



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 37723**

**File ID:** 37723

**File Type:** Resolution

**Status:** Passed

**Version:** 2

**Reference:**

**Controlling Body:** LANDMARKS  
COMMISSION

**File Created Date :** 03/19/2015

**File Name:** 8279 Garver Selection Baum Development Proposal

**Final Action:** 04/21/2015

**Title:** SUBSTITUTE Accepting the proposal of Baum Development for the redevelopment of the Garver Feed Mill.

### Notes:

**CC Agenda Date:** 03/31/2015

**Sponsors:** Marsha A. Rummel

**Effective Date:** 04/23/2015

**Attachments:** Version 1 Master16-Apr-2015-03-34-47.pdf, Hyperlink, Baum\_SmithGroupJJR-Garver (Compressed File).pdf, Baum\_SmithGroupJJR-Garver RFP (Large File), Baum Revision 1.15.15 - Site Plan Revision.pdf, Baum Responses 1 16 15 - combined.pdf, Baum Banking References.pdf, Baum 2015 02-11 State Historic Tax Credit.pdf, 2015 02-02 Baum Financials - Garver - 10 Years.pdf, 2015 01-22 Baum Garver Feed Mill Presentation .pdf, Garver Feed Mill - 2015 02-26 Financial Review.pdf, Garver Feed Mill Proposal - Staff Analysis.pdf, Knepp Memo 2015 03-12.pdf, Historic Preservation Tax credits.pdf, 8279 - GarverRFP2014 APPROVED.pdf

**Enactment Number:** RES-15-00334

**Author:** Dan Rolfs - Community Development Project Manager

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1	03/19/2015	Tim Fruit	Delegate
1	03/23/2015	Elizabeth York	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

1	Economic Development Division	03/19/2015	Referred for Introduction			
	<b>Action Text:</b> This Resolution was Referred for Introduction					
	<b>Notes:</b> Board of Estimates, Board of Park Commissioners, Plan Commission and Landmarks Commission.					
1	COMMON COUNCIL	03/31/2015	Referred	BOARD OF ESTIMATES	04/13/2015	
	<b>Action Text:</b> This Resolution was Referred to the BOARD OF ESTIMATES					
	<b>Notes:</b> Additional referrals to Board of Park Commissioners, Plan Commission, Landmarks Commission.					
1	BOARD OF ESTIMATES	03/31/2015	Refer	BOARD OF PARK COMMISSIONERS	04/08/2015	
	<b>Action Text:</b> This Resolution was Refer to the BOARD OF PARK COMMISSIONERS					
	<b>Notes:</b>					
1	BOARD OF ESTIMATES	03/31/2015	Refer	PLAN COMMISSION	04/06/2015	
	<b>Action Text:</b> This Resolution was Refer to the PLAN COMMISSION					
	<b>Notes:</b>					
1	BOARD OF ESTIMATES	03/31/2015	Refer	LANDMARKS COMMISSION	04/13/2015	
	<b>Action Text:</b> This Resolution was Refer to the LANDMARKS COMMISSION					
	<b>Notes:</b>					
1	PLAN COMMISSION	04/06/2015	Return to Lead with the Recommendation for Approval	BOARD OF ESTIMATES	04/13/2015	Pass
	<b>Action Text:</b> A motion was made by Cantrell, seconded by Zellers, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.					
1	BOARD OF PARK COMMISSIONERS	04/08/2015	Return to Lead with the Recommendation for Approval	BOARD OF ESTIMATES	04/13/2015	Pass
	<b>Action Text:</b> Registered Speakers in Support: Bryant Moroder and Lou Host-Jablonski, on behalf of Baum Development; Brad Hinkfuss, on behalf of the Schenk Atwood, Starkweather, Yahara Neighborhood Association; Katherine Esposito; Carl Landsness; Robert J. Bingham; and John Steines.					
	Registered Speakers Scott Frank and Tom Landgraf, spoke on behalf of ACC's proposal.					
	Motion made by Clausius, seconded by Clear, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. Motion passed by voice vote/other.					
	Motion made by Clausius, seconded by Clear, to Recess. Motion passed by voice vote/other. Commission recessed from 8:16 pm - 8:28 pm.					
	Members Present: 5 - Ald. Joseph Clausius; Ald. Mark Clear; Emily Gnam; Jeffrey Lewis; Nancy Ragland; and David Wallner.					
	Members Excused: 1 – Madelyn Leopold.					
1	BOARD OF ESTIMATES	04/13/2015	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER			Pass

