

AGENDA # _____

CITY OF MADISON, WISCONSIN

A SUBSTITUTE RESOLUTION _____

authorizing the Mayor and City Clerk to sign an Agreement with All Saints Cottages and Condos, Inc.

Drafted by: **Katherine C. Noonan
Assistant City Attorney**

Date: **January 31, 2005**

Fiscal Note: **Referred to Comptroller for fiscal note.**

PRESENTED **February 1, 2005**
REFERRED **BOE, Assessor, Comptroller**

REREFERRED _____

REPORTED BACK **February 22, 2005**

ADOPTED _____ POF _____
RULES SUSPENDED _____
PUBLIC HEARING _____

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

SUB. RESOLUTION NUMBER _____
ID NUMBER _____

SPONSORS: **Aldersperson Paul Skidmore**

WHEREAS, on June 15, 2004, the Common Council adopted Ordinance No. 13642 rezoning property at 501 Commerce Drive from PUD (GDP) to PUD (SIP) to allow construction of one hundred eight (108) units of senior housing; and

WHEREAS, the above rezoning was conditioned on signing an Agreement with the City relating to a payment for municipal services;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the Mayor and City Clerk to sign an Agreement with All Saints Cottages and Condos, Inc. (ASCC), the owner of the property at 501 Commerce Drive, on the following terms and conditions:

1. In recognition of the value of municipal services provided to ASCC and in further recognition of the economic impact the provision of such services has on the City, ASCC shall make an annual payment for municipal services (PMS) to the City.
2. The annual PMS shall be calculated as a per unit fee, as shown in the fiscal note. It shall be based on budget figures for some or all of the expenditures for the following: public safety and health, streets, parks, transit, traffic engineering, library, and debt service from the above agencies. The PMS is intended to reflect those expenditures relating to municipal services directly or indirectly made available for use by ASCC. The fee shall be adjusted annually based on an increase or decrease in the City tax levy. In addition, at least every five years the share of costs attributed to each service shall be reviewed to determine whether there has been a change in type or level of service.
3. The PMS also shall be reviewed if the vacancy occupancy rate falls below ninety-five percent (95%).

4. The Agreement for PMS shall terminate if:
 - (a) ASCC is determined not to be exempt from paying general property tax to the City; or
 - (b) A court of competent jurisdiction invalidates this Agreement between the City and ASCC; or
 - (c) The State of Wisconsin enacts legislation requiring payment for municipal services by tax-exempt entities, and the legislation substantially addresses the economic impact of ASCC that underlies this Agreement; or
 - (d) If ASCC does not construct the senior housing project that is the subject to this Agreement
 - (e) The City fails to impose a PMS requirement on other Planned Development Districts that are or are proposed to be exempt from taxation pursuant to Sec. 70.11(4), Stats.