



Legislation Text

File #: 26625, **Version:** 1

Fiscal Note

The proposed agreement would restrict the property at 204 South Ingersoll Street to parks usage, thereby prohibiting alternative use of the property without the consent of the Wisconsin Department of Natural Resources.

Title

Authorizing the Mayor and City Clerk to execute a Land Use Restriction on 204 South Ingersoll Street (Central Park) simultaneous to the Wisconsin Department of Natural Resources releasing land use restrictions on 640 and 646 East Gorham Street (James Madison Park).

Body

Pursuant to Resolution No. 49.057, ID No. 11191, adopted by the Common Council on July 7, 1992, the City of Madison acquired 646 East Gorham Street, and pursuant to Resolution No. 49108, ID No. 11444, adopted by the Common Council on July 21, 1992, the City of Madison acquired 640 East Gorham Street (collectively, the "Properties"). On June 21, 1993, the Wisconsin Department of Natural Resources (the "WDNR") provided the City of Madison with \$131,500 in Aids for the Acquisition and Development of Local Parks Program (the "ADLP") (WDNR Project No. S-ADLP-191) to aid in the acquisition of the Properties. One of the conditions of the receipt of the ADLP funds was that a deed restriction be inserted in the deed for both of the Properties stating:

"By acceptance of this deed, the grantee (the City of Madison)" for itself and its successors and assigns, hereby covenants and agrees not to sell, lease, assign or mortgage the premises herein described without the prior written approval of the Secretary of the Department of Natural Resources, his designee, or any successor."

By Resolution No. RES-11-00912, File ID No. 23900, adopted on November 1, 2011, the City of Madison Common Council accepted a proposal from Joe Lusson and Aleen Tierney for the purchase of the residential structure at 640 East Gorham Street within James Madison Park and authorized City Staff to negotiate the final terms for the sale of the residential structure and a lease of the land beneath it. By Resolution No. RES-12-00117, File ID No. 25053, adopted on February 28, 2012, the City of Madison Common Council accepted a proposal from Dawn O'Kroley for the purchase of the residential structure at 646 East Gorham Street within James Madison Park and authorized City Staff to negotiate the final terms for the sale of the residential structure and a lease of the land beneath it.

The WDNR has agreed to release the land use restriction on the Properties simultaneous to the City's execution of a new land use restriction on 204 South Ingersoll Street (Central Park) that states:

"By the acceptance of this deed, the City of Madison, for itself and its successors and assigns, hereby covenants and agrees not to convey, sell, lease, assign or mortgage the premises herein described or convert it to uses that are inconsistent with the Wisconsin Department of Natural Resources' Stewardship Program described in Chapter 23, Wisconsin Statutes and Chapter NR 51, Wisconsin Administrative Code and Grant Agreement S-ADLP-191 without prior written approval of the Secretary of the Department of Natural Resources, his designee, or any successor."

The land use restriction on 204 South Ingersoll (Central Park) may be terminated only upon approval of the City with the consent of the WDNR.

WHEREAS, the City desires to place a land use restriction on 204 South Ingersoll Street (Central Park) that states:

“By the acceptance of this deed, the City of Madison, for itself and its successors and assigns, hereby covenants and agrees not to convey, sell, lease, assign or mortgage the premises herein described or convert it to uses that are inconsistent with the Wisconsin Department of Natural Resources' Stewardship Program described in Chapter 23, Wisconsin Statutes and Chapter NR 51, Wisconsin Administrative Code and Grant Agreement S-ADLP-191 without prior written approval of the Secretary of the Department of Natural Resources, his designee, or any successor.”, and;

WHEREAS, the WDNR agrees to release the land use restrictions on the Properties.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute a land use restriction on 204 South Ingersoll (Central Park), as described herein, and;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to execute the land use restriction.