

**COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF MADISON, WISCONSIN**

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Resolution No. 4147

Authorizing the Execution of the Amended and Restated Development Agreement with JDS Development LLC and the City of Madison for the Judge Doyle Square Project subject to: (1) the City of Madison's Approval of the Amended and Restated Development Agreement; and (2) the City of Madison's Commitment to Provide the CDA with the Funding and Resources Necessary to Carry Out the Actions Described and Agreed to in the Amended and Restated Development Agreement.

Presented September 10, 2015  
Referred \_\_\_\_\_  
Reported Back \_\_\_\_\_  
Adopted September 10, 2015  
Placed on File \_\_\_\_\_  
Moved By Daniel Guerra, Jr.  
Seconded By Kelly Thompson-Frater  
Yeas 6 Nays 0 Absent 1  
Rules Suspended \_\_\_\_\_

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WHEREAS, on May 19, 2015, the Common Council accepted the Report of the Board of Estimates and directed the Judge Doyle Square Negotiating Team to immediately engage JDS Development LLC/Exact Sciences in an exclusive negotiation of a preliminary development agreement and report back to the Board of Estimates with a report and draft preliminary agreement by its June 29th meeting; and

WHEREAS, on May 19, 2015, the Common Council further directed that, if directed by the Board of Estimates at its June 29, 2015 meeting and concurred on by the Common Council, the Judge Doyle Square Negotiating Team continue the exclusive negotiation with JDS Development/Exact Sciences over a final development agreement and report back with a report and final development agreement at its August 24, 2015 meeting, to be followed by Common Council action; and

WHEREAS, on July 7, 2015, the Common Council (1) accepted the June 29, 2015 Report of the Board of Estimates and the June 25, 2015 Report of the Judge Doyle Square Negotiating Team, (2) authorized the Mayor and City Clerk to execute the Development Agreement with JDS Development LLC, and (3) directed the Judge Doyle Square Negotiating Team to continue the exclusive negotiation with JDS Development/Exact Sciences over an Amended and Restated Development Agreement and to report back with a report and the Amended and Restated Development Agreement to the August 24, 2015 meeting of the Board of Estimates; and

WHEREAS, the Judge Doyle Square Negotiating Team has engaged the JDS Development LLC/Exact Sciences in negotiations and submitted a Report to the Board of Estimates dated August 20, 2015 along with the proposed Amended and Restated Development Agreement; and

WHEREAS, on August 24, 2015, the Board of Estimates recommended acceptance of the Report of the Judge Doyle Square Negotiating Team and execution of the Amended and Restated Development Agreement with JDS Development LLC/Exact Sciences subject to satisfactory resolution of the following issues prior to September 1, 2015;

- 1) Language on a Labor Peace Agreement
- 2) Language on the timing and nature of reacquisition by the City of the hotel condominium unit and the future office expansion condominium unit;

- 3) Completion of the Real Estate Purchase Agreement;
- 4) Removal of the Developer's right of first refusal on leasing of parking utility spaces; and
- 5) More information on the TIF jobs grant and the other questions of the TIF Coordinator.

WHEREAS, satisfactory resolution of items (1), (2) and (5) of the items listed above was not achieved by September 1, 2015 and action on the resolution attached as Exhibit A was referred to the Common Council meeting on September 15, 2015;

WHEREAS, the Amended and Restated Development Agreement sets forth activities to be performed by the City and/or the CDA relating to the design, construction, leasing and sale of a 1250 stall parking structure.

NOW, THEREFORE BE IT RESOLVED that the CDA authorizes the Executive Director and Chair to execute the Amended and Restated Development Agreement, the Construction Administration Agreement, the Parking Lease, contracts for the construction of public improvements, any documents necessary for the purchase of the Public Units and any other documents necessary for carrying out the purposes of the Amended and Restated Development Agreement with JDS Development LLC and the City of Madison for the Judge Doyle Square Project with terms substantially the same as those set forth in Exhibit B subject to:

- 1) The final approval of the Amended and Restated Development Agreement by the City Attorney
- 2) Approval of an Amended and Restated Development Agreement by the City of Madison Common Council, and
- 3) The City of Madison's commitment to provide the CDA with the funding and resources necessary to carry out the actions described and agreed to in the Amended and Restated Development Agreement.