**Action Text:** A motion was made by Verveer, seconded by DeMarb, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - Add "Be it finally resolved that staff shall provide status updates and negotiations to the Board of Estimates at appropriate times, but no later than the June 8, 2015 Board of Estimates meeting." - REPORT OF OFFICER. The motion passed by voice vote/other.

**Notes:** Add "Be it finally resolved that staff shall provide status updates and negotiations to the Board of Estimates at appropriate times, but no later than the June 8, 2015 Board of Estimates meeting."

1 LANDMARKS 04/13/2015 Return to Lead with BOARD OF Pass  
COMMISSION the ESTIMATES  
Recommendation  
for Approval

**Action Text:** A motion was made by Rosenblum, seconded by Slattery, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

**Notes:** Lou Host-Jablonski, registering in support and wishing to speak. Host-Jablonski briefly explained the proposed project and that Historic Tax Credits are involved so it's imperative that this get approved quickly.

2 COMMON COUNCIL 04/21/2015 Adopt Pass

**Action Text:** A motion was made by DeMarb, seconded by Cheeks, to Adopt with the recommendations by the Board of Estimates. The motion passed by voice vote/other.

**Notes:**

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### Text of Legislative File 37723

#### Fiscal Note

The 2015 Parks Division Capital Budget, Project No. 17, Garver at Olbrich Botanical Complex, has authorized \$1,825,000 as the City's contribution towards the rehabilitation and adaptive reuse of Garver Feed Mill. The acceptance of this proposal does not obligate any City funding. Costs associated with the final development agreement will be addressed in future resolutions.

#### Title

SUBSTITUTE Accepting the proposal of Baum Development for the redevelopment of the Garver Feed Mill.

#### Body

From 1906 through 1997, the Garver Feed Mill was a working industrial building and a significant feature on the east side of Madison. The building was designated as eligible for listing on the National Register in 1992 and designated a local landmark in 1994. In 1997 after a two-year fundraising campaign, the Olbrich Botanical Society (the "OBS") acquired the Garver Feed Mill (the "Building") and approximately five acres of land surrounding it (collectively the "Property") for \$700,000. The City Parks Division acquired the surrounding 17.8 acres north of the Property to Fair Oaks Avenue, commonly known as the "North Plat". OBS then transferred ownership of the Property to the City of Madison (the "City").

Wisconsin Department of Natural Resources (WDNR) Stewardship Funds were used for both purchases of the Property and the North Plat. To rehabilitate the Building and allow the non-park uses on the Property and the North Plat, the City will need to acquire additional parkland and secure WDNR's authorization to transfer the WDNR deed restrictions to this new parkland. The transferring of these deed restrictions is called the "Conversion Process".

In 2000, the Board of Park Commissioners adopted an updated Master Plan for the Olbrich Botanical Gardens (the "OBG"). The Master Plan proposed to preserve the Property as part of expanded park and botanical garden facilities north of the railroad and bike path. The Master Plan allocated space for future parking, but proposed several measures to minimize the amount of parking needed and to maximize the amount of open space.

