



Legislation Details (With Text)

File #: 13710 **Version:** 1 **Name:** 7626 1st Amendment to Lease - UW Marshall Park
Type: Resolution **Status:** Passed
File created: 2/16/2009 **In control:** BOARD OF PARK COMMISSIONERS
On agenda: 3/17/2009 **Final action:** 3/17/2009
Enactment date: 3/18/2009 **Enactment #:** RES-09-00255

Title: Authorizing the Mayor and City Clerk to execute an amendment to the lease with the University of Wisconsin, Board of Regents allowing for the UW's continued placement and use of a floating dock system along the Lake Mendota shoreline within Marshall Park.

Sponsors: Mark Clear

Indexes:

Code sections:

Attachments: 1. 7626 1st Amendment to Lease-Exhibit B.pdf

Date	Ver.	Action By	Action	Result
3/17/2009	1	COMMON COUNCIL	Adopt	Pass
3/11/2009	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/9/2009	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/24/2009	1	BOARD OF PARK COMMISSIONERS	Refer	
2/24/2009	1	COMMON COUNCIL	Referred	
2/16/2009	1	Community and Economic Development Unit	Referred for Introduction	

Fiscal Note

Annual rent payable during the extended lease term will be \$400.00 and will increase by \$50 for any subsequent renewal term. Rent will be credited to the Parks Division's operating budget revenues, account No. GN01-74240-617170.

Title

Authorizing the Mayor and City Clerk to execute an amendment to the lease with the University of Wisconsin, Board of Regents allowing for the UW's continued placement and use of a floating dock system along the Lake Mendota shoreline within Marshall Park.

Body

WHEREAS, the City of Madison currently leases to the University of Wisconsin, Board of Regents ("UW") approximately 80 feet of Lake Mendota shoreline within the City's Marshall Park, located at 2101 Allen Boulevard, allowing for the placement and non-exclusive use by the UW Men's and Women's crew teams of a floating dock system; and

WHEREAS, such lease is in the public interest as it facilitates public access to Lake Mendota; and

WHEREAS, the initial term of the lease was for the two-year period commencing on May 1, 2003 and expiring on April 30, 2005; and

WHEREAS, in accordance with the terms of the lease, the UW exercised its two (2) renewal options, with the lease being extended to April 30, 2009; and

WHEREAS, the UW desires to continue its use of the floating dock system in Marshall Park and has requested an extension of the lease term; and

WHEREAS, the terms of a lease amendment have been negotiated between staff from the UW and the City's Parks Division and Office of Real Estate Services, and a lease amendment has been prepared by the Office of Real Estate Services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute an amendment to the lease with the University of Wisconsin, Board of Regents ("UW") for approximately 80 feet of Lake Mendota shoreline within the City's Marshall Park, located at 2101 Allen Boulevard (the "Leased Premises"), on the following terms and conditions:

1. The term of the lease shall be extended for a period of two (2) years, commencing as of May 1, 2009 and expiring on April 30, 2011 (the "Extended Term").
2. During the Extended Term the UW shall pay annual rent of Four Hundred and no/00 Dollars (\$400.00).
3. Upon agreement of the parties, the lease may be renewed for three (3) subsequent two (2)-year terms (the "Additional Renewal Terms") under the same terms and conditions as provided in the original term of the lease, except that annual rent payable during each of the Additional Renewal Terms shall be as follows:

Additional Renewal Term	Period	Annual Rent
1	5/1/2011 - 4/30/2013	\$450.00
2	5/1/2013 - 4/30/2015	\$500.00
3	5/1/2015 - 4/30/2017	\$550.00

4. All other terms and conditions of the lease, which are not inconsistent with the amended terms set forth above, shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all additional documents that may be required to complete this transaction.

EXHIBIT A

Description of the Leased Premises:

The Leased Premises are defined as the approximately 80 feet of shoreline along Lake Mendota, as designated on attached Exhibit B, together with the riparian rights associated with the Leased Premises.

The Leased Premises are located within Marshall Park, a public park located in the SW ¼ of Section 7, T7N, R9E, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Part of Outlots 24 and 40 of Town of Middleton Assessor's Plat #1, and part of Blocks 1, 2 and 3, Forest Harbor, and part of vacated Harbor Circle and vacated Maloof Road, to wit:

Commencing at the Southwesterly corner of Section 7, T7N, R9E; thence N00°08'E, 79.5 feet; thence S75°50'48"W, 469.15 feet to the Easterly line of Overlook Pass; thence N07°40'30"W,

361.26 feet to the point of beginning; thence N58°15'50"E, 374.7 feet; thence N17°55'40"W, 109.08 feet; thence N06°47'45"E, 159.57 feet; thence N49°03' 23"E 203.13 feet; thence N67°37'04"E, 211.77 feet; thence N67°37'04"E, 52 feet, more or less, to the shore of Lake Mendota; thence Northwesterly along the lake shore to a point on the Southeasterly Corner of Oak Beach Plat; thence N88°02'W, 861.73 feet to the Easterly line of Allen Boulevard; thence S04°17'E, 921.73 feet to a point of curve; thence on a curve to the right, with a radius of 1015 feet and a long chord bearing S00°03'E, 149.85 feet; thence N82°52'48"E, 175.75 feet to the West line of Outlot 42, Town of Middleton Assessor's Plat No. 1 extended Northerly; thence S07°07'12"E, 200 feet to the Northwesterly corner of said Outlot 42; thence N82°52'48"E, 119 feet; thence S07°40'30"E, 225.14 feet to the point of beginning, except Middleton Beach Road and also except that property described in Quit Claim Deed recorded as Document No. 3115687.