



Legislation Details (With Text)

**File #:** 80099      **Version:** 2      **Name:** SUBSTITUTE - Authorizing the Purchase of the Property Located at 305 S. Bedford from Dane County for Future Assemblage with Brittingham Park. (District 4)

**Type:** Resolution      **Status:** Passed

**File created:** 9/27/2023      **In control:** FINANCE COMMITTEE

**On agenda:** 10/17/2023      **Final action:** 10/17/2023

**Enactment date:** 10/19/2023      **Enactment #:** RES-23-00654

**Title:** SUBSTITUTE - Authorizing the Purchase of the Property Located at 305 S. Bedford from Dane County for Future Assemblage with Brittingham Park. (District 4)

**Sponsors:** Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:** 1. version 1.pdf, 2. S Bedford Public Submittal - Saloutos.pdf

Date	Ver.	Action By	Action	Result
10/17/2023	1	COMMON COUNCIL	Adopt Substitute	Pass
10/11/2023	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
10/9/2023	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/3/2023	1	FINANCE COMMITTEE	Refer	
10/3/2023	1	COMMON COUNCIL	Refer	Pass
9/27/2023	1	Parks Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes the purchase of a tax deeded parcel located at 305 S. Bedford Street from Dane County for purposes of expanding Brittingham Park. The land and improvements on the property are assessed in the amount of \$627,000.00, and have an estimated fair market value, according to the City Assessor, of \$654,762. The total purchase price approved by Dane County Tax Deed Subcommittee is \$654,762 for 5,455 square feet of land and the existing improvements. Total costs are anticipated to be approximately \$700,000 for the transaction, miscellaneous title and closing costs and staff time will be funded by impact fees in the Land Acquisition project (Munis project #17128). No additional appropriation is required.

**Title**

SUBSTITUTE - Authorizing the Purchase of the Property Located at 305 S. Bedford from Dane County for Future Assemblage with Brittingham Park. (District 4)

**Body**

WHEREAS, Dane County (the "County") deposited a 2019 tax certificate with the County Clerk, subsequently executed and recorded a tax deed on June 10, 2022 in the office of the Dane County Register of Deeds for the non-payment of property taxes and special assessments, and has therefore taken title to the property located at 305 S. Bedford Street (the "Property"), which is legally described as follows:

All that part of Lots One (1) and Two (2), Block Twenty-nine (29), Original Plat, located in the City of

Madison, Dane County, Wisconsin, lying Southeasterly of the right of way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, EXCEPT THE FOLLOWING;

- (a) That part contained in instrument filed June 13, 1907 as Document No. 281245;
- (b) That part contained in Deed recorded May 14, 1921 in Volume 289 of Deeds Page 127;
- (c) That part contained in Deed recorded April 22, 1931 in Volume 351 of Deeds, Page 104, as Document No. 526821;
- (d) That part contained in Deed recorded April 22, 1931 in Volume 351 of Deeds, Page 106, as Document No. 536822.

Together with any rights under the easement recorded September 22, 1989 in Volume 13342 of Records, page 88, as Document No. 2163316. Lot Fifteen (15), Block Six (6), Morningside Heights, City of Madison, Dane; and,

WHEREAS, the Property is immediately adjacent to, and the grantee of a driveway and parking lot easement over, the City-owned parcel located at 388 S. Bassett Street, which is part of Brittingham Park, running from S. Bedford Street to S. Broom Street, and between North Shore Drive, John Nolen Drive and the railroad corridor, and the Property ; and,

WHEREAS, based upon a recent Supreme Court case, the County is required to sell the Property at fair market value; and,

WHEREAS, on August 28, 2023, the Dane County Personnel & Finance Tax Deed Subcommittee unanimously approved sale of this parcel (0709-234-0217-0) to the municipality of the City of Madison (2023 ACT-124) at the City Assessor's 2023 estimated value market value for the Property (\$654,762); and,

WHEREAS, it is in the City's interest to acquire the Property to allow for future assemblage with Brittingham Park and blight elimination, and the elimination of the parking and driveway easement, as the acquisition of properties in the vicinity of Brittingham Park and elimination of private uses of park land is a long term goal of the City's Parks Division; and,

WHEREAS, the adjacent property and building at 301 S Bedford (Bedford Square) is a thriving space with 29 small business and service providers and has used the back parking easement since it was established in 1976 for tenant parking, the City will continue to honor the parking easement #2163317 for this building as long as it is under current ownership. If and when an underground pedestrian/bike tunnel is constructed in Brittingham Park at Broom St. or improved ped/bike connectivity is of significant community value in this area, further discussions will occur with the property owner of 301 S. Bedford to find a mutually beneficial path forward; and,

WHEREAS, the City's adopted 2018 Comprehensive Plan (Legistar File # 51349) notes that the Property is located within an area identified for significant mixed use and high density residential redevelopment. The Comprehensive Plan recommends that the City facilitate partnerships and pursue acquisition of parkland in areas which have had significant redevelopment to ensure complete neighborhoods with adequate access to park and open space; and,

WHEREAS, the Downtown Plan adopted by the City of Madison Common Council on July 17, 2012 (Legistar File No. 24468) identifies that the current amount of downtown park land is inadequate to meet the growing needs of the area; and,

WHEREAS, proposed acquisition would add approximately 5,455 square feet (.13 of an acre) of park and open space near the downtown area, while providing expanded opportunities for recreational uses in this densely populated urban center. The acquisition is consistent with the City's adopted 2018 Park and Open Space Plan (Legistar File No. 52928), which includes the recommendation to "Acquire parkland to reduce

parkland deficiencies and address increasing residential density”; and,

WHEREAS, the property also includes a building, the former Gallagher building, which was constructed in or around 1914. The Parks Division recognizes that buildings to support and enhance the park system are important and wherever practicable adaptive reuse to meet future park needs is a desired outcome. The Parks Division, in conjunction with City Facilities Management, will conduct an assessment of the building and prepare a report to the Board of Park Commissioners including potential adaptive reuse options and costs.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City is authorized to purchase the Property from the County at a cost not to exceed \$700,000, which cost is to include the purchase price, closing costs, and other immediate costs incurred by the Parks Division upon receipt of the Property, and the Director of the Economic Development Division, or his designee, is authorized to accept, on behalf of the City, a deed from the County for the Property for the purposes of assemblage with Brittingham Park, and to execute any other forms necessary to effectuate the purchase of the Property; and

**BE IT FURTHER RESOLVED**, that the form of the deed and any other document(s) needed to effectuate the purchase of the Property shall be approved by the City Attorney; and,

**BE IT FINALLY RESOLVED**, that the Parks Division and the Economic Development Division are authorized to take any additional actions necessary to secure the Property for City use, and the Parks Superintendent and the Director fo the Economic Development Division, or their designees, are further authorized to execute any additional documents or agreements that may be necessary for this purpose, in a format approved by the City Attorney.