



## Legislation Details (With Text)

**File #:** 71277      **Version:** 1      **Name:** Approving Addendum No. 1 to 2649 East Springs Drive, Contract No. 9153  
**Type:** Resolution      **Status:** Passed  
**File created:** 5/4/2022      **In control:** Engineering Division  
**On agenda:** 5/24/2022      **Final action:** 5/24/2022  
**Enactment date:** 5/31/2022      **Enactment #:** RES-22-00382  
**Title:** Approving Addendum No. 1 to 2649 East Springs Drive, Contract No. 9153 (17th AD)  
**Sponsors:** BOARD OF PUBLIC WORKS  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 9153 Addendum #1 Exhibit.pdf, 2. 9153 Exhibit 2651 East Springs Drive\_original.pdf

Date	Ver.	Action By	Action	Result
5/24/2022	1	COMMON COUNCIL	Adopt	Pass
5/11/2022	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/4/2022	1	Engineering Division	Refer	

### Fiscal Note

Private contract. No City funds required.

### Title

Approving Addendum No. 1 to 2649 East Springs Drive, Contract No. 9153 (17th AD)

### Body

WHEREAS, on April 4, 2022, the developer, Panera, LLC, hereinafter the "Developer" had entered into a *Contract For the Construction of Public Improvements that will be Accepted by the City of Madison* hereinafter the "Contract" with the City of Madison, and;

WHEREAS, the original scope of work did not require terrace tree removal for the required construction of new sidewalk on East Springs Drive adjacent to the development, and;

WHEREAS, the grading for and placement of the new sidewalk and an existing private retaining wall requires the removal of three terrace trees along East Springs Drive. A narrow terrace does not allow for new trees.

NOW, THEREFORE, BE IT RESOLVE:

1. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum No. 1 to 2649 East Springs Drive, Contract No. 9153, with Panera, LLC.
2. That the revised plans and specifications for the public improvements necessary to serve this project 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.

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.