City of Stoughton, 207 S. Forrest Street, Stoughton WI 53589

RESOLUTION OF THE PUBLIC WORKS COMMITTEE			
Acceptance of Public Improvements made by RHD Properties, LLC for 51 West Development – Phase I			
Committee Action:	Public Works Committee - no action due to lack of a quorum		
Fiscal Impact:	None		
File Number:	R-203-2022	**Date Introduced:**	October 25, 2022

WHEREAS, Pursuant to the AGREEMENT TO UNDERTAKE DEVELOPMENT (51 WEST DEVELOPMENT) (the "Agreement"), RHD Properties, LLC (the "Developer") is required to construct certain Public Improvements; and

WHEREAS, the Agreement require Developer to submit the following prior to acceptance of Public Improvements:

- A written request by the Developer desiring the City to inspect the Public Improvements, and
- Valid lien waivers from all persons and entities providing materials or performing work on the improvements for which certification is sought, and
- Provide as-built drawings to the City, and
- Provide a breakdown of costs are to be submitted to the City; and
- Provide a statement from the City Finance Director that all outstanding City costs, including engineering and inspection charges, have been paid in full; and
- Provide a bacteriologically safe water sample is obtained and tested by a certified agency, with the report from such agency confirming such testing, and

WHEREAS, Developer has requested that the City accept Phase 1 Improvements as outlined in the Agreement for the 51 West Development; and

WHEREAS, the City Planning Director and designees have inspected the Completed Improvements and found them to be acceptable and ready for conditional acceptance pursuant to the September 30, 2022 memo to the Public Works Committee (Exhibit A) and subject to the one year warranty period; and

WHEREAS, the Public Works Committee met on October 20, 2022 to consider acceptance of the Phase I Public Improvements; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Stoughton that Phase I Public Improvements are conditionally accepted pursuant to the September 30, 2022 memo to the Public Works Committee (Exhibit A) and subject to the one year warranty period.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Tim Swadley, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____

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Exhibit A

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: September 30, 2022

To: Public Works Committee

From: Rodney J. Scheel
Director of Planning & Development

Subject: 51 West Public Improvements

The Developer has requested acceptance of public improvements for 51 West - Phase I pursuant to the Agreement to Undertake Development. Staff has worked with our consulting engineers who provided inspection services for the City and we recommend **conditional acceptance** of the public improvements on the east side of USH 51 with the following conditions and exceptions:

1. Roadway improvements within DOT right-of-way are subject to the DOT Permit and associated plans.
2. Developer shall be responsible for locating sanitary sewer, water and stormwater infrastructure, in response to locate (Digger's Hotline) requests, until such improvements have been accepted by the City Council.
3. Storm sewers shall be cleaned prior to prior to City Council acceptance.
4. The stormwater management facilities have not been completed and therefore, **are not recommended** for acceptance.
5. Phase I record drawings have been provided. A complete set of record drawings for all phases are required to be provided at the completion of the overall project.
6. Vegetation in the park land areas and terraces have not been established and therefore, **are not recommended** for acceptance.
7. The Developer must enter into a 36 month contract for maintenance of the Stormwater Management Facilities acceptable to the City Planning Director prior to acceptance of the stormwater management basins by the City Council.
8. The "Preliminary List of Items to be Completed or Corrected" undated September 28, 2022 shall be addressed and are part of the conditional acceptance.
9. Accepted public improvements are subject to a one-year warranty from the date of acceptance by the City Council.

Acceptance by the City does not constitute a waiver by the City of the right to take action on account of defects in or failure of any improvements that are detected or which occur following such certification.

A resolution is provided and recommended for your consideration.

If you have any questions, please contact me.

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