



Ross & Stevens s.c. Law Firm

Please respond to: Capitol Square Office
Direct Line: 608-252-9365
Email: mrc@dewittross.com

April 30, 2013

HAND-DELIVERED

Mayor Paul R. Soglin and Common Council Members
City of Madison
City-County Building
210 Martin Luther King, Jr. Boulevard, Room 403
Madison, WI 53703

RE: Certified Survey Map
120-142 West Johnson Street and 129-139 West Gorham Street

Dear Mayor Soglin and Council Members:

We represent St. Raphael's Congregation d/b/a The Cathedral Parish ("Parish") that owns the above property. Ordinarily, I would not be writing you this letter since a Certified Survey Map ("CSM") is typically a matter of a ministerial nature that largely involves technical engineering conditions. However, in this particular case, the opponents to this CSM have raised a number of issues that are totally irrelevant to the issue before you. As often is the case, you must focus on the issue at hand and not be distracted by other concerns. This is exactly what is involved here.

The guidelines to be considered when a CSM is presented are contained in M.G.O. 16.23. City staff to the Landmarks Commission ("Landmarks") and Plan Commission ("Plan") have carefully evaluated those conditions and have concluded that the applicant has submitted a CSM which complies with ordinance requirements. A number of fairly technical conditions have been detailed by City staff and they are all perfectly acceptable to the Parish. Both Landmarks and Plan agreed with their respective staffs and have overwhelmingly recommended to you that this CSM be approved.

There are two concerns that opponents have raised which do not address the heart of the matter. First, despite the fact that the opponents agreed with Landmarks that the exterior restoration of the St. Raphael building will be exceptional, the opponents object to converting that restored building to a 19-unit housing development. In his report to Plan, Tim Parks specifically dismissed this concern:

However, staff does not believe that the potential reuse of one of the buildings on the property being subdivided should influence the Plan Commission's view of the proposed CSM.

Report to the Plan Commission, dated April 22, 2013.

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The reuse is not connected to the proposed land division since a multi-family apartment project is a permitted use in the applicable zoning category and is consistent with the City's Downtown Plan. The only reason why a CSM is being submitted is to accomplish the necessary financing for this project.

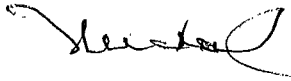
The second objection that has been raised has to do with the real estate tax exemption status of the proposed housing project to be named Lumen House, which is scheduled to be completed in August, 2014. Lumen House will be developed by a non-profit owner who will be relying on the provisions of Wis. Stats., §70.11(3m) as the basis for their tax exempt status. Obviously, when Lumen House is completed, the City Assessor needs to determine whether the facility complies with the statutory conditions in order to evaluate the requested tax exemption. This is a future determination which has nothing to do with what is before you, namely, a garden variety CSM.

Despite the fact that the Parish is not under any legal obligation to agree to additional conditions beyond what Landmarks has detailed when it granted the Certificate of Appropriateness and the conditions that Plan has outlined in the CSM approval, the Parish has voluntarily agreed to address concerns raised by Alderperson Verveer. I am enclosing a letter to him which confirms the degree of cooperation with him and the neighborhood.

Finally, I do not mean to belittle the concerns raised by some opponents about the use of the property and its tax exempt status. However, as it is said in baseball lore, "keep your eye on the ball." The ball for you to consider here is the CSM.

Sincerely,

DeWitt Ross & Stevens s.c.



Michael R. Christopher

MRC:dso
Enclosure

cc: City Attorney Michael May (w/encl. - via email only)
City Assessor Mark Hanson (w/encl. - via email only)
David Schmiedicke (w/encl. - via email only)
Anne Monks, Assistant to the Mayor (w/encl. - via email only)
Tim Parks (w/encl. - via email only)
Amy Scanlon (w/encl. - via email only)

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April 26, 2013

VIA EMAIL – DISTRICT4@CITYOFMADISON.COM
AND FIRST-CLASS MAIL

Aldersperson Mike Verveer
City Council Office
City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703

RE: Lumen House

Dear Mike:

Per our discussion during the Plan Commission hearing of April 22, 2013, regarding the proposed Certified Survey Map (“CSM”) for the above project, the Cathedral Parish (“Parish”) has agreed to address a number of concerns that you have in the development of this project. We have agreed that these steps will be voluntarily taken by the Parish and are not to be considered conditions of approval of the CSM. Nevertheless, my client is committed to implement these measures.

During the construction project and upon completion of the Lumen House facility, which is anticipated to be in August, 2014, the following steps will be taken:

1. During the time that Lumen House property (“Owner”) is in operation, the Owner will make an annual payment in lieu of taxes to the City of Madison in the amount of \$15,000. This donation will be made on an annual basis so long as the Lumen House property is exempt, in whole or in part, from real estate taxes pursuant to §70.11, Wis. Stats.
2. For all years following the initial donation, the Owner agrees that the amount of its donation would be adjusted each year by the percentage change in the most recent Consumer Price Index for All Urban Consumers.
3. Recognizing that said payment is voluntarily being made by the Owner, it will continue to make this annual donation as long as it does not significantly jeopardize the financial stability of the Lumen House.

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4. Regarding the concern you raised as to off-site parking for Lumen House residents, it is the intent of the Owner to incorporate into the standard lease for prospective residents of the Lumen House, the following language:

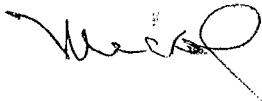
“No on-site parking is to be provided to the resident on the Lumen House property. Lumen House is intended to be for residents who do not require parking. If, however, the resident wishes to have parking, the Owner strongly encourages any resident to use the City parking facility at the Dayton Street ramp.”

5. As to your final concern regarding utility lines, the Owner will place the utility line that services the Lumen House underground. When the City plans the reconstruction of the 100 block of West Johnson Street, the Owner will cooperate with the City and the respective utilities to place as many utility poles and lines underground as reasonably possible.

I believe that this reflects our discussion regarding these matters. Please let me know if you feel otherwise.

Sincerely,

DeWitt Ross & Stevens s.c.



Michael R. Christopher

MRC:dso