



## Legislation Text

---

**File #:** 11811, **Version:** 1

---

### Fiscal Note

During the fiscal year of July 2007 through June 2008, net expenditures totaled \$742,584.64, of which \$247,528.21 is considered chargeable, and \$43,689.06 is for State properties which may not be recoverable by the City. Net revenues of \$198,002 have been included in the 2008 Parks Division Operating Budget. No appropriation is required.

### Title

To amend the formula for calculation of the Mall Maintenance Special Charges for the State Street Mall/Capitol Concourse, to amend the State Street Mall/Capitol Concourse service area, and to approve the schedule of Mall Maintenance Special Charges to be imposed for 2007/2008. (4th & 8th ADs)

### Body

#### Preamble

Since 1982, a portion of the City's annual costs to maintain the State Street Mall and Capitol Concourse (Mall/Concourse) have been recovered by imposing special charges against properties in proximity to the Mall/Concourse. These special charges have been generally calculated in accordance with Council Resolution #35,075 dated October 23, 1979, that provide that a portion of the City's annual Mall/Concourse maintenance costs be specially charged to properties within the State Street Mall/Capitol Concourse District, and Resolution #37,401 dated September 29, 1981, adopted a policy for calculating such special charges as current services rendered at the conclusion of the service year, pursuant to Section 66.0627, Wisconsin Statutes.

The Mall Maintenance special charges imposed do not include imposition of special charges against properties of the University or State of Wisconsin. The State is not legally obligated to pay such charges. However, the State is not prohibited from reimbursing the City for its proportion of these costs.

Based upon results of a 2008 study done by City staff and a Subcommittee of the Downtown Coordinating Committee, successor to the State Street Mall Capitol Concourse Operating Committee, the Common Council finds that a more equitable method of calculation of Mall/Concourse maintenance special charges is appropriate, and that the boundaries of the current service area should also be amended based on actual State Street Mall/Capitol Concourse service area boundaries. The more equitable method of calculation of Mall/Concourse maintenance charges uses a combination of parcel square footage and effective service footage length as follows:

- 50% of the special maintenance charge is based on the effective length of the frontage of the parcel
- 50% of the special maintenance charge is based on the square footage of the parcel served

The effective length of the frontage of the parcel is defined as: the parcel has one, and only one, primary frontage and a factor of 100% is applied to the primary frontage length; and the parcel has zero, one, or more than one, secondary frontages and a factor of 50% is applied to any secondary frontage length. The sum of these two frontage determinations is the total effective frontage referred to above.

**NOW, THEREFORE, BE IT RESOLVED** that the method of calculation for Mall Maintenance Special Charges

to be charged to properties within the State Street Mall/Capitol Concourse District be amended and hereafter calculated as set forth in the foregoing paragraph; and

BE IT FURTHER RESOLVED that the State Street Mall/Capitol Concourse District service area be amended to include properties as designated on the map attached hereto (State Street Mall - Capitol Concourse Assessment Study Existing Service Frontage and Proposed Expanded Service Area); and

BE IT FURTHER RESOLVED that the Mall Maintenance Special Charges for the State Street Mall and Capitol Concourse shall be calculated annually and adopted in accordance with Section 4.09(13) of the Madison General Ordinances, and as shown on the Revised Draft "Notice of Special Charges State Street Mall"; and

BE IT FINALLY RESOLVED:

1. That the 2007/2008 Mall Maintenance Special Charges for the State Street Mall and Capital Concourse are hereby adopted and imposed against benefited properties as specified in Schedule A, attached hereto, in accordance with Section 4.09(13) of the Madison General Ordinances;
2. That such Special Charges represent an exercise of the police power of the City of Madison;
3. That such Special Charges shall not be payable in installments; and
4. That the date by which such Special Charges shall be paid in full to the City Treasurer is January 31, 2009.

Notice

Section 4.09(14) provides that, "Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal there from in the manner prescribed in Section 66.0703(12), Wisconsin Statutes, within forty (40) days of the day of final determination by the governing body."