

**From:** Barry Berman <[barry.berman@bagelsforever.com](mailto:barry.berman@bagelsforever.com)>

**Sent:** Tuesday, February 8, 2022 2:58 PM

**To:** Vaughn, Jessica L <[JV Vaughn@cityofmadison.com](mailto:JV Vaughn@cityofmadison.com)>

**Cc:** Vidaver, Regina <[district5@cityofmadison.com](mailto:district5@cityofmadison.com)>

**Subject:** February 9, 2022 Urban Design Commission Meeting re: 3005 University Avenue

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Jessica,

Attached, please find a copy of a letter sent to the Urban Design Commission on December 15, 2021. Bagels Forever still opposes the development at 3005 University as it is currently proposed since loading and unloading of our trucks will be extremely difficult and will cause severe traffic congestion on Schmitt Place that could spill over to University Avenue. We have notified Flad and the Schmock Estate that we feel we have a prescriptive easement for a portion of Smoky's parking lot, but we have also expressed our willingness to discuss options prior to enforcing that claim with legal action.

Regards,

Barry Berman  
608-231-2427



Reinhart Boerner Van Deuren s.c.  
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Madison, WI 53703

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December 15, 2021

Gregory F. Monday  
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SENT BY E-MAIL

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Dear Sirs and Madams:

Re: 3005 University Avenue

We represent Bagels Forever, Inc. ("Bagels Forever") with respect to its property located at 2947 University Avenue, Madison, WI 53705. It is our understanding that a transaction and change of use is being proposed involving the property currently occupied by Smoky's Club at 3005 University Avenue, Madison, WI 53705 (the "Smoky's Property"), which is next to Bagels Forever. We also understand that the City of Madison Urban Design Commission will be reviewing this proposal for approval at their December 15, 2021 meeting. At this time, Bagels Forever objects to certain elements of that proposal.

In particular, for almost 50 years, since 1973, Bagels Forever has used a portion of the Smoky's Property for access to its loading bays. It was Bagels Forever's understanding that the issue of its continued access to the Smoky's Property would be resolved prior to the sale of Smoky's. We believe that the current proposal for the Smoky's Property would be inconsistent with Bagels Forever's continued use of the property for this access. At this time, we are helping Bagels Forever and its owner, Barry Berman, analyze Bagels Forever's rights in this matter, so that he can enforce those rights before the City of Madison approves a new project on the Smoky's Property.

December 15, 2021

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We are hoping that this letter sets the record clear that Mr. Berman and Bagels Forever oppose any new project on the Smoky's Property until the matter of Bagels Forever's continued use of the Smoky's Property is resolved.

Yours very truly,

A handwritten signature in black ink, appearing to read 'G. Monday'.

Gregory F. Monday

cc: Urban Design Commission ([urbandesigncomments@cityofmadison.com](mailto:urbandesigncomments@cityofmadison.com))