



Legislation Details (With Text)

**File #:** 70452      **Version:** 1      **Name:** Approving plans and specifications for public improvements required to serve Public Improvements Phase 3 of the Subdivision known as Madison Yards at Hill Harms to be undertaken by the Developer and Rescinding Resolution RES-21-00545, Private Contract No.

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

**File created:** 3/8/2022      **In control:** Engineering Division

**On agenda:** 3/29/2022      **Final action:** 3/29/2022

**Enactment date:** 4/4/2022      **Enactment #:** RES-22-00222

**Title:** Approving plans and specifications for public improvements required to serve Public Improvements Phase 3 of the Subdivision known as Madison Yards at Hill Harms to be undertaken by the Developer and Rescinding Resolution RES-21-00545, Private Contract No. 9049. (11th AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:** 1. 9049 Improvements Exhibit.pdf

Date	Ver.	Action By	Action	Result
3/29/2022	1	COMMON COUNCIL	Adopt	Pass
3/16/2022	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/8/2022	1	Engineering Division	Refer	

**Fiscal Note**

Private contract. No City funds required.

**Title**

Approving plans and specifications for public improvements required to serve Public Improvements Phase 3 of the Subdivision known as Madison Yards at Hill Harms to be undertaken by the Developer and Rescinding Resolution RES-21-00545, Private Contract No. 9049. (11<sup>th</sup> AD)

**Body**

WHEREAS, the developer, Madison Yard Bock 1, LLC, has received the City of Madison's approval to create the subdivision known as Madison Yards at Hill Farms and conditional approval of a Planned Development-Specific Implementation Plan (PD(SIP)) to construct a seven-story, 165,000 square-foot office/retail building, two-story, 17,000 square-foot retail building, a five-story 78-unit apartment building, and structured parking on Block/Lot 1 at Madison Yards at Hill Farms at 4702 Sheboygan Avenue; 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 the public improvements to serve the plat and development

within Block 1/Lot 1 as Public Improvements Phase 3; and,

WHEREAS, the Mayor and City Clerk were authorized and directed to execute a Contract For the Construction of Public Improvements That Will be Accepted by the City of Madison For Madison Yards at Hill Farms - Public Improvements Phase 3, with Madison Yard Block 1, LLC on August 6, 2021 by Resolution RES-21-00545, File No. 66482; and,

WHEREAS, the approvals on August 6, 2021 by Resolution RES-21-00545, File No. 66482 did not include approval of the specific required public improvements.

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 Madison Yards at Hill Farms - Public Improvements Phase 3, with Madison Yard Block 1, LLC.
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.
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.
7. The Resolution RES-21-00545, File No. 66482 is hereby rescinded.