



## Legislation Text

---

**File #: 70774, Version: 1**

---

### **Fiscal Note**

The proposed resolution approves plans and authorizes the developer to undertake public improvements (excluding surface paving) to serve Phase 2 of the Jannah Village subdivision at an estimated cost not to exceed \$25,000. Funds are available in Munis 13163-402-170. No additional appropriation is required. The resolution also rescinds a prior resolution, Legistar File 65255, which granted similar approval on a different set of lots.

### **Title**

Approving plans and specifications for public improvements (excluding surface paving) required to serve Phase 2 of the Subdivision known as Jannah Village and authorizing construction to be undertaken by the Developer, and Rescinding RES-21-00349, File Number 65255. Private Contract No. 9027. (3rd AD)

### **Body**

WHEREAS, the developer, Simply Homes Madison LLC, has received the City of Madison's conditional approval to create the subdivision known as Jannah Village; and,

WHEREAS, Section 16.23(9) of the Madison General Ordinances requires the developer to install the public improvements (excluding surface paving) 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 has requested to change the scope of this plat phase by adding Lots 4-6 and removing Lots 37-43 for the project that was approved on May 24, 2021 by Resolution-21-00349, File Number 65255; and,

WHEREAS, the developer proposes to provide public improvements to serve Lots 4-12, 34-36, 44-57, and Outlot 3 as Phase 2.

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 Jannah Village - Phase 2, with Simply Homes Madison 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 RES-21-00349, File Number 65255 is hereby rescinded.