

**COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF MADISON, WISCONSIN**

Resolution No. 2890

Adopting a relocation order for the acquisition of property located at 2405, 2409 and 2413 Cypress Way and 826, 830, 834, and 838 West Badger Road in the Badger Ann Park Redevelopment Area

Presented October 8, 2009  
Referred \_\_\_\_\_  
Reported Back \_\_\_\_\_  
Adopted October 8, 2009  
Placed on File \_\_\_\_\_  
Moved By Ald. Timothy Bruer  
Seconded By Ald. Julia Kerr  
Yeas 7 Nays 0 Absent 0  
Rules Suspended \_\_\_\_\_

WHEREAS the Community Development Authority of the City of Madison (“CDA”) created the Badger Ann Park Redevelopment District and adopted the Redevelopment Plan for the Badger Ann Park Redevelopment District on March 8, 2007 , which Redevelopment Plan was also adopted by the Common Council of the City of Madison on May 1, 2007, and which includes the property located at 2405, 2409 and 2413 Cypress Way and 826, 830, 834, and 838 West Badger Road (“Subject Properties”), the legal description of which is attached hereto as Exhibit A and the location of which is shown on the attached map marked:

“Map of Real Property Interests to be Acquired in Badger Ann Park Redevelopment District”

WHEREAS it will be necessary for the CDA to purchase the Subject Properties from the respective private land owners in order to accomplish blight elimination in this redevelopment area and further the objectives of the Redevelopment Plan under Section 66.1333, Wisconsin Statutes; and

WHEREAS the CDA is desirous of proceeding under Section 32.05 of the Wisconsin Statutes to acquire the Subject Properties.

NOW, THEREFORE BE IT RESOLVED that the CDA does hereby adopt a relocation order for the purpose of acquiring the Subject Properties required for redevelopment in the Badger Ann Park Redevelopment Plan.

BE IT FURTHER RESOLVED that the CDA of the City of Madison hereby elects, in accordance with Section 32.05 of the Wisconsin Statutes, to proceed to acquire the Subject Properties pursuant to the procedure set forth in Section 32.05, Wisconsin Statutes, and hereby approves as necessary and as a public purpose the undertaking of blight elimination at 2405, 2409 and 2413 Cypress Way and 826, 830, 834, and 838 West Badger Road in the City of Madison.

BE IT STILL FURTHER RESOLVED that the Office of Real Estate Services of the Economic Development Division of the City of Madison and such counsel as the CDA may retain, on behalf of the CDA, are hereby authorized to proceed by negotiation or condemnation on the authority of Chapter 32 and Section 66.1333 of the Wisconsin Statutes, to acquire the Subject Properties shown on said relocation order map.

BE IT STILL FURTHER RESOLVED that the Office of Real Estate Services of the Economic Development Division of the City of Madison is authorized on behalf of the CDA to solicit bids and retain any and all

necessary services relating to the relocation of residents and businesses, appraising the Subject Properties, temporary management of the Subject Properties, demolition of structures on the Subject Properties, environmental testing and remediation of the Subject Properties,

BE IT FURTHER RESOLVED that the Executive Director and the Chair are authorized to execute the jurisdictional offers, lis pendens, awards of compensation if condemnation proceedings under Chapter 32 of the Wisconsin Statutes are necessary to accomplish this acquisition, and contracts for professional services related to the relocation of residents and businesses, the appraising the Subject Properties, temporary management of the Subject Properties, demolition of structures on the Subject Properties, environmental testing and remediation of the Subject Properties.

That the herein resolution was passed and adopted by the CDA of the City of Madison this 10th day of September, 2009, by a vote of \_\_\_ ayes and \_\_\_ nays.

\_\_\_\_\_  
Mark A. Olinger, Executive Director  
Community Development Authority

\_\_\_\_\_  
Date

**EXHIBIT A**

Legal Description  
2405 Cypress Way

Owner: Hammonds Apartment Rental & David Hammonds

LOT SIXTY-SIX (66), FIRST ADDITION TO BURR OAKS, IN THE CITY OF MADISON, DAN COUNTY, WISCONSIN.

