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VIA HAND DELIVERY, US MAIL AND EMAIL

January 13, 2012

Mayor Paul R. Soglin
Office of the Mayor
210 Martin Luther King Jr Blvd., Room 403
Madison, WI 53703-3345

Alder Lauren Cnare, President
City of Madison Common Council
210 Martin Luther King, Jr. Blvd, Room 417
Madison, WI 53703

Dear Mayor Soglin, President Cnare and Members of the Common Council:

This letter is sent on behalf of Barbara G. Fant, the proposed purchaser ranked highest for the City's surplus property known as The Collins House, a City landmark on the National Register of Historic Places at 704 East Gorham Street. After a lengthy process, the Fant proposal received a substantially higher score from members of the James Madison Park Surplus Property Disposal Committee (the "Committee"), based on criteria set forth in its Reissued Request for Proposals (RFP) on September 20, 2011. None-the-less, at its public meeting on Thursday, January 5, 2012, the Committee voted 4-2 in favor of another proposal. The two dissenting votes, that is, those in favor of the Fant proposal, were cast by alders, including the alder in whose district Collins House is located.

The successful bidder, Klebbe/Waugh (K/W), whose proposal was ranked second, will come before the Common Council on January 17, 2012, for referral to the Parks Commission, Landmarks Commission, Plan Commission and Board of Estimates. Ms. Fant would request that this matter be remanded back to the James Madison Park Surplus Property Disposal Committee.

Initially, we note that Ms. Fant has proposed that the Collins House return to its "highest and best use," that is, to single family owner-occupancy. Her daughter and son-in-law, Cordelia and Mark Gallo, moved to Madison last year for the purpose of raising their children. Ms. Fant and her daughter, a ten-year resident of Madison before she married, previously owned and rehabilitated a house at 1517 Morrison Street. They now propose to buy the Collins House and restore it to museum-quality, U. S. Secretary of the Interior standards as the Gallo family's primary residence, with Ms. Fant residing there intermittently.

Cordelia and Mark Gallo and their children would not only live in the Collins House, they also intend to operate a "Farm to Fork" catering business by reinstating a commercial kitchen installed in the basement. Matthew Tucker, Zoning Administrator, has issued a written opinion that this would require a conditional use permit but not a change in the zoning classification or

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ordinance. The Gallo family would also make the Collins House available for civic and neighborhood events, tours, meetings and receptions.

Ms. Fant, with a Ph.D. in American Material Culture, has thirty years' award-winning experience in restoring, preserving and protecting under easement several historic properties in other states, in addition to rehabilitating her daughter's former home on Morrison Street in the City of Madison, 2002-2004. She requests that this matter be referred back to the Committee for the following reasons:

The K/W proposal is illegal. The City's Reissued Request for Proposals (RFP) required final proposals to be submitted to Committee staff by November 7, 2011. The K/W proposal is for a bed and breakfast that would allow the proposers to live in the house. However, the Madison General Ordinances prohibit a bed and breakfast within 500 feet of another in the HIST-L and R-5 zoning district. The Livingston Inn (a/k/a the landmark Leitch House) at 752 East Gorham Street is less than 500 feet away and thus renders the K/W proposal illegal under MGO §28.08(6)(b)5.d.

Notwithstanding the Committee's RFP requirement that a final proposal be submitted on November 7, the K/W proposal was amended several times, most recently in late December to provide that the Collins House become a lodging house instead of a bed and breakfast. This change in use creates additional problems in that the proposers may not live in the lodging house as they envision. The statement that the basement is a living unit is incredible, because the basement is not a "living unit" with a certificate of occupancy. The proper methodology would have been to try to amend the zoning ordinance before submitting a B&B proposal, as opposed to asking the Committee to accept a proposal that is illegal on its face. What is now before the Common Council is an illegal proposal.

The Committee also apparently allowed substantial modifications to the K/W proposal as late as the meeting on January 5, 2012, when K/W again changed their proposal to increase the base ground rent by over fifty percent. No copy of this amended proposal was provided to the other applicants, and it should have been rejected out of hand.

Richard Linster, president of the Tenney-Lapham Neighborhood Association, speaking only for himself, supported the Fant proposal: "I believe that a core of families can effect a profound beneficial change in this part of the neighborhood and make it a truly desired residential distinction . . . This is simply too good a proposal to pass up."

Committee staff has proposed a period of 180 days following the Common Council's scheduled action on February 28, 2012, before settlement. This is a much longer delay than any proposer requested. (K/W indicated their contingencies, including the necessary sale of their current residence, could be met by May 2012.) This prolonged period possibly takes the Collins House into another winter cycle, if the K/W contingencies are not satisfied. Currently there is damage to the Collins House from having been vacant for six years since 2005, which further delay will

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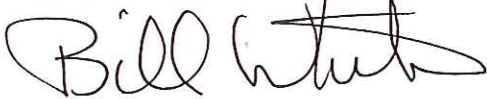
only exacerbate. For example, the flashing on the roof needs to be replaced to prevent additional water damage to the dining room.

It is unfortunate that Ms. Fant has felt it necessary to ask that this matter be referred back to the James Madison Park Surplus Property Disposal Committee. Yet it should be apparent to anyone, not only to a dedicated historic preservationist, that the landmark Collins House and the City of Madison deserve an RFP both fair and predictable, instead of her meritorious proposal's defeat by an undisciplined process in support of an illegal proposal.

We look forward to working collaboratively with the City to ensure, instead, that the RFP process and the Committee vote regarding disposal of the Collins House are based upon objective standards, fairly judged and designed to maximize its "highest and best use" to the James Madison Park, the Tenney-Lapham neighborhood and the City of Madison.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



William F. White

cc: Members of the Common Council
James Madison Park Surplus Disposal Property Committee Members
Michael P. May, City Attorney
Barbara G. Fant
Cordelia and Mark Gallo

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