



## Legislation Text

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**File #:** 36066, **Version:** 1

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### **Fiscal Note**

\$500 Administrative Fee to be deposited into Account No. GN01-78230.

### **Title**

Authorizing the execution of a Release of a "Housing for Older Persons" Restriction to Attic Angel Prairie Point Inc., for their property located at 302 Samuel Drive.

### **Body**

WHEREAS, the Attic Angel Prairie Point Inc. ("Attic Angel") is the owner of a certain property described as Lot 2, Certified Survey Map No. 13159, located at 302 Samuel Drive; and

WHEREAS, the City of Madison ("City") approved Plans / Modifications for a PUD-GDP-SIP for a multifamily apartment project which included said Lot 2, as recorded on September 19, 2011 as Document Number 4792440; and

WHEREAS, Attic Angel also recorded a Declaration of Conditions and Covenants and Restrictions ("Declaration") over said Certified Survey Map No. 13159 and Prairie Point Plat as recorded on September 15, 2011 as Document No. 4791929; and

WHEREAS, said PUD-GDP-SIP and Declaration included an age restriction that required the residential units to comply with the definition of "Housing for Older Persons" as set forth in Madison General Ordinance Section 16.23(8)(f)4; and

WHEREAS, Attic Angels is conveying Lot 2 of Certified Survey Map No. 13159 to an unaffiliated entity which will be developing said Lot 2 for uses approved by the City, which will not consist of "Housing for Older Persons", as defined in the PUD-GDP-SIP and Declaration; and

WHEREAS, the City Planning Department has recommended that the age restriction requirement should be released over aforementioned Lot 2, Certified Survey Map No. 13159, and therefore Attic Angel has requested that the City Office of Real Estate Services record a Release of "Housing for Older Persons" deed restriction, which would eliminate this age restriction encumbering said Lot 2; and

WHEREAS, said Deed Restriction does include language stating that ..... "This Deed Restriction is made solely for the benefit of the City of Madison, maybe enforced solely by the City of Madison, and may, upon the request of the then Attic Angel Prairie Point, Inc., owner of the Property, be released by the City of Madison".....; and

WHEREAS, City of Madison Planning Department and Office of Real Estate Services staff have reviewed and approve of the granting of said release of deed restriction.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Release of Deed Restriction to Attic Angel Prairie Point, Inc., for the "Housing for Older Persons" 55+ age restriction encumbering Lot 2, Certified Survey Map No. 13159 as cited in the PUD-GDP-SIP as recorded on September 19, 2011 as Document Number 4792440; and Declaration of Conditions and Covenants and Restrictions as recorded on September 15, 2011 as Document No. 4791929, legally described as follows:

Lot 2, Certified Survey Map No. 13159, Document No. 4788753, in Volume 84, Pages 251-256 of

Certified Surveys, in the Dane County Register of Deeds Office, City of Madison, Dane County, Wisconsin.

As depicted on attached Exhibit A.