



Legislation Text

File #: 02562, **Version:** 1

Fiscal Note

The adoption of the resolution will result in a small payment into the Park Division's Fees in Lieu of Parks Dedication Fund.

Title

Authorizing the Mayor and City Clerk to execute appropriate documents to release a use restriction on the Brentwood Terrace Apartments located at 2018 North Sherman Avenue. 12th Ald. District.

Body

WHEREAS the City of Madison has received a request from Joseph R. Gallina, owner of the Brentwood Terrace Apartments located at 2018 North Sherman Avenue to release a deed restriction which limits the occupancy of the twenty-two apartment units to residents over 55 years of age; and

WHEREAS this use restriction was placed on the property as part of the original approval of the conversion and expansion of the building into an older adult housing facility in 1984; and

WHEREAS because of the deed restriction limiting the properties to persons over 55 years of age, the developer was only responsible for paying one-half of the amount of fees in lieu of parkland dedication that otherwise would have been due upon the conversion of the property for residential purposes, and therefore an additional fee in lieu of land dedication is now required; and

WHEREAS the use restriction placed on the property by the property owner and the City's Plan Commission states that it shall run with the land until such time as, or unless, it is modified by the Common Council of the City of Madison pursuant to a then-existing ordinance of the City of Madison; and

WHEREAS this resolution will authorize the execution of appropriate documents to release the use restriction so that the apartments can be rented to persons of any age.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute all appropriate documents to release the use restriction on this property which limits the occupancy of the property to persons over 55 years of age.

BE IT FURTHER RESOLVED that the property owner shall pay all necessary park development fees and fees in lieu of land dedication which are due prior to the execution of the documents releasing the deed restriction.