



## Legislation Text

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**File #:** 53362, **Version:** 1

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### **Fiscal Note**

No City appropriation required.

### **Title**

Authorizing a Second Amendment to RES-17-00664 Authorizing the Execution of a Development Agreement with Garver Feed Mill, LLC to include a recorded version of CSM No. 14664 and modify the permitted location of a private storm sewer over City-owned lands.

### **Body**

WHEREAS, the Common Council adopted RES-17-00664, File #47354, authorizing the execution of a Development Agreement with Garver Feed Mill, LLC ("Developer") for the redevelopment of the Garver site; and

WHEREAS, the Common Council authorized an amendment to the Development Agreement pursuant to RES-17-00785; and

WHEREAS, the Lot 1 Project for the redevelopment of the Garver Building closed in December of 2016; and

WHEREAS, the Developer has determined that a portion of the proposed private storm sewer route is no longer feasible as originally planned within easement areas as shown in the current Exhibit C to the Development Agreement. An additional area has been determined to be necessary to accommodate the necessary private storm sewer to serve the redevelopment project through City of Madison Engineering lands as shown on Attachment 1, attached hereto and made part of this resolution; and

WHEREAS, Exhibit C contained two (2) pages of a 12-page draft Certified Survey Map ("CSM") that has been subsequently revised and recorded in the Office of the Dane County Register of Deeds; and

WHEREAS, Exhibit C will need to be amended to include the current recorded version of CSM No. 14664, as well as identify the additional proposed private storm sewer route, in accordance with Attachment 1.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to execute an amendment to the Development Agreement to replace Exhibit C in its entirety with the recorded CSM, and add Attachment 1 depicting the new private storm sewer route.

BE IT FINALLY RESOLVED, that the Mayor and City Clerk are authorized to take any further action including executing and recording documents as required to carry out the terms of this resolution in a form to be approved by the City Attorney.