

11/18/09

Dear Mayor Cieslewicz,

I am asking that you support and protect, in the short term, current urban agriculture. We, my wife and myself, own and operate an ongoing established farming business on our property at 5409 Femrite Drive in the City. Unless something is done to change the current ordinance regarding the deferral of special assessments on land used for agriculture, there will be no urban farming in Madison.

I am writing you with the hope that you may support two efforts:

- 1) The effort of both my wife, Terry Cohn, and myself to have the "Femrite Drive and Marsh Road Special Assessments" decision before the Board of Public Works **tonight, postponed, deferred or referred, if necessary**, in order that Alder Rummel, who has offered to be a sponsor, can move to amend City General Ordinance **4.081 DEFERRED ASSESSMENTS**

We are now facing a new **\$52,540 special assessment**
(Parcel No.0710-224-0093-2) for a **Public Works**
Project (ID 53B0462) on Femrite Drive and Marsh Road

- 2) The effort of **Alder Rummel to amend the above mentioned ordinance** to allow the deferral of **special assessments** for property used for agriculture, which lies within the major industrial development areas of the City, and is **less than 10 acres in size**.

The current ordinance is attached and it reads "ten acres in size or larger". Our property is just shy of five acres. I have suggested adding something to the effect "two, three, four acres or larger, and has been used for agriculture for the five years prior to the levy of the special assessment".

We, and others in the neighborhood have farmed this parcel since the 1860's. We are an example of the few urban farmers within the City, that farm under current zoning regulations. We have been serving the local restaurant community, and individuals under the name of "Sow Little Farm" for the last eight years. We have paid special assessments on our property exceeding \$30,000. By an acreage change in the above ordinance, we would receive the temporary relief we need to continue farming for some time to come. The current ordinance grants 10 years deferral on assessments, and then allows 15 years of payments made in installments.

My wife and I are both 59 years old. We have owned this property since 1991 when the most of area was used for agricultural purposes. When we purchased the land, there was a possibility of a landfill at the current DATCAP site. At various times, Pottinger,

Livingston, and Graham, have been involved in farming on our property. They all had farmed their own land in the area as well.

Thank you for your consideration of this urgent matter. I believe it is quite important to any urban agricultural initiatives. It would be an honor to meet with you to discuss "City" concerns, as well as my own, regarding urban agriculture in and around Madison. If such a meeting is possible, please advise.

Cordially,

Michael Johns
Sow Little Farm
5409 Femrite Drive
Madison, WI 53718

Cell Phone: 334-9784

4.08 SPECIAL ASSESSMENTS--PAYMENT IN INSTALLMENTS. (1) Whenever any special assessments shall be levied to defray the cost of any public improvement, such special assessments may be paid in annual installments of not more than fifteen (15) in number for major improvements nor more than eight (8) for sidewalk repair and installation of street lights and street tree as determined by the Common Council. However, the number of installments may not exceed ten (10) if the special assessments are made pursuant to Sec. 16.23(9) of these ordinances. (Am. by Ord. 8748, 12-31-85; ORD-06-00115, 8-22-06)

(2) The first installment shall include a proportionate part of the principal of the special assessment

determined by the number of installments, together with interest at the rate of in effect at the time the assessment is levied. The interest rate for each calendar year shall be determined by the City Comptroller at the beginning of each year using the cost of the prior year general obligation borrowing (%) plus one percent (1%) for administration rounded up to the next highest one-half percent (0.5%). Said interest rate shall be computed from the date the assessment is billed through the next succeeding October 31, and each subsequent installment shall include a like proportion of the principal and twelve (12) months interest upon the unpaid portion of such assessment.

(Am. by Ord. 9452, 4-15-88; ORD-06-00115, 8-22-06)

(3) The first installment shall be entered in the first tax roll prepared after said installments shall have

been determined as a special tax on the property upon which the special assessment was levied, and thereafter this tax shall be treated in all respects as any other municipal tax. One of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied.

