



## Legislation Text

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**File #:** 27631, **Version:** 1

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### **Fiscal Note**

The developer shall pay \$22,599.20 in park dedication and development fees.

### **Title**

Authorizing the Mayor and City Clerk to execute appropriate documents to amend a use restriction on an apartment building at 2801 Dryden Drive. 12th Ald. District.

### **Body**

WHEREAS the City of Madison has received a request from Todd Gephardt of Northshore Rentals, owner of the apartments located at 2801 Dryden Drive to revise a land use restriction agreement which limits the occupancy of the 40 apartment units to residents over 55 years of age, persons with disabilities, or a spouse or attendant of either of the foregoing; and

WHEREAS this use restriction was placed on the property as part of the original conditional use approval this building in 1988; and

WHEREAS because of the deed restriction limiting the properties to persons over 55 years of age, the developer was only responsible for paying one-half of the amount of fees in lieu of parkland dedication that otherwise would have been due upon the conversion of the property for residential purposes, and therefore an additional fee in lieu of land dedication is now required; and

WHEREAS the use restriction placed on the property by the property owner and the City's Plan Commission states that it shall run with the land until such time as, or unless, it is modified by the Common Council of the City of Madison pursuant to a then-existing ordinance of the City of Madison; and

WHEREAS the Plan Commission approved a conditional use alteration on August 20, 2012 allowing the age restriction for up to 20 of the building's 40 units to be removed, subject to the Common Council approving modifications to the land use restriction agreement; and

WHEREAS this resolution will authorize the execution of appropriate documents to modify the use restriction so that 20 of the apartments can be rented to persons of any age.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute all appropriate documents to amend the use restriction on this property which limits the occupancy of the property to persons over 55 years of age for 20 of the building's units.

BE IT FURTHER RESOLVED that the property owner shall pay all necessary park development fees and fees in lieu of land dedication which are due prior to the execution of the documents releasing the deed restriction.