



Legislation Details (With Text)

**File #:** 26096      **Version:** 1      **Name:** 300 South Livingston LLC BREWD  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/17/2012      **In control:** BOARD OF ESTIMATES (ended 4/2017)  
**On agenda:** 5/1/2012      **Final action:** 5/1/2012  
**Enactment date:** 5/2/2012      **Enactment #:** RES-12-00302

**Title:** Authorizing the award of a grant of BREWD funds in an amount not to exceed \$100,000 to 300 South Livingston Street LLC for the remediation and redevelopment of property at 302 South Livingston Street.

**Sponsors:** Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/1/2012	1	COMMON COUNCIL	Adopt	Pass
4/23/2012	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
4/17/2012	1	COMMON COUNCIL	Refer	Pass
4/17/2012	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

Legistar #25423 (RES-12-00179), adopted 3/20/12, amended the Brownfields Remediation Fund, to reallocate \$125,000 back to the fund following a proposal that did not come to fruition. Therefore, \$100,000 is available for an additional award, as proposed. No additional appropriation is required, and there is no impact on the levy.

**Title**

Authorizing the award of a grant of BREWD funds in an amount not to exceed \$100,000 to 300 South Livingston Street LLC for the remediation and redevelopment of property at 302 South Livingston Street.

**Body**

WHEREAS, the City of Madison received a \$1,000,000 award from the State of Wisconsin to capitalize the Brownfield Remediation/Elimination & Workforce Development (BREWD) program; and,

WHEREAS, the Common Council adopted the current BREWD program guidelines on February 23, 2010; and,

WHEREAS, 300 South Livingston LLC submitted an application for BREWD funding on April 3, 2012 for the remediation and redevelopment of property comprising approximately 0.5 acres located at 302 South Livingston Street ("Property").

NOW THEREFORE BE IT RESOLVED that the Common Council awards a grant of BREWD funds in an amount not to exceed \$100,000 to 300 South Livingston LLC or its permitted assigns ("Developer") for the remediation and redevelopment of property at 302 South Livingston Street (the "Grant"); and,

BE IT FURTHER RESOLVED that the Common Council waives the requirement of the aforementioned BREWD program guidelines that only permits "residential uses occupying no more than 50% of the total floor

area of building(s) within the Property;” and,

BE IT FURTHER RESOLVED that the Common Council authorizes the City Attorney’s Office to draft a BREWD Grant Agreement in accordance with the BREWD program guidelines referenced above, and that said Grant Agreement should include the following specific terms:

- That the City shall secure the Grant with a subordinate mortgage on the Property to be satisfied upon the issuance of a Certificate of Occupancy for the first occupied commercial tenant unit developed on the site and satisfaction of the job creation requirements.
- That the City shall require a minimum of three (3) permanent full-time equivalent (40 hours per week) positions on the Property that conform to the City of Madison Living Wage Ordinance (Section 4.20, MGO) within four (4) years of issuance of a Certificate of Occupancy for the first occupied commercial tenant unit developed on the site; or, be subject to repayment of grant funds per the program guidelines referenced above.
- That the Grant will be used for the remediation activities consistent with the aforementioned application.
- That the Property will redevelop in a manner consistent with the aforementioned application, recognizing that final development plans are subject to future City approvals; and,

BE IT FURTHER RESOLVED that the Common Council authorizes the City Attorney’s Office to draft a BREWD Grant Agreement with the following disbursement contingencies (which differ from the aforementioned program guidelines) so that funds are disbursed when:

- Developer expends eligible remediation costs that exceed the aggregate amount of the Grant and any required match (\$153,847).
- The Wisconsin Department of Natural Resources is satisfied with the completed demolition and remediation activities.
- The Developer has submitted invoices documenting project-related expenses and lien waivers demonstrating that all contractors have been paid.
- The Developer provides evidence (such as development entitlements, a building permit, or executed construction contract) to the satisfaction of the City that construction will begin within a reasonable period of time after disbursement of the Grant on the first commercial tenant unit that will house the positions noted above; and,

BE IT FURTHER RESOLVED that this Grant will be rescinded if the Developer and City are unable to execute a mutually agreed upon BREWD Grant Agreement within 90 days of Common Council approval; however, that this deadline may be extended by up to an additional 90 days at the discretion of the Director of the Department of Planning & Community & Economic Development; and,

BE IT FINALLY RESOLVED that the Mayor and City Clerk are authorized to execute said BREWD Grant Agreement and any other documents necessary to complete the transaction described in this Resolution, all in a form approved by the City Attorney.