



Legislation Details (With Text)

**File #:** 76509      **Version:** 1      **Name:** Approving Addendum No. 1 to Westwind, Contract No. 9126 and Addendum No. 1 to Westwind – Surface Paving, Contract No. 9129.

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

**File created:** 3/1/2023      **In control:** Engineering Division

**On agenda:** 3/21/2023      **Final action:** 3/21/2023

**Enactment date:** 3/24/2023      **Enactment #:** RES-23-00239

**Title:** Approving Addendum No. 1 to Westwind, Contract No. 9126 and Addendum No. 1 to Westwind - Surface Paving, Contract No. 9129. (9th AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:** 1. 9126 & 9129 addendum exhibits.pdf

Date	Ver.	Action By	Action	Result
3/21/2023	1	COMMON COUNCIL	Adopt Unanimously	Pass
3/8/2023	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/1/2023	1	Engineering Division	Refer	

**Fiscal Note**

The proposed resolution approves addenda to two contracts for public improvements (contract numbers 9126 and 9129). The developer and City have mutually agreed to reduce the scope of public improvements. The cost to the City for street improvements that benefit the City and abuts land owned by the City is not to exceed \$25,000. Funding is available in Munis Account 14142-402-170. No additional appropriation is required.

**Title**

Approving Addendum No. 1 to Westwind, Contract No. 9126 and Addendum No. 1 to Westwind - Surface Paving, Contract No. 9129. (9th AD)

**Body**

WHEREAS, on August 19, 2022, the developer, Westwind Madison Inc., hereinafter the “Developer” had entered into a *Contract For the Construction of Public Improvements that will be Accepted by the City of Madison* (Westwind, Contract No. 9126) hereinafter the “Contract” with the City of Madison, and;

WHEREAS, on August 22, 2022, the developer, Westwind Madison Inc., hereinafter the “Developer” had entered into a *Contract For the Construction of Public Improvements that will be Accepted by the City of Madison* (Westwind - Surface Paving, Contract No. 9129) hereinafter the “Contract” with the City of Madison, 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, the Developer and the City have since mutually agreed to reduce the scope of the initial public improvements to serve Lots 1-22 and 57-64 as Phase 1, 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

NOW, THEREFORE, BE IT RESOLVE:

1. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum No. 1 to Westwind, Contract No. 9126, with Westwind Madison, Inc.
2. That the Mayor and City Clerk are hereby authorized and directed to execute Addendum No. 1 to Westwind - Surface Paving, Contract No. 9129, with Westwind Madison, Inc.
3. That the plans and specifications for the public improvements necessary to serve this phase of the subdivision are hereby approved.
4. 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).
5. 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.
6. 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.
7. 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.