



January 9, 2014

Katherine Cornwell
Department of Planning & Development
City of Madison
215 Martin Luther King, Jr. Blvd.
Madison, WI 53710-2985

Re: Birchwood Point Land Use Restriction

Dear Katherine:

As I am sure you recall, the Birchwood Point plat received final approval from the City late last year. Since that time our team has been working with City Staff to satisfy the conditions of approval. To that end, your City Planning staff has been very helpful in assisting us toward those timely resolutions.

However, this process has identified several unintended consequences for our recommended and adopted condition # 54 which is the placement of a Land Use Restriction (LURA) on the single family lots. At the time, we suggested this restriction as an alternative to some of the concerns regarding future lot splits of some of the larger home sites. However, now that we have discussed the logistics with our title company, the long term implementation of this LURA requirement will result in significant complications to the recorded titles of the parcels as well as result in difficulties for the City to administer future sales or disputes as this type of agreement places the City outside of the statutory authority granted by the state leaving circuit court action as the likely outcome for disputes.

Having reviewed this with City Staff, we believe that there is agreement to remove this condition as the approval process inherent in any future land division decisions will offer sufficient long term protection against undesirable lot splits and that future Plan Commissions will be amply prepared to deal with any issues that may arise.

Therefore, since this condition seems to be presenting a significant burden for implementation now and for future purchasers of the homes, we are respectfully admitting our error and requesting Plan Commission remove the condition.

Thank you for your consideration.

Sincerely,



Jeff Rosenberg
President
Veridian Homes, LLC

cc: Tim Parks
Matt Tucker

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