SUBJECT TO RIGHT OF WAY OVER THE WESTERLY 15.0 FEET OF THE EASTERLY 35.0 FEET OF LOT 66 AND TOGETHER WITH RIGHT OF WAY OVER THE SOUTH 15.0 FEET OF LOT 64 AND WESTERLY 15.0 FEET OF EASTERLY 35.0 FEET OF LOTS 64, 65 AND 67.

(Parcel No. 251-0709-352-0302-9)

Legal Description  
2409 Cypress Way

Owner: Lue Thao, May Vue Thao, Blong Thor, Hyua Lao, and Associated Bank

LOT SIXTY-FIVE (65), FIRST ADDITION TO BURR OAKS, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN

(Parcel No. 251-0709-352-0303-7)

Legal Description  
2413 Cypress Way

Owner: Lue Thao, May Vue Thao, Blong Thor, Hyua Lao, and Associated Bank

LOT SIXTY-FOUR (64), FIRST ADDITION TO BURR OAKS, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN

(Parcel No. 251-0709-352-0304-5)

Legal Description  
826 West Badger Road  
Owner: ML Investments, LLC

PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTOIN 35, TOWNSHIP7 NORTH, RANGE 9 EAST, IN THE TOWN OF MADISON, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF SAID SECTIOIN 35, THENCE NORTH 89 DEGREES 19 MINUTES WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 , 535.5 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES, 19 MINUTES WEST 175.0 FEET; THENCE NORTH 89 DEGREES 19 MINUTES WEST, PARALLEL TO THE SAID SOUTH LINE, 74.6 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES EAST 175.0 FEET TO THE SAID SOUTH LINE; THENCE SOUTH 89

DEGREES 19 MINUTES EAST, ALONG THE SAID SOUTH LINE, 74.6 FEET TO THE POINT OF BEGINNING.

(Parcel No. 251-0709-352-0319-4)

Legal Description  
830 West Badger Road  
Owner: John A. Lucille and Sherry G. Lucille

PART OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 35, TOWN 7 NORTH, RANGE 9 EAST, IN THE CITY OF MADISON, DANE COUNTY WISCONSIN, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 35; THENCE NORTH 89 DEGREES 19 MINUTES WEST ALONG THE CENTERLINE OF WEST BADGER ROAD FOR A DISTANCE OF 610.1 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 19 MINUTES WEST 175.0 FEET; THENCE NORTH 89 DEGREES 19 MINUTES WEST PARALLEL TO THE CENTERLINE OF WEST BADGER ROAD, FOR A DISTANCE OF 74.6 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES EAST 175.0 FEET TO THE CENTERLINE OF WEST BADGER ROAD; THENCE SOUTH 89 DEGREES 19 MINUTES EAST ALONG THE CENTERLINE OF WEST BADGER ROAD, 74.6 FEET TO THE POINT OF BEGINNING.

(Parcel No. 251-0709-352-0307-9)

Legal Description  
834 West Badger Road  
Owner: John A. Lucille and Sherry G. Lucille

OUTLOT "B", BURR OAKS, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN. TOGETHER WITH AND SUBJECT TO THE RIGHTS AND OBLIGATIONS CONTAINED IN THE DECLARATION OF COMMON DRIVEWAY AGREEMENT RECORDED AS DOCUMENT NO. 2745301 AND RECORDED AS DOCUMENT NO. 2756638.

(Parcel No. 251-0709-352-0306-1)

Legal Description  
838 West Badger Road  
Owner: Nedra M. Bobo, their successor or successors, as Trustees under the provision of a Trust Agreement dated November 18, 2005 and known as Badger Trust

OUTLOT "A", PLAT OF BURR OAKS, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN. TOGETHER WITH AND SUBJECT TO THE RIGHTS AND OBLIGATIONS CONTAINED IN THE DECLARATION OF COMMON DRIVEWAY AGREEMENT RECORDED AS DOCUMENT NO. 2745301 AND RECORDED AS DOCUMENT NO. 2756638.

(Parcel No. 251-0709-352-0305-3)

# Map of Real Property Interests to be Acquired in Badger Ann Park Redevelopment District

- Subject Properties
- ▨ TOWN OF MADISON
- City of Madison



City of Madison: Dept. of Planning and Community  
and Economic Development  
Economic Development Districts  
DWR #09099 [Berr Oaks Sr Hsg - RELO Map]