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June 2, 2008

VIA EMAIL - DISTRICT13@CITYOFMADISON.COM  
AND FIRST-CLASS MAIL

Alderson Julia Keir  
1626 Madison St  
Madison, WI 53711-2122

RE: 1501 Monroe Street

Dear Julia:

I have reviewed the draft restrictive covenant (the "Covenant") in light of the Plan Commission action taken on May 5, 2008.

The Covenant states in the last "WHEREAS" clause that the hotel will be constructed in accordance with the plans dated April 18, 2008, and approved by the Plan Commission on May 5, 2008. However, the itemized paragraphs in the "THEREFORE" section refer to **portions** of that submission to form the substance of the deed restriction. Therefore, rather than "picking and choosing" from the submission, it seems to me that in keeping with the intent of the Covenant that all the physical and operational aspects of the hotel as submitted by the developer and approved by the Plan Commission should be spelled out in the deed restriction as opposed to incorporating only some of the provisions.

In the alternative, if the City and developer conclude that for whatever reason only some of the conditions of approval should be incorporated into the restrictive covenant, my client has the following comments:

1. The most problematic portion of the document as drafted is contained in condition (3) which defines that all access to the hotel is by way of the alley. I am concerned what impact this language could have on the Madison Chinese Christian Church (the "Church") and their parking lot. At a minimum, I would ask that the Covenant be amended so that the developer's use of the alley to access the hotel not encroach on the Church parking lot.

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2. The Covenant does not address the use of valet parking on heavy demand days, including where the valet stand would be located nor where cars would be parked.
3. The Covenant does not address the courtesy transportation available for hotel guests, including what type of vehicles would be used for this transportation and where those vehicles would be parked.
4. The Covenant does not require that hotel guests will be prohibited from exiting the premises via driving south on the alley nor that all guest traffic will access the hotel premises from the Regent Street entrance. Condition (4) only refers to the fact that traffic signage shall be approved by the City Traffic Engineer.
5. The Covenant does not address check-in nor check-out times.
6. The Covenant does not address the amount or type of delivery nor the hours permitted for those deliveries.
7. The Covenant does not address limiting the number of guests per room on Badger football game days or other days that have comparable events.
8. The Covenant does not address enforcement of parking security and valet parking on Badger football days or other similar events.

If your intent is to refer this matter back to the Plan Commission, I would ask that another condition of approval be considered. Since the developer claims that there is more than adequate parking available on their site, I believe that it is important for the Church and for the neighborhood to have a condition that specifically states that hotel guests, as well as hotel employees, cannot use street parking.

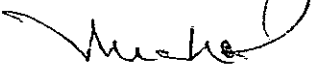
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I hope these comments will be helpful to you.

Sincerely,

DEWITT ROSS & STEVENS s.c.



Michael R. Christopher

MRC:dso

cc: Katherine Noonan, Assistant City Attorney (via email only)  
Ronald Trachtenberg, Esq. (via email only)  
Thomas Yen (via email only)  
Bill Chiu (via email only)  
Rosemary Bodolay (via email only)

