

AGENDA # _____

CITY OF MADISON, WISCONSIN

A RESOLUTION _____

authorizing the Mayor and City Clerk to sign an Agreement with Catholic Charities, Inc. Diocese of Madison.

PRESENTED February 1, 2005
REFERRED BOE, Assessor, Comptroller

REREFERRED _____

Drafted by: **Katherine C. Noonan**
Assistant City Attorney

REPORTED BACK February 22, 2005

Date: **January 25, 2005**

ADOPTED _____ POF _____

Fiscal Note: **Referred to Comptroller for fiscal note.**

RULES SUSPENDED _____

PUBLIC HEARING _____

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

RESOLUTION NUMBER _____
ID NUMBER _____

SPONSORS: **Aldersperson Paul Skidmore**

WHEREAS, on June 15, 2004, the Common Council adopted Ordinance No. 13642 rezoning property at 501 Commerce Drive from PUD (GDP) to PUD (SIP) to allow construction of one hundred eight (108) units of senior housing; and

WHEREAS, the above rezoning was conditioned on signing an Agreement with the City relating to a payment for municipal services;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the Mayor and City Clerk to sign an Agreement with Catholic Charities, Inc. (CCI), the owner of the property at 501 Commerce Drive, on the following terms and conditions:

1. In recognition of the value of municipal services provided to CCI and in further recognition of the economic impact the provision of such services has on the City, CCI shall make an annual payment for municipal services (PMS) to the City.
2. The annual PMS shall be calculated as a per unit fee, as shown in the fiscal note. It shall be based on budget figures for some or all of the expenditures for the following: public safety and health, streets, parks, transit, traffic engineering, library, and debt service from the above agencies. The PMS is intended to reflect those expenditures relating to municipal services directly or indirectly made available for use by CCI. The fee shall be adjusted annually based on an increase or decrease in the City tax levy. In addition, at least every five years the share of costs attributed to each service shall be reviewed to determine whether there has been a change in type or level of service.
3. The PMS also shall be reviewed if the vacancy occupancy rate falls below ninety-five percent (95%).

4. The Agreement for PMS shall terminate if:
 - (a) CCI is determined not to be exempt from paying general property tax to the City; or
 - (b) A court of competent jurisdiction invalidates this Agreement between the City and CCI; or
 - (c) The State of Wisconsin enacts legislation requiring payment for municipal services by tax-exempt entities, and the legislation substantially addresses the economic impact of CCI that underlies this Agreement; or
 - (d) If CCI does not construct the senior housing project that is the subject to this Agreement
 - (e) The City fails to impose a PMS requirement on other Planned Development Districts that are or are proposed to be exempt from taxation pursuant to Sec. 70.11(4), Stats.