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 II, Phase III, Roby Road Sanitary Sewer upsizing, and Oak Opening Drive Improvements

Committee Action: Public Works Committee -

Fiscal Impact: None

File Number:	R-156-2023	**Date Introduced:**	September 26, 2023

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 a statement from the City Finance Director that all outstanding City costs, including engineering and inspection charges, have been paid in full; and

WHEREAS, Developer has requested that the City accept Phase II, Phase III, Roby Road Sanitary Sewer upsizing, and Oak Opening Drive 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 1, 2023 memo to the Public Works Committee (Exhibit A) and subject to the one year warranty period; and

WHEREAS, the Public Works Committee met on September 21, 2023 to consider acceptance of the Phase II, Phase III, Roby Road Sanitary Sewer upsizing, and Oak Opening Drive Improvements; and

WHEREAS, the Letter of Credit can be reduced to $313,285 to reflect the Agreement and remaining items; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Stoughton that Public Improvements for Phase II, Phase III, Roby Road Sanitary Sewer upsizing, and Oak Opening Drive are accepted pursuant to the September 1, 2023 memo to the Public Works Committee (Exhibit A) and subject to the one year warranty period and to allow the Letter of Credit to be reduced to $313,285.

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

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

_____

Tim Swadley, Mayor Date

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

S:\MPS-Shared\Resolutions\Resolution accepting public improvements - 51 West Phase II & III.docx

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 1, 2023

To: Public Works Committee

From: Rodney J. Scheel
Director of Planning & Development

Subject: 51 West Public Improvements – Phase II, Phase III, Roby Road Sanitary Sewer upsizing, and Oak Opening Drive improvements

The Developer has requested acceptance of public improvements for 51 West - Phase II, Phase III, Roby Road sanitary sewer upsizing, and Oak Opening Drive improvements pursuant to the Agreement to Undertake Development. Staff has worked with our consulting engineers who provided inspection services for the City and we recommend **acceptance** of the public improvements for these areas with the following conditions and exceptions:

1. 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.
2. The stormwater management facilities for all three phases -are recommended for **conditional acceptance** subject to these additional items:
    a. As-built certification materials must be submitted and approved by Dane County Land & Water Resources. As-built certification shall include a set of drawings, stamped by a professional engineer, comparing the approved stormwater management plan with what was constructed.
    b. The developer shall be responsible for maintenance of the Stormwater Management Facilities for a period of not less than 36 months from the date of conditional acceptance, per the Agreement to Undertake Development.
    c. Stormwater management facilities items associated Item #3 below are to be addressed without delay.
3. The "List of Items to be Completed or Corrected" dated August 3, 2023 for All Phases and as subsequently updated shall be addressed.
4. A complete set of record drawings for all phases, including stormwater management facilities is to be provided.
5. Vegetation in the park land areas and terraces have not been established and therefore, **are not recommended** for acceptance. This includes Phase I.
6. Accepted public improvements are subject to a one-year warranty from the date of acceptance by the City Council.

7. Pursuant to the Agreement to Undertake Development ("Agreement"), it is recommended the construction Letter of Credit be reduced to $313,285. This represents 20% of the construction cost for the stormwater management facilities as outlined on Attachment I of the Agreement. This Letter of Credit is to remain in place for a minimum of 3 years following conditional acceptance of the stormwater management facilities. The developer remains responsible to maintain the stormwater management facilities for not less than 3 years at which time the City will evaluate full acceptance of the stormwater management facilities pursuant to the Agreement. It includes $16,500 for turf establishment for the publicly dedicated areas including parks and outlots. It also includes $15,275 for the installation of street trees fronting parks and outlots.

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.

S:\Planning\Developments\51 West - Dvorak\Public Acceptance Documentation\Public Works Fall 2023 - 51 West Phase II & III Accept Public Improvements.docx