



Legislation Text

File #: 64127, **Version:** 1

Fiscal Note

The proposed resolution approves plans and authorizes the developer to undertake construction for public improvements to The Whitney Reserve at an estimated cost not to exceed \$25,000. Funds are available in Munis 12873-402-170. No additional appropriation is required.

Title

Approving plans and specifications for public improvements necessary for the project known as 5201 Old Middleton Road - The Whitney Reserve and authorizing construction to be undertaken by the Developer, Private Contract No. 9015 (11th AD)

Body

WHEREAS, the developer, Flad Development & Investment Corp., has received the City of Madison's conditional approval for a demolition permit to demolish an office building and conditional use approvals to allow construction of a four-story, mixed-use building containing approximately 1,450 square-feet of commercial space and 49 apartments at 5201 Old Middleton Road, and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances and the conditions of approval require the developer to install the public improvements necessary to serve the rezoning.

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 5201 Old Middleton Road - The Whitney Reserve, with Flad Development & Investment Corp.
2. That the plans and specifications for the public improvements necessary to serve the development 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: Storm Sewer extension on Old Middleton Road from Whitney Way to be completed by the developer with reimbursement share by the City Storm Utility, not to exceed \$25,000.00 total reimbursement.
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.