



## Legislation Details (With Text)

|                        |  |                      |                 |              |   |
|------------------------|--|----------------------|-----------------|--------------|---|
| <b>File #:</b>         | 27878  | <b>Version:</b>      | 2               | <b>Name:</b> | 9908 Purchase & Sale Agreement - Dayton & Johnson Streets |
| <b>Type:</b>           | Resolution   | <b>Status:</b>       | Passed          |              |   |
| <b>File created:</b>   | 10/1/2012  | <b>In control:</b>   | PLAN COMMISSION |              |   |
| <b>On agenda:</b>      | 11/27/2012   | <b>Final action:</b> | 11/27/2012      |              |   |
| <b>Enactment date:</b> | 11/28/2012   | <b>Enactment #:</b>  | RES-12-00873    |              |   |
| <b>Title:</b>          | Authorizing the execution of a Purchase and Sale Agreement between the City of Madison and Hovde Properties LLC ("Developer") for the acquisition of a portion of City-owned property located at 316 W. Dayton Street by the Developer for assemblage into a mixed-use condominium project ("Project") located at 305-309 W. Johnson Street and the purchase and buildout by the City of a "grey box" condominium unit and condominium parking stalls within the Project for the relocation of Madison Fire Department Administrative offices. |                      |                 |              |   |
| <b>Sponsors:</b>       | Paul R. Soglin, Michael E. Verveer   |                      |                 |              |   |
| <b>Indexes:</b>        |  |                      |                 |              |   |
| <b>Code sections:</b>  |  |                      |                 |              |   |
| <b>Attachments:</b>    | 1. Link UDC File 26346, 2. Link Ord File 27649, 3. V1 9908 Purchase & Sale Agreement Master13-Nov-2012-07-53-44.pdf, 4. BODY.pdf, 5. 9908 Exhibit A.pdf, 6. 9908 Exhibit B.pdf, 7. 9908 Exhibit C.pdf, 8. 9908 Exhibit D.pdf, 9. 9908 Exhibit E.pdf, 10. 9908 Exhibit F.pdf  |                      |                 |              |   |

| Date       | Ver. | Action By                         | Action  | Result |
|------------|------|-----------------------------------|---|--------|
| 11/27/2012 | 2    | COMMON COUNCIL                    | Adopt   | Pass   |
| 11/19/2012 | 1    | PLAN COMMISSION                   | Return to Lead with the Recommendation for Approval | Pass   |
| 11/19/2012 | 1    | BOARD OF ESTIMATES (ended 4/2017) | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER   | Pass   |
| 11/5/2012  | 1    | PLAN COMMISSION                   | Re-refer  | Pass   |
| 10/15/2012 | 1    | PLAN COMMISSION                   | Re-refer  | Pass   |
| 10/4/2012  | 1    | BOARD OF ESTIMATES (ended 4/2017) | Refer   |        |
| 10/2/2012  | 1    | COMMON COUNCIL                    | Refer   | Pass   |
| 10/2/2012  | 1    | Economic Development Division     | Referred for Introduction                           |        |

### Fiscal Note

This resolution authorizes a purchase and sale agreement between the city and Hovde Properties LLC ("the developer") for sale of the current land and buildings occupied by Fire Department Administration. This property will be combined with other property owned by the developer as part of a mixed-use condominium project. The city will purchase and build-out space in the project for Fire Department Administration. The agreement includes incorporating Fire Station No. 1 into the project. The purchase and sale agreement includes a developer financing contingency that includes tax incremental financing assistance. The scope and extent of city support to the developer related to this contingency will be addressed during the contingency period.

Estimated costs of the city elements of the project (proceeds from sale of Fire Department Administration facility and land; Fire Administration condominium purchase, build-out, and furniture, fixtures and equipment (FF&E); purchase of parking condominium; cost to rehabilitate Fire Station 1; costs related to purchase;

temporary lease space for Fire Administration during construction; and design costs) total \$13.8 million. Included in the sale price of the current Fire Administration property is a \$100,000 escrow that can be used by the developer to pay for environmental remediation and asbestos abatement on the property.

Architectural and Engineering Pre-Design and Design Services funding was approved in resolutions #25803 and #26870, and is also included in the 2013 capital budget. Funding for the temporary parking costs for Fire Station #1 and temporary lease space for Fire Administration are included in the 2013 adopted budget. Overall project costs are included in the 2013 capital improvement program, with funding sources to be addressed in the 2014 capital budget.

