



## Legislation Text

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**File #:** 60119, **Version:** 1

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### **Fiscal Note**

The proposed resolution approves plans and specifications for public improvements required to serve Phase 8 of the Subdivision known as First Addition to 1000 Oaks and authorizes construction to be undertaken by the Developer, at a total cost to the City not to exceed \$25,000. The Developer received approval for this project on March 3, 2020 under RES-2020-00166, but has requested to reduce the scope of the project to include fewer lots. Funding is provided by GO Borrowing via the Reconstruction Streets Program (MUNIS 12873-402-170) in Engineering Major Streets 2020 Adopted Capital Budget.

### **Title**

Approving plans and specifications for public improvements required to serve Phase 8 of the Subdivision known as First Addition to 1000 Oaks and authorizing construction to be undertaken by the Developer, and Rescinding Resolution RES-20-00166. Private Contract No. 8486 (9<sup>th</sup> AD)

### **Body**

WHEREAS, the developer, VH 1000 Oaks, LLC, has received the City of Madison's conditional approval to create the subdivision known as First Addition to 1000 Oaks; 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 received approval for the project on March 3, 2020 by Resolution RES-2020-00166, File No. 59548; and,

WHEREAS, the developer has requested to reduce the scope of the Phase 8 construction, requiring an update to the lot numbers included on the March 3, 2020 approval; and,

WHEREAS, the developer proposes to provide public improvements to serve Lots 167, 187-190, 205, 237-248, and Outlot 8 in First Addition to 1000 Oaks and Lots 340, 363-370, 372-376 in 1000 Oaks Replat No. 3 as Phase 8.

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 First Addition to 1000 Oaks - Phase 8, with VH 1000 Oaks, 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-20-00166, File No. 59548 is hereby rescinded.