

COMMUNITY DEVELOPMENT AUTHORITY
OF THE CITY OF MADISON, WISCONSIN

Resolution No. 4584

Amending the Village on Park Amended and
Restated Operating Agreement

Presented December 14, 2023

Referred

Reported Back

Adopted December 14, 2023

Placed on File

Moved By Knox, Jr.

Seconded By Reed

Yeas 4 Nays 0 Absent 3

Rules Suspended

Legistar File Number 81209

RESOLUTION

WHEREAS, the CDA and ULGMCED entered into that certain Operation and Easement Agreement, dated March 26, 2009 and recorded with the Dane County Register of Deeds on April 1, 2009 as Document No. 4525865 (the "Original OEA"), whereby the CDA and ULGMCED created certain rights, privileges and easements and imposed certain restrictions, obligations and covenants affecting all of the real estate then described as Lots 1 and 2 of Certified Survey Map No. 12600, City of Madison, Dane County, Wisconsin (the "Property"); and

WHEREAS, following the recording of the Original OEA, the Property was subdivided to accommodate additional development, portions of the subdivided Property were conveyed to third parties and the Original OEA was amended to reflect those changes, as set forth in that certain First Amendment to Operation and Easement Agreement, dated March 8, 2013, recorded with the Dane County Register of Deeds on March 11, 2013, as Document No. 4968445 (the "First Amendment to OEA"); and

WHEREAS, following the recording of the First Amendment to the OEA, the Property was further divided to accommodate additional development; and

WHEREAS, following the subdivision of the Property, the First Amendment to Operation and Easement Agreement was further amended on August 6, 2022, recorded with the Dane County Register of Deeds on August 10, 2022, as Document No. 5854351 (the "Amended and Restated Operation and Easement Agreement") (Exhibit A); and

WHEREAS, the Parties, constituting all of the owners of the Development, desire to amend the Amended and Restated Operation and Easement Agreement as follows:

- (1) (g) Surface Parking. The term "Surface Parking" shall mean and refer to any vehicular parking stalls that are from time to time maintained within the Development, exclusive of

(i) any parking stalls located within the Parking Garage, ~~and~~ (ii) any parking stalls located on the ACHC Parcel, and (iii) Ancillary Function Spaces.

- (1) (i) Ancillary Function Space. The term “Ancillary Function Space” shall mean and refer to any outdoor space reserved for exclusive use by an owner or their tenant that is necessary to support the primary function of the owner or tenant’s interior space.
- (6) (e) The CDA shall have the right, without approval, to alter the Common Areas and to designate Ancillary Function Spaces on the CDA Parcel resulting in a diminution of Common Areas, provided the number of total parking spaces within the Common Areas are in accordance with the City Zoning ordinances and the approved Master Plan for the Village on Park.

BE IT FURTHER RESOLVED that the Chair and the Assistant Secretary of the CDA are authorized to execute any and all documents and to take such other actions as shall be necessary to accomplish the purposes of this resolution