



LAW OFFICES

MADISON OFFICE
740 Regent Street, Suite 400
P.O. Box 1507
Madison, Wisconsin 53701-1507
(608) 257-7766
Fax (608) 257-1507
www.lathropclark.com

POYNETTE OFFICE
111 N. Main Street, P.O. Box 128
Poynette, Wisconsin 53955
(608) 635-4324
Fax (608) 635-4690

LODI OFFICE
108 Lodi Street, P.O. Box 256
Lodi, Wisconsin 53555
(608) 592-3877
Fax (608) 592-5844

Donald L. Heaney
Theodore J. Long
Ronald J. Kotnik
Jerry E. McAdow
David S. Uphoff
John C. Frank
Michael J. Lawton
William L. Fahey
Michael J. Julka
Jeffrey P. Clark
Kenneth B. Axe
David E. Rohrer
Frank C. Sutherland
Paul A. Johnson

Stephen J. Roe*
David P. Weller
Richard F. Verstegen
Shana R. Lewis
Joanne Harmon Curry
Josh C. Kopp
Todd J. Hepler
Carrie M. Benedon

Shelley J. Safer
Of Counsel

James F. Clark
(1920-2002)

*Admitted in Virginia and
Washington D.C.

May 20, 2009

Chair and Members
City of Madison Board of Public Works
City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Re: Reiner Road Special Assessment District

Michael J. Lawton
Direct Telephone: (608) 286-7236
E-mail: mlawton@lathropclark.com

Dear Chair and Members:

I am writing this letter on behalf of my client, Cornwallis, LLC, concerning the proposed Reiner Road special assessment district. My client is the largest land owner affected by this District, owning much of the land along and on the easterly side of the portion of Reiner Road to be improved. Hence, my client has a large financial stake in this assessment resolution.

Our engineer, Mike Calkins of Calkins Engineering, Inc., is working with the City engineering staff on design issues, but my purpose in writing this letter is to indicate that we are supporting the establishment of the District and the Reiner Road project, subject to inclusion in the resolution of the following items, which are authorized by ordinance and which we would like documented in the special assessment resolution coming out of the Board of Public Works and the Common Council. Here are the items that we want to make sure are covered in the assessment resolution:

1. Given the amount of frontage that we have, and given the reality that our land will likely be platted and developed in multiple phases over many years, we ask that the Board document in the resolution that it is willing to exercise the authority granted by sec.16.23(5)(g)1. of the Madison General Ordinance to allow us to pay the special assessments by certified survey map lot, rather than by the entire current parcel descriptions, so that we will be required to pay the special assessments in a manner which approximates the phases of future final plats that we will record, rather than by current whole parcels.

Chair and Members
City of Madison Board of Public Works
May 20, 2009
Page 2

Attached to this letter is a copy of a map prepared by our engineer which illustrates the possible manner in which we will divide the property by CSM to give us the ability to break up the assessment into manageable amounts. Otherwise, as we have only 2 current tax parcels, we would be required to pay all of the assessment levied against a current tax parcel at such time as we plat any part of such parcel. This would be unfair and burdensome given the size of the parcels and the assessments, and the likely holding periods for the some of the land.

The cited ordinance states that "For property within the City limits, all unpaid special assessments shall be paid unless determined otherwise by the Board of Public Works." We realize that the final decision on this will need to be made when we file our CSM request(s), but a record on this now, by this Board and the Council, when the assessments are being levied and this is fresh in everyone's mind, would be very helpful to us.

2. We request that the resolution apply the deferred assessment procedure of section 4.081, Madison General Ordinances, to allow for a deferral of the assessments applied to our currently agricultural land for a period of ten (10) years, and also then allow for a period of fifteen (15) years after the deferral period in which to pay such assessment in installments, as provided in the installment procedure under sec. 4.08, MGO, with all of the interest (during the deferral period and the installment period) calculated at the simple interest rate (not compounded) provided for in sec. 4.08(2), MGO.

Given the likely pace of development, and the size of the parcels involved, and given that the City does not want to prematurely encourage development of agricultural land, we request that we be accorded the benefit of the full deferral period allowed in the ordinances. Once this deferral period ends, we recognize that the assessments will need to be paid, with interest, but we request that, in case development should proceed slowly, we be granted the maximum time possible under the ordinance to pay in installments. However, everyone should recognize that, whenever a plat is recorded, all special assessments will be paid in full for the entire plat, so that the installment payments will likely happen much sooner for much of this land than the installment period we are requesting.