In 2004, OBS commissioned a Historic Structure Report and adaptive reuse study. In accepting this Report from OBS in 2005, the Board of Park Commissioners recommended that the Property be declared surplus for the purpose of seeking a public/private partnership for adaptive reuse. The Board of Park Commissioners recommended that the reuse include some storage and maintenance for OBG; that it include some broadly defined public space for uses that are compatible with the mission of OBG; and that the reuse should minimize the amount of parking and maximize the amount of open space on surrounding parkland.

The Garver Building Reuse Committee (the "Committee") was established under the guidelines of the City's surplus property procedures, and its members were appointed by the Mayor and approved by the Council on September 6, 2006 (Resolution No. 06-00767, ID No. 04224). The Committee was charged with establishing criteria for reuse of the Property, with soliciting proposals and with selecting a proposal. To develop the Request for Proposals (the "RFP"), as outlined in city surplus property procedures, the Committee held 3 public information meetings and over 20 regularly scheduled meetings that were open to the public. The Schenk-Atwood-Starkweather-Yahara Neighborhood Association also held a workshop that many of the Committee members attended to gain additional input from neighborhood residents. After this meeting, the Committee drafted a RFP and recommended that the Common Council authorize its issuance. The Common Council approved the issuance of the RFP on June 5, 2007 (Resolution No. 07-00595, ID No. 06115).

In accordance with the RFP, proposals were received until September 14, 2007. Three proposals were received, and the Committee determined the proposals of Barnsdale Land Co. LLC ("Barnsdale") and Common Wealth Development, Inc. ("Common Wealth") to have been responsive to the RFP. The third proposal was determined not to be responsive to the RFP criteria and rejected. The City selected Common Wealth's proposal on March 31, 2008 (Resolution No. 08-00623, File I.D. #09785).

Common Wealth began their due diligence process, but was unable to complete its proposed project due to the economic recession in 2008-2009. On May 31, 2011, Common Wealth withdrew their proposal for the Garver Feed Mill.

Beginning in June of 2014, the Mayor reconstituted the Committee with newly appointed members. The Committee was again charged with establishing criteria for reuse of the Property, with soliciting proposals, and recommending a proposal to the Common Council. The Committee again developed a RFP while holding four (4) public meetings, including a public hearing. The RFP was recommended to the Common Council and approved on October 22, 2014 (Resolution No. 12-00752, File I.D. #35479). In accordance with the RFP, proposals were received until December 19, 2014. Four proposals were received.

The Committee reviewed the proposals, interviewed the developers who submitted the proposals, and heard public testimony. After reviewing the four proposals and all associated information, the Committee determined that Baum Development best met the criteria that was in the RFP and that its proposal was in the best interests of the City of Madison. The Committee recommended that the Alternative Continuum of Care proposal be a contingency proposal if negotiations with Baum Development are unsuccessful.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council determines that it is in the best interests of the City to sell the Building and lease the Property and portions of the North Plat required for the project to Baum Development for its adaptive rehabilitation and reuse by creating Baum Development at the Garver Feed Mill property and accepts the Committee's

recommendation that the Alternative Continuum of Care proposal as a contingency proposal if negotiations with Baum Development are unsuccessful, and;

**BE IT STILL FURTHER RESOLVED**, that staff from the City Parks Division, the City Attorney's Office, and the Office of Real Estate Services are authorized and directed to enter into negotiations on behalf of the City of Madison to prepare a development agreement, ground lease for the Property and portions of the North Plat required for the project, and bill of sale for the Building, between the City of Madison and Baum Development, the terms of which will be subject to Common Council approval by separate resolution, and;

**BE IT STILL FURTHER RESOLVED**, that staff from the City Parks Division, the City Attorney's Office, the Office of Real Estate Services, and City Engineering are authorized and directed to identify and negotiate offers to purchase replacement park property subject to Common Council approval and, upon said approval to commence the Conversion Process.

BE IT FINALLY RESOLVED that staff shall provide status updates and negotiations to the Board of Estimates at appropriate times, but no later than the June 8, 2015 Board of Estimates meeting.