



## Legislation Text

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**File #:** 74045, **Version:** 1

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### **Fiscal Note**

No additional City appropriation required.

### **Title**

Amending Resolution 22-00139 Authorizing the first amendment to the ground lease for the residential structure located at 704 East Gorham Street, within James Madison Park. (6th AD)

### **Body**

WHEREAS, on April 4, 2012, the City of Madison Common Council approved Resolution RES-12-00247 (Legistar #25054), accepting a proposal from Bob Klebba and David Waugh (collectively, the “Lessees”) for the purchase of the residential structure located 704 East Gorham Street, commonly known as the Collins House (the “Property”) and authorized staff to negotiate the final terms for the sale of residential structure and a lease of the land beneath it (the “Ground Lease”), and;

WHEREAS, the Lessees have received approvals to make improvements to the Property including the receipt of a Conditional Use Permit and Certificate of Appropriateness as required by Madison General Ordinances, and;

WHEREAS, the City of Madison Common Council previously approved an amendment to the Ground Lease for the Property (Legistar #69489; RES-22-00139), and;

WHEREAS, Lessees have experienced construction delays that will not allow them to commence construction until 2024, and;

WHEREAS, this delay will not allow Lessees realize increased revenue from these improvements to the Property until 2025, and;

WHEREAS, the Lessees have previously agreed to a commensurate increase in the Ground Lease Rent Schedule (the “Revised Rent Schedule”), shown as Exhibit C in the attached Ground Lease for Land Located at 704 East Gorham St (Collins House) (the “Ground Lease”), recorded at the Dane County Register of Deeds Office as Document #4913196, and;

WHEREAS, the Lessees have requested that the commensurate increase in the Revised Rent Schedule be delayed for one year so they can complete the improvements and begin to realize income from said improvements, and;

WHEREAS, Lessee and City have not executed an amendment to memorialize the Revised Rent Schedule, therefore, this will remain the First Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute an Amendment to the Ground Lease, substantially, though not exclusively, on the terms and conditions attached hereto;

BE IT FURTHER RESOLVED that the Ground Lease rent schedule shall be increased to the amounts shown

in the attached Revised Rent Schedule;

BE IT FURTHER RESOLVED that the City's Common Council hereby authorizes the Mayor and City Clerk to execute, deliver and record the Lease and take any further action required to accomplish the purpose of this resolution in a form approved by the City Attorney.