



Office of the City Attorney

Michael P. May, City Attorney

Room 401
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703-3345
(Phone) 608 266 4511
(TTY/Textnet) 866 704 2340
(FAX) 608 267 8715
attorney@cityofmadison.com

ASSISTANT CITY ATTORNEYS

Larry W. O'Brien	Anne P. Zellhoefer
Robert E. Olsen	Lara M. Mainella
James M. Voss	Steven C. Brist
Carolyn S. Hogg	Marci Paulsen
Jennifer A. Zilavy	Jaime L. Staffaroni
Katherine C. Noonan	Andrew Jones
Roger A. Allen	Doran Viste
	Adriana Peguero
	LITIGATION ASSISTANT
	Patricia Gehler

June 13, 2008

TO: Plan Commission

FROM: Katherine C. Noonan, Assistant City Attorney

SUBJECT: 1501 Monroe Street

On June 3, 2008, the Common Council referred the draft restrictive covenant to the Plan Commission by the following motion:

“A motion was made by Ald. Kerr, seconded by Ald. Bruer, to Accept the appeal and to modify the Plan Commission’s determination with respect to this application for the purpose of returning a draft of the deed restriction to the Plan Commission for its review to ensure that the deed restriction reflects all of the project elements presented in the public hearing before the Plan Commission and to clarify the enforcement mechanism of the deed restriction pursuant to the Plan Commission’s lengthy discussion at its meeting.”

This motion indicates that the Plan Commission is to use the testimony at the public hearing and the discussion at the Plan Commission meeting of May 5, 2008 as the source for its review of the draft restrictive covenant. It is not appropriate for the Plan Commission to ‘redo’ the approval at this time as the item before them on June 17, 2008 is not a reconsideration. Changes to the restrictive covenant should be limited to the specific issues that were raised at the May 5, 2008 meeting.

Thus, the issues before the Plan Commission are:

1. Based on the testimony and other evidence from its meeting on May 5, 2008, what changes, if any, are necessary in the deed restriction to make it reflect the elements presented at that meeting?
2. Based on the testimony and other evidence from its meeting on May 5, 2008, what changes, if any, are necessary in the deed restriction for enforcement purposes?

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A revised restrictive covenant has been submitted. The Plan Commission may accept the revisions, which have been agreed to by certain interested parties and the applicant. If the Plan Commission wishes to change or add to the revised covenant, please use the above information as a guide.

Katherine C. Noonan
Assistant City Attorney