The table below summarizes the estimated costs:

|   | 2012              | 2013              | 2014             | Total             |
|---|-------------------|-------------------|------------------|-------------------|
| Fire Administration Condominium Unit Purchase           | \$ -              | \$ -              | \$ 4,572,111     | \$ 4,572,111      |
| Fire Parking Condominium Purchase                       | \$ -              | \$ -              | \$ 637,602       | \$ 637,602        |
| Fire Administration Condominium Unit Build-Out and FF&E | \$ -              | \$ -              | \$ 4,400,000     | \$ 4,400,000      |
| Fire Station #1 Rehabilitation Project and FF&E         | \$ -              | \$ -              | \$ 4,750,000     | \$ 4,750,000      |
| Purchase and Closing Costs                              | \$ -              | \$ 20,000         | \$ 30,000        | \$ 50,000         |
| Architectural and Engineering Pre-Design                | \$ 57,240         | \$ -              | \$ -             | \$ 57,240         |
| Architectural and Engineering Design Services           | <u>\$ 153,600</u> | <u>\$ 257,400</u> | <u>\$ -</u>      | <u>\$ 411,000</u> |
|   | \$ 210,840        | \$ 277,400        | \$ 14,389,713    | \$ 14,877,953     |
| Fire Administration Building Sale Proceeds              | \$ -              | \$ (1,787,834)    | \$ -             | \$ (1,787,834)    |
| Environmental Remediation Escrow                        |                   | <u>\$ 100,000</u> |                  | <u>\$ 100,000</u> |
|   | \$ 210,840        | \$ (1,410,434)    | \$ 14,389,713    | \$ 13,190,119     |
| Fire Administration Temporary Lease Space Costs         | \$ -              | \$ 246,300        | \$ 251,226       | \$ 497,526        |
| Temp. Parking Costs during Remodel of Fire Station 1    | \$ -              | \$ 51,840         | \$ 51,840        | \$ 103,680        |
| Moving Costs to Temporary Lease Space                   | <u>\$ 12,000</u>  | <u>\$ -</u>       | <u>\$ 12,000</u> | <u>\$ -</u>       |
|   | \$ 12,000         | \$ 298,140        | \$ 315,066       | \$ 601,206        |
| Grand Total   | \$ 222,840        | \$ (1,112,294)    | \$ 14,704,779    | \$ 13,791,325     |

## Title

Authorizing the execution of a Purchase and Sale Agreement between the City of Madison and Hovde Properties LLC ("Developer") for the acquisition of a portion of City-owned property located at 316 W. Dayton Street by the Developer for assemblage into a mixed-use condominium project ("Project") located at 305-309 W. Johnson Street and the purchase and buildout by the City of a "grey box" condominium unit and condominium parking stalls within the Project for the relocation of Madison Fire Department Administrative offices.

## Body

SEE ATTACHMENT LABELED "BODY" FOR FULL TEXT - DUE TO LEGISTAR LIMITATIONS, THE BODY IN IT'S ENTIRETY DOES NOT FIT.

The City of Madison (the "City") has executed a Letter of Intent with Hovde Properties LLC, or an entity owned or controlled by Hovde Master LLC or its principals (the "Developer"), that outlines the principal terms and conditions for a Purchase and Sale Agreement that will be executed between the parties that will provide the following:

1. The Developer will acquire from the City the City-owned property located at 316 West Dayton Street which is the current location of the Madison Fire Department Administration Building and Fire Station No. 1 for

assemblage into the Developer's mixed-use development condominium project (the "Project") located at 305-309 West Johnson Street. The City owned property is identified as "Parcel A", "Parcel B" and "Parcel C" (Fire Station No.1) (collectively, the "MFD Property"), as shown and identified on the attached Exhibit A. The purchase price is supported by an appraisal obtained by the City.

2. The Developer will reconvey to the City, at no cost, Parcel C to enable the City to incorporate Fire Station No. 1 into a condominium unit to be purchased by the City within the Project. The Fire Administration Building will be demolished by the Developer. The Fire Administration offices will relocate to leased space until the Fire Admin Condo Unit as described in Paragraph 3 below is built out.

3. The City will purchase a "grey box" condominium unit (the "Fire Admin Condo Unit") and parking stalls (collectively, the "Fire Parking Condo Unit") within the Project as shown and identified on the attached Exhibit C, for the purpose of providing administrative office and storage space for the Madison Fire Department. The City shall be responsible for the build out of the Fire Admin Condo Unit.