If you have any questions, I would be happy to answer them at the meeting today.

Sincerely yours,

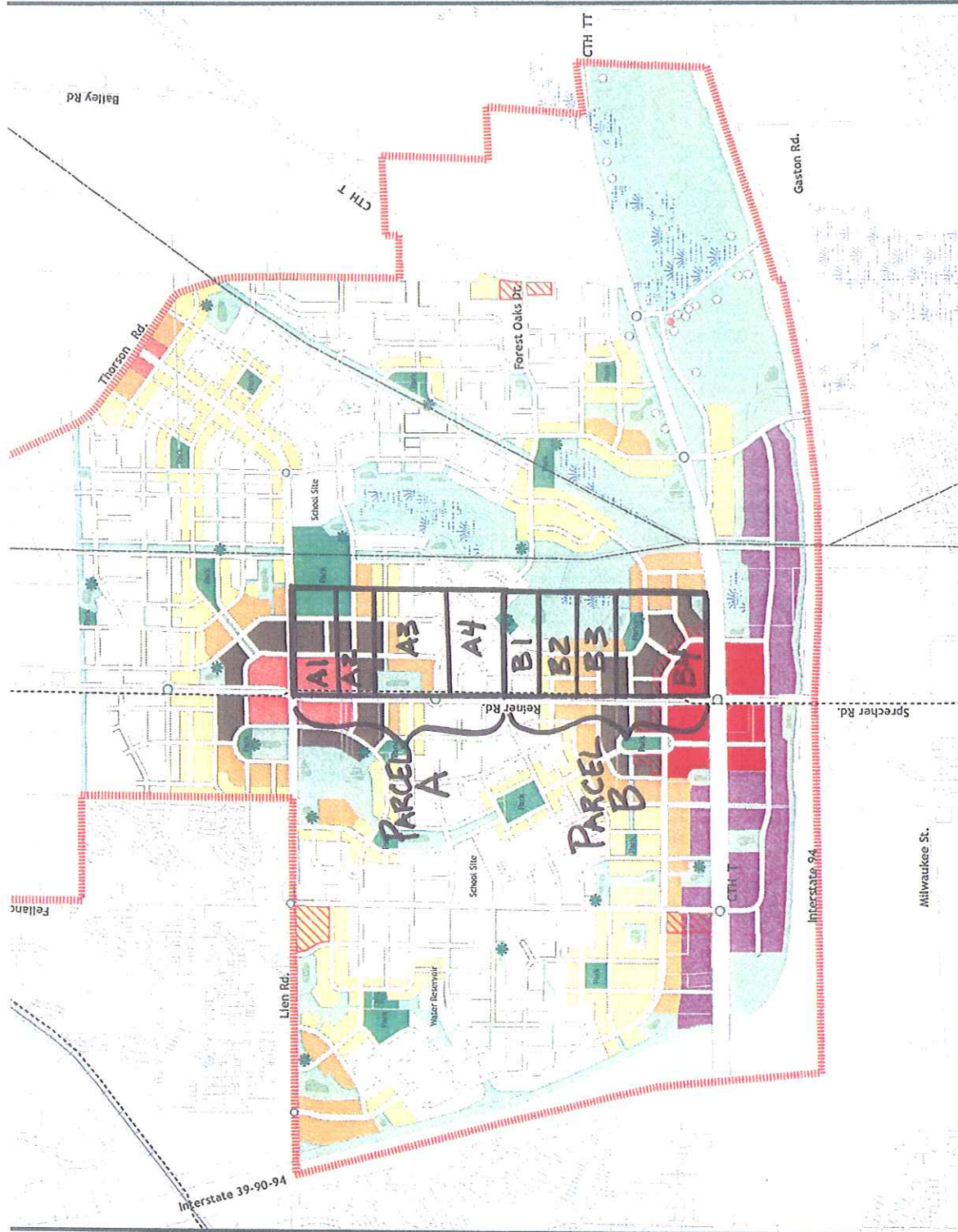


Michael J. Lawton

MJL:tept

Chair and Members
City of Madison Board of Public Works
May 20, 2009
Page 3

cc Larry Nelson
 Robert Phillips
 Steve Sonntag
 Lauren Cnare
 Mike Calkins
 David Roark
 Ronald Smith



Northeast Neighborhoods Development Plan
May 2009

Map 6: Land Use and Street Plan
Phase I Planning Area