Legislation Details (With Text)

File #:	78075	**Version:**	1	**Name:**	Approving plans and specifications for public improvements required to serve Phase 9 of the Subdivision known as Acacia Ridge and authorizing construction to be undertaken by the Developer, Private Contracts 9260 and 9261.
Type:	Resolution			**Status:**	Passed
File created:	5/24/2023			**In control:**	Engineering Division
On agenda:	6/20/2023			**Final action:**	6/20/2023
Enactment date:	6/23/2023			**Enactment #:**	RES-23-00443

Title: Approving plans and specifications for public improvements required to serve Phase 9 of the Subdivision known as Acacia Ridge and authorizing construction to be undertaken by the Developer, Private Contracts 9260 and 9261 (9th AD)

Sponsors: BOARD OF PUBLIC WORKS

Indexes:

Code sections:

Attachments: 1. Acacia Ridge Ph 9 Exhibits.pdf

Date	Ver.	Action By	Action	Result
6/20/2023	1	COMMON COUNCIL	Adopt	Pass
6/7/2023	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/1/2023	1	Engineering Division	Refer	

Fiscal Note

No City Funds required. Private contract.

Title

Approving plans and specifications for public improvements required to serve Phase 9 of the Subdivision known as Acacia Ridge and authorizing construction to be undertaken by the Developer, Private Contracts 9260 and 9261 (9th AD)

Body

WHEREAS, the developer, East South Point, LLC, has received the City of Madison's conditional approval to create the subdivisions known as Acacia Ridge Replat No. 2 and Acacia Ridge Replat No. 4; 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 (excluding surface asphalt pavement) to serve Lots 478-487 in Acacia Ridge Replat No. 2 and Lots 597-613, 615-618, 645-654, and Outlots 26 & 27 in Acacia Ridge Replat No. 4 as Acacia Ridge Phase 9; and,

WHEREAS, the developer proposes to provide public surface asphalt pavement improvements to serve Lots

478-487 in Acacia Ridge Replat No. 2 and Lots 597-613, 615-618, 645-654, and Outlots 26 & 27 in Acacia Ridge Replat No. 4 as Acacia Ridge Phase 9 - Surface Paving.

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 Acacia Ridge Phase 9, with East South Point, LLC.

2. 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 Acacia Ridge Phase 9 - Surface Paving, with East South Point, LLC.

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.

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