



## Legislation Text

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**File #:** 04876, **Version:** 2

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### Fiscal Note

\$200 Administrative Fee to be deposited into Account No. GN01-78220. Annual Rent of \$1.00 to be deposited into Account No. GN01-78220.

### Title

SUBSTITUTE - Authorizing the Mayor and City Clerk to execute a lease with Community Action Coalition of South Central Wisconsin, Inc. for a parcel of land located within Marlborough Park for use as community gardens, and authorizing the termination of the existing lease with Dunn's Marsh Neighborhood Association, Inc. 10th Ald. Dist.

### Body

WHEREAS, the City of Madison and Dunn's Marsh Neighborhood Association, Inc. ("Dunn's Marsh NA") are parties to a certain lease dated January 15, 1988 (the "Prior Lease") for a community gardens site within Marlborough Park (the "Marlborough Park Gardens"), located at 2303 Apache Drive (formerly addressed as 2222 Whenona Drive); and

WHEREAS, beginning in 2005, Dunn's Marsh NA and Community Action Coalition for South Central Wisconsin, Inc. ("CAC") have joined forces with regard to the management of the Marlborough Park Gardens; and

WHEREAS, Dunn's Marsh NA and CAC have agreed that CAC should be the designated managing entity for the Marlborough Park Gardens, similar to CAC's role at other community garden sites within the City; and

WHEREAS, Dunn's Marsh NA ~~desires~~ agrees to terminate the Prior Lease effective as of December 31, 2005; and

WHEREAS, CAC desires to enter into a new lease with the City for the Marlborough Park Gardens, effective as of January 1, 2006; and

WHEREAS, Parks Division staff has reviewed such requests and recommends the termination of the Prior Lease and the execution of a new lease with CAC; and

WHEREAS, the City's Real Estate Section has negotiated the terms of a new lease with CAC; and

WHEREAS, the Board of Park Commissioners reviewed and approved of the new lease at its meeting of June 14, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute a lease with Community Action Coalition for South Central Wisconsin, Inc. ("CAC") for approximately 2.5 acres within Marlborough Park (the "Leased Premises"), subject to the following conditions:

1. The term of the lease shall be 5 years commencing as of January 1, 2006 and expiring on December 31, 2010. Thereafter, the lease term will automatically continue for successive terms of one year each until terminated by either party. The City shall have the right to terminate in the event of a default by CAC upon 30 days notice or, at its sole option upon 180 days notice. CAC shall have the right to terminate at its sole option upon 60 days notice.
2. CAC shall pay to the City a one-time administrative fee of \$200 and annual rent of \$1.00.
3. The Leased Premises are to be used solely for community gardening purposes. CAC shall have the right to sublease the individual garden plots within the Leased Premises to the public for non-commercial use only. The permitted hours of use shall coincide with the hours that Marlborough Park is open for the public, as established by City of Madison General Ordinance Section 8.21.
4. The area of the Leased Premises currently used for community gardening purposes comprises 1.6 acres and is depicted on attached Exhibit A (the "Existing Gardens"). CAC shall be permitted to expand such use to the

remainder of the Leased Premises (the "Expansion Area"), subject to the prior written approval of CAC's expansion plans by the City's Park Superintendent.

5. CAC shall provide proof of commercial general liability insurance in the amount of \$1,000,000, with the City of Madison named as an additional insured.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute a Lease Termination Agreement with Dunn's Marsh Neighborhood Association, Inc. terminating, as of December 31, 2005, the prior lease dated January 15, 1988.

BE IT STILL FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign any and all documents that may be required to accomplish the purpose of this resolution.

#### Legal Description

An approximately 2.5-acre parcel of land, as depicted on attached Exhibit A, located within a larger parcel of land, commonly known as Marlborough Park, located in the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 5, T6N, R9E, City of Madison, Dane County, Wisconsin, said park being more particularly described as follows:

Lot 1, Certified Survey Map No. 2204 as recorded in Dane County Register of Deeds in Volume 8, Page 459 of Certified Surveys;

AND

Part of vacated Whenona Drive described as follows: Commencing at the Northeast corner of said Lot 1; thence S02°02'38"W, 30 feet to the point of beginning; thence S89°45'19"E, 33 feet; thence S02°02'38"W, 232 feet; thence N89°45'19"W, 33 feet; thence S02°02'38"W, 76 feet; thence S89°45'19"E, 33 feet; thence S02°02'38"W, 224 feet; thence N89°45'19"W, 33 feet; thence S02°02'38"W, 76 feet; thence S89°45'19"E, 33 feet; thence S02°02'38"W, 232 feet; thence N89°45'19"W, 33 feet; thence N02°02'38"E, 840 feet to the point of beginning;

AND

The West  $\frac{1}{2}$  of vacated Whenona Drive located south of Daisy Drive.