(4) If any installment so entered in the tax roll shall not be paid to the municipal treasurer with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate.

4.081 DEFERRED ASSESSMENTS.

(1) The Common Council of the City of Madison has made the following findings:

(a) In the interest of the public health, welfare and safety, it is often necessary to construct certain public improvements in areas which are undeveloped or outside the territorial limits of the City.

(b) In the interest of nonresidential economic development, within the City of Madison, high priority for granting a deferment under this section shall be given to properties that lie within the major industrial development areas of the City and which are ten (10) acres in size or larger. The Council recognizes that larger industrial tracts of ten (10) acres or more incur greater holding costs and are more difficult to market than small industrial parcels or large residential acreage or lots.

(c) The Council also recognizes certain public improvements may have to be constructed adjacent to property which has been designated a landmark by the City or is adjacent to and could be considered to be ancillary to a landmark. It may also find that the proposed public improvements would be of benefit to the property on which the landmark is sited or the property that is adjacent to and could be considered to be ancillary to the landmark only if the property was further improved or subdivided.

(d) The Council may find that a property located within the City, less than ten (10) acres in size, with its front and back sides fronting on different streets (not a corner lot), would only be able to have access or connection to the proposed public improvement if the property was further developed or subdivided.

(Am. by Ord. 6122, 2-7-78)

Sec. 4.081(2)(a) FINANCE

(2) (a) The Common Council may defer the due date of any special assessment levied against property abutting on or benefited by a public improvement, which abutting property is zoned or used for agriculture or lies outside the City limits or lies within the major industrial development areas of the City, is ten (10) acres in size or larger, and is zoned exclusively for such development. Such special assessment must be paid, however, within ten (10) years of the date of the resolution making the levy, unless the Common Council permits additional time by allowing payment of the assessment in installments, in which case the assessment shall be paid within the time prescribed by the resolution permitting installment payments.

(b) The Common Council may defer the due date of any special assessment levied against property abutting on or benefited by a public improvement, which abutting property has been designated a landmark by the City or is adjacent to and could be considered to be ancillary to a landmark, or is a property equal to or less than ten (10) acres in size whose front and back sides have frontage on different streets. Such special assessment must be paid, however, when the property requires access or connection to the public improvement or is subdivided, unless the Common Council permits additional time by allowing payment of the assessment in installments, in which case the assessment shall be paid within the time prescribed by the resolution permitting installment payments.

(Am. by Ord. 6122, 2-7-78)

(3) If the Common Council defers the due date of special assessments under this section, it shall make an annual interest charge on the total deferred assessment not to exceed the rate in effect at the time the assessment was levied and deferred, which charge shall be added to the total assessment for each year of deferment. (Am. by Ord. 7516, 9-17-81; ORD-06-00115, 8-22-06)

(4) Owners of property for which a special assessment has been deferred under this section shall not

have use of the improvement until:

(a) The amount of the deferred assessment, including interest due thereon, is paid in full to the City of Madison, or

(b) Such an owner desiring to make use of the improvement shall enter into an agreement with the City to pay the assessment plus accrued interest, plus future interest over a stipulated period of time in equal installments of principal plus variable installments of interest as determined by the City of Madison except that, where approved by the Common Council, only that portion of the total amount of deferred assessment shall be collected as it applies to the portion of the land being developed.

(5) Any special assessment deferred under this section shall be a lien against the property assessed

from the date of the resolution making the levy.

(6) Whenever the due date of a special assessment shall be deferred under this section a notice shall

be published in the official paper substantially as follows:

DEFERRED ASSESSMENT NOTICE

Notice is hereby given that the special assessments for improvement of (describe the improvement) have been determined as to each parcel of real estate affected thereby, and a statement of the same is on file with the City Clerk. It is proposed to defer payment of the same with interest thereon (here insert the percent per annum).

FINANCE Sec. 40821

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