

April 18, 2016

Tim Parks
City of Madison, Planning Division
Department of Planning, Community and Economic Development
215 Martin Luther King Jr. Blvd., Room LL100
Madison, WI 53703

Re: Proposed Kwik Trip Convenience Store
4602 Cottage Grove Road

Dear Mr. Parks:

I am one of the owners of Rolling Meadows Shopping Center, LLC (“Rolling Meadows”), which owns the shopping center located at 4620-4692 Cottage Grove Road (the “Shopping Center Property”) immediately to the east of the proposed Kwik Trip store. I object to the proposed convenience store. I have reviewed the materials furnished by Kwik Trip that describe and show the development of the convenience store and believe that the development legally infringes upon Rolling Meadows’ right to use a portion of the 4602 Cottage Grove Road property (the “Kwik Trip Property”).

When the Shopping Center Property was developed over 40 years ago, the then owner of the Kwik Trip Property granted an easement to the owners of the Shopping Center Property. The easement was memorialized in an Agreement for Easement dated December 6, 1973, recorded with the Dane County Register of Deeds in Volume 489, Page 162, as Document No. 1385736 (the “Easement Agreement”). The Easement Agreement runs with each property and is binding upon both Rolling Meadows and the owner of the Kwik Trip Property. The Easement Agreement noted that the construction of the Shopping Center Property, including the parking lot, would require placing parking stalls and curbing on the Kwik Trip Property. The owner of the Kwik Trip Property granted to the owner of the Shopping Center Property an easement for vehicle parking and curbing located on the Kwik Trip Property. The construction and maintenance of the curbing and parking facilities placed on the Kwik Trip Property is the responsibility of the owner of the Shopping Center Property. Rolling Meadows continues to, at its sole cost and expense, maintain and repair both the curbing and parking stalls.

The existing site plan for the Kwik Trip Property clearly shows curbing around landscape medians and several parking stalls on the Kwik Trip Property. As I mentioned, the curbing, landscape medians and parking stalls are maintained by Rolling Meadows. Kwik Trip’s proposed site plan shows the removal of all curbing around the landscape medians that Rolling Meadows legally has

the right to place on the Kwik Trip Property as well as the removal of at least eight parking stalls that Rolling Meadows also has a legal right to place on the Kwik Trip Property. Another concern I have is that instead of three points of ingress and egress from the Kwik Trip Property to the Shopping Center Property, Kwik Trip is reducing ingress and egress to a single point which only benefits their tankers. They have also not provided the circulation plan for my property to accommodate semi traffic.

Kwik Trip cannot unilaterally change the terms of the Easement Agreement and Rolling Meadows' rights thereunder without Rolling Meadows written consent. Rolling Meadows has never given the required consent because it objects to these changes. The status quo in this area of the Kwik Trip Property must remain.

This plan turns its back on the neighborhood and the neighboring property owners. Kwik Trip put very little effort into the design of this site compared to the Cottage Grove site and no thought into how the two parcels should relate to each other.

We are excited these parcels were placed in a Tax Incremental District. We are willing to partner with anyone that will have a positive impact on the community and are happy to work with the City and the right partner to improve this area allowing for residential town homes, a park, restaurants with outdoor seating and green-space like shown by the City Planning Department in neighborhood meetings.

It's my hope that we look for the land uses that complement the area and not additional underground tanks and hoses that are already across the street. I do not believe Kwik Trip will be a good neighbor or good fit for the neighborhood.

Please include this letter with other reports provided to the Urban Design Commission, Plan Commission, and any other committees/commissions that will evaluate the proposal for 4602 Cottage Grove Rd.

Sincerely,

ROLLING MEADOWS SHOPPING CENTER, LLC

Kevin J. Metcalfe