



Legislation Text

File #: 31309, **Version:** 1

Fiscal Note

The City will receive payment of \$66,495. This represents the Shapiro purchase amount of \$72,345 less the City purchase amount of \$5,850. Funds will be deposited in the Parks Division Park Land Acquisition account (810398). (Revised September 10, 2013.)

Title

Authorizing the Execution of all Documents Necessary to Effectuate the Peace Park Land Exchange with James Shapiro

Body

WHEREAS, the City acquired the property that makes up Elizabeth Link Peace Park (Peace Park) in 1979, developing an urban park on the property; and,

WHEREAS, in 2010 the City completed a \$1.1 million renovation of Peace Park that included the addition of a visitor's center, a tiered amphitheater, and new fencing and landscaping along the perimeter of the park; and,

WHEREAS, in 2011 James Shapiro, the owner of the properties located at 422, 428, and 440 State Street and the owner of the property located at 434 State Street through his entity 432 State LLC, contacted the City regarding a conflict in title over a portion of the Peace Park property that he discovered when purchasing these properties, as well as making an adverse possession claim over portions of Peace Park due to long established encroachments and a City constructed fence; and,

WHEREAS, since the 2010 renovation, the northeastern portion of Peace Park that contained a shared driveway and a small City parking area has been effectively cut off from the remainder of the park and no longer has any value to the City; and,

WHEREAS, it is in the City's interest to resolve the boundary disputes in Peace Park to preserve the existing sight lines from the newly constructed visitor's center and to formally define and protect the Park's boundaries.

NOW THEREFORE BE IT RESOLVED, that the City of Madison is hereby authorized to effectuate a land exchange with James Shapiro, and his entity 432 State LLC, to settle all pending title related claims against the City arising along the Peace Park boundary with his properties, the land exchange settlement to include the transfer of the surplus driveway and parking area now located outside of the Park, said exchange to be based upon the terms and conditions set forth in the March 19, 2013 Letter of Intent, which document is attached hereto and incorporated herein.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Director of the Department of Planning and Community and Economic Development, or his designee, is authorized to execute any and all documents on behalf of the City, on a form and in a manner that has been approved by the City Attorney, necessary to effectuate the agreement outlined in the Letter of Intent, including a quit claim deed to the specified portions of Peace Park, a new Certified Survey Map, and an encroachment agreement.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Common Council finds that the disposal of surplus property procedures set forth in MGO 8.075 are not applicable to this land exchange as the surplus property in question (the shared driveway and parking lot area) is being included to settle pending legal claims made against the City at the same property.

NOW THEREFORE BE IT FURTHER RESOLVED, that the net proceeds from the land exchange will be deposited into the Parks Land Acquisition capital project fund (#810398) to be used for future land acquisition for the Parks system.