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April 22, 2015

City of Madison Parks Division  
210 Martin Luther King Jr. Blvd. Suite 104  
Madison, Wisconsin 53703

Re: Removal of one tree in the "Right of Way" at 4114 East Washington Avenue, Madison

Dear Board of Parks Commissioners & Board President,

I am writing to request that I be added to your meeting agenda on May 13, 2015. I have been in touch recently with Ms. Viste with the City Attorney's Office and she suggested that we take our concern in front of the Parks Board at the next available meeting. Please let me know if we can be added to the agenda that day and I will be present to state my concerns and answer any questions or concerns that the Board may have with regards to our request.

Our request at this time is to remove one (1) tree that is in the front "Right of Way" at our Property located at 4114 East Washington Avenue in Madison. We have discussed our request with Ms. Eddy, City Forester, starting last Fall and at that time we were told that this would not be a possibility. We then met with Ms. Eddy in November 2014 at her office and told her our concerns with this tree that is placed in front of our existing Building. She listened to our concerns that day and she informed us that the next step would be to contact, in writing, the Habitat Stewardship Committee asking that they approve our request in return for paying for the removal of this subject tree and also planting some new trees within the City of Madison. We would pay for and have our Landscape Company plant new trees wherever the City chooses. We were and are still fine with this plan that we had discussed that day with Ms. Eddy.

Our request was denied at their meeting of February 10, 2015. We received notice of this denial in a letter from Ms. Eddy about 40 days later. I immediately contacted Ms. Eddy at the City Foresters Office and left her a voice message asking her what the next steps could be in this matter. She responded to me in a voice mail back stating that their decision is Final and there is nothing more that can be done at this time. I then consulted with our Attorney and she suggested that legal action might have to be the next step. Our Attorney did suggest talking with our Alderman and the City Attorney first before taking any legal action against the City. I did contact Joe Clausius (Our Alderman) and told him where we are at with this request and that it was denied and he informed me that he would speak with Ms. Eddy and get back to us. Unfortunately I never heard back from Joe, mainly because he was probably very busy with the Spring Election and then was unsuccessful in his re-election bid. After contacting the City Attorney's Office, we were contacted by Ms. Viste shortly after and she told us that we would have appeal rights from the denial we received and to submit a request, in writing, to your Board to have us added to your agenda on May 13<sup>th</sup> to be heard. This will serve as my request to be added to your agenda that day.

In summary, the reason we are asking for the removal of this subject tree is that we have had several potential commercial tenants state that they are very interested in leasing the left side of our building at 4114 East Washington Avenue, but one lease requirement would be that the tree be removed from in front of our property. The current tree blocks the visibility of our building and all potential tenant signage for this space. Long story short, if we cannot lease this space due to the current placement of this tree, we are not receiving annual rent for this space of between \$50,000-\$60,000 per year. We have now had this space vacant on the East Washington Avenue/East Towne Mall corridor for over two years and the main complaint from any potential tenants is the blockage of the building/signage due to this tree. There is very little space currently for lease on this stretch of East Washington Avenue and we feel if this tree can be removed, we will be able to lease our current vacant space in a timely manner.

In the neighboring properties to the East, there were also trees placed in the "Right of Way" that have now been removed due to the East Washington Avenue reconstruction and also a full property re-development right next door to our property that now is occupied by Taco Bell, Starbuck's, Topper's, Eyemart Express, etc.

We are still offering to pay for the full removal of this subject tree and also will commit to the City of Madison that we will pay for replanting 3-4 new trees in any area of the City that they see fit. We own and manage many commercial properties in the City of Madison and have never run across a leasing problem/situation quite like this before due to a location of a tree.

Over several years in the real estate business, we have planted and maintained many trees, shrubs, and landscaping areas within all of commercial properties in the City and we generally due whatever it takes to take care of and maintain all of our living landscaped areas. We would only ask for the removal of a healthy tree if fully necessary. As discussed above, we are currently loosing substantial rent for this space and we need to resolve this situation soon. I ask for your permission for removal of this subject tree and we will work with the City Forestry Department in determining where and when they would like the new trees planted.

Thank you for your time and consideration. I will be present on May 13rd for any questions or concerns in this matter.



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cc: Leasing & Legal Dept.  
Marla Eddy (City Forester)  
Doran Viste (City Attorney's Office)