the Subdivision known as Eagle Trace and authorizing construction to be undertaken by the Developer, Contract No. 8971.
Type:	Resolution			Status:	Passed
File created:	1/13/2021			In control:	Engineering Division
On agenda:	2/2/2021			Final action:	2/2/2021
Enactment date:	2/4/2021			Enactment #:	RES-21-00101

Title: Approving plans and specifications for public asphalt surface pavement improvements required to serve Phase 4 of the Subdivision known as Eagle Trace and authorizing construction to be undertaken by the Developer, Contract No. 8971 (9th AD)

Sponsors: BOARD OF PUBLIC WORKS

Indexes:

Code sections:

Attachments: 1. Eagle Trace Ph 4 Exhibits 8971.pdf

Date	Ver.	Action By	Action	Result
2/2/2021	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
1/20/2021	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
1/13/2021	1	Engineering Division	Refer	

Fiscal Note
Private development. No City appropriation required.

Title
Approving plans and specifications for public asphalt surface pavement improvements required to serve Phase 4 of the Subdivision known as Eagle Trace and authorizing construction to be undertaken by the Developer, Contract No. 8971 (9th AD)

Body
WHEREAS, the developer, VHET, LLC, has received the City of Madison's conditional approval to create the subdivision known as Eagle Trace; and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances requires the developer to install the public asphalt surface pavement improvements necessary to serve the subdivision; and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances allows the developer to install the asphalt surface pavement 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 asphalt surface pavement improvements to serve Lots 33-37, 50-53, and 166-179 as Phase 4.

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 Eagle Trace Phase 4 Surface Paving, with VHET, LLC.

2. That the plans and specifications for the public asphalt surface pavement improvements necessary to serve this phase of the subdivision are hereby approved.

3. That the developer is authorized to construct the public asphalt surface pavement 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.

6.   The developer shall be permitted to assign this contract for the purposes of obtaining financing in a form to be approved by the City Attorney.