



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 16709**

**File ID:** 16709

**File Type:** Resolution

**Status:** Unfinished  
Business

**Version:** 1

**Reference:**

**Controlling Body:** PLAN  
COMMISSION

**File Created Date :** 11/23/2009

**File Name:** 4114 Kipp Lse - 2nd Amendment

**Final Action:** 01/19/2010

**Title:** Authorizing a second amendment to the lease between the City of Madison and Madison-Kipp Corporation within the East Rail Transportation Corridor.

### Notes:

**CC Agenda Date:** 12/08/2009

**Agenda Number:** 1.

**Sponsors:** Marsha A. Rummel

**Enactment Date:**

**Attachments:** 4114 Amendment 2.pdf ,Add Comments 011110.pdf

**Enactment Number:** RES-10-00042

**Author:** Donald S. Marx, Manager Office of Real Estate Services

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1	11/23/2009	Daniel Bohrod	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Community and Economic Development Unit	11/23/2009	Referred for Introduction				
	<b>Action Text:</b> This Resolution was Referred for Introduction						
	<b>Notes:</b> Referred to Board of Public Works, Pedestrian/Bicycle/Motor Vehicle Commission and Plan Commission						
1	PLAN COMMISSION	12/14/2009	Rerefer	PLAN COMMISSION			Pass
	<b>Action Text:</b> A motion was made by Olson, seconded by Basford, to Rerefer to the PLAN COMMISSION. The motion passed by voice vote/other.						
	<b>Notes:</b> This item was referred to a future Plan Commission meeting because this item was not formally introduced by the Common Council, due to the cancellation of their December 8, 2009 meeting. The motion passed unanimously.						

1	COMMON COUNCIL	12/15/2009	Referred	BOARD OF PUBLIC WORKS	
	<b>Action Text:</b>	This Resolution was Referred to the BOARD OF PUBLIC WORKS			
	<b>Notes:</b>	Additional Referrals: Pedestrian/Bicycle/Motor Vehicle Commission, Plan Commission			
1	BOARD OF PUBLIC WORKS	12/16/2009	Refer	PEDESTRIAN/BIC YCLE/MOTOR VEHICLE COMMISSION	
	<b>Action Text:</b>	This Resolution was Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION			
	<b>Notes:</b>				
1	BOARD OF PUBLIC WORKS	12/16/2009	Refer	PLAN COMMISSION	
	<b>Action Text:</b>	This Resolution was Refer to the PLAN COMMISSION			
	<b>Notes:</b>				
1	PLAN COMMISSION	01/11/2010	Rerefer	PLAN COMMISSION	Pass
	<b>Action Text:</b>	A motion was made by Cnare, seconded by Olson, to Rerefer to the PLAN COMMISSION. The motion passed by voice vote/other.			
	<b>Notes:</b>	The Plan Commission referred this resolution to allow additional discussion between the City and Madison-Kipp Corporation about the proposed amendment.			
1	COMMON COUNCIL	01/19/2010	Adopt		Pass
	<b>Action Text:</b>	A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Adopt . The motion passed by voice vote/other.			
	<b>Notes:</b>				
1	PLAN COMMISSION	01/25/2010			

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## Text of Legislative File 16709

### Fiscal Note

No budgetary impact.

### Title

Authorizing a second amendment to the lease between the City of Madison and Madison-Kipp Corporation within the East Rail Transportation Corridor.

### Body

The Common Council adopted a resolution (Resolution No. 54,717 ID No. 22,421) on December 2, 1997 that authorized the execution of a lease (the "Lease") between the City of Madison and Madison-Kipp Corporation ("MKC") to provide access and parking to MKC within the East Rail Transportation Corridor. The Common Council adopted a resolution (Enactment No. RES-09-00243, File ID 13485) on March 17, 2009 that authorized the execution of a First Amendment to the Lease that reduced the leased area, with a corresponding decrease in the annual rent, and provided for an offset of the costs to construct a fence within the leased area against the annual rent. MKC has requested that the lease be amended again to increase the minimum written notice of lease termination from the City from 180 days to 1 year and to limit the discretion of the City to terminate the lease for any public use or purpose to public transportation purposes.

NOW THEREFORE BE IT RESOLVED that the Common Council authorizes the execution of a second amendment to the lease ("Lease") executed between the City of Madison and Madison-Kipp Corporation on May 18, 2000, as amended on March 17, 2009, amending the Lease as follows:

Paragraph 16.a.(4) of the Lease, which addresses the City's right to terminate the Lease for any public use or purpose, shall be modified to provide that the City shall have to right to terminate the Lease "[b]y giving the Lessee a minimum of one (1) year's

written notice of termination in the event the Leased Premises, in the sole discretion of the governing body of the City of Madison, are desired for transportation purposes. Transportation purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public mass transportation systems. In the event of termination under this Subparagraph, any rent that has been prepaid for the period following the date of the Lessee's vacation of the Leased Premises shall be prorated on a per diem basis and refunded to the Lessee."

BE IT FURTHER RESOLVED that all other terms and conditions of the Lease shall remain unchanged and in full force and effect.