



## Legislation Text

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**File #:** 990919, **Version:** 0

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ORIGINAL

Alderman Nardelli

Resolution rescinding Department of Public Works Invoice No. 68595 and directing the City Engineer to issue a new invoice in the amount of \$40,400 to Urbanek Investments for sewer construction work in the Heritage Heights and Heritage Woods subdivisions. (DPW)

- ANALYSIS - This resolution rescinds Department of Public Works Invoice No. 68595 in the amount of \$80,799.53 and directs the City Engineer to issue a replacement invoice in the amount of \$40,400. The reduced amount recognized good faith project financing decisions made by the developer based upon information provided by the Department of Public Works.

Whereas, Over the last few years Urbanek Investments has developed several single family residential subdivisions in the vicinity of North 107th Street and West Green Tree Road; and

Whereas, The City of Milwaukee has entered into a series of Out-of-Program agreements with Urbanek Investments regarding the funding and construction of public improvements to support these residential subdivisions; and

Whereas, The various Out-of-Program agreements obligated the developer to pay 100% of the public improvement costs; and

Whereas, Urbanek Investments provided the City with several letters-of-credit which ensured the availability of funds for the public improvements; and

Whereas, On April 3, 1997 the Department of Public Works notified Urbanek that all but one of the outstanding letters-of-credit could be closed out because all project costs were then known; and

Whereas, Subsequent to the issuance of the April 3rd letter, the department discovered an additional sewer contract change order that had not been billed; and

Whereas, In October of 1997 an invoice in the amount of \$80,799.53 was sent to Urbanek Investments (Invoice No. 68595) to cover the cost of the sewer contract change order; and

Whereas, Urbanek Investments had been selling lots in its subdivisions based upon what it assumed were the final public improvement costs and thus had no way to recover the unanticipated additional sewer construction charge; and

Whereas, Urbanek Investments has now proposed that the additional, unanticipated sewer construction cost be split between the developer and the City; and

Whereas, A reasonable resolution of this matter is in the best interests of the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Department of Public Works Invoice No. 68595 is hereby rescinded; and be it

Further Resolved, That the City Engineer is hereby directed to issue a new invoice to Urbanek Investments in the amount of \$40,400 for sewer construction work in the Heritage Heights and Heritage Woods subdivisions; and be it

Further Resolved, That the remaining \$40,399.53 in sewer construction costs for these subdivisions be charged to the Department of Public Works' New Sewer Construction Capital Account (Account No. SW17090000).

DPW  
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