



## Legislation Details (With Text)

|                        |   |                      |   |              |  |
|------------------------|---|----------------------|---|--------------|--|
| <b>File #:</b>         | 31432   | <b>Version:</b>      | 1 | <b>Name:</b> | Authorizing the execution and acceptance of quit claim deeds to certain properties within the Wolfe Addition to Hawk's Creek, and authorizing the City Engineer and Manager of the Office of Real Estate Services to market and sell City owned parcels within |
| <b>Type:</b>           | Resolution  | <b>Status:</b>       |   |              | Passed   |
| <b>File created:</b>   | 8/28/2013   | <b>In control:</b>   |   |              | BOARD OF PUBLIC WORKS  |
| <b>On agenda:</b>      | 10/1/2013   | <b>Final action:</b> |   |              | 10/1/2013  |
| <b>Enactment date:</b> | 10/3/2013   | <b>Enactment #:</b>  |   |              | RES-13-00761   |
| <b>Title:</b>          | Authorizing the execution and acceptance of quit claim deeds to certain properties within the Wolfe Addition to Hawk's Creek, and authorizing the City Engineer and Manager of the Office of Real Estate Services to market and sell City owned parcels within the Wolfe Addition to Hawk's Creek. (1st AD) |                      |   |              |  |
| <b>Sponsors:</b>       | Lisa Subeck   |                      |   |              |  |
| <b>Indexes:</b>        |   |                      |   |              |  |
| <b>Code sections:</b>  |   |                      |   |              |  |
| <b>Attachments:</b>    |   |                      |   |              |  |

| Date      | Ver. | Action By                         | Action  | Result |
|-----------|------|-----------------------------------|---|--------|
| 10/1/2013 | 1    | COMMON COUNCIL                    | Adopt   | Pass   |
| 9/18/2013 | 1    | BOARD OF PUBLIC WORKS             | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER   | Pass   |
| 9/9/2013  | 1    | BOARD OF ESTIMATES (ended 4/2017) | Return to Lead with the Recommendation for Approval | Pass   |
| 9/3/2013  | 1    | COMMON COUNCIL                    | Refer   | Pass   |
| 8/28/2013 | 1    | Engineering Division              | Referred for Introduction                           |        |

### Fiscal Note

There is no fiscal impact with the exchange of quit claim deeds between the City and Hawk's Addition, LLC. There will be costs associated with marketing the parcels and selling the parcels, which costs shall ultimately be paid from the proceeds of the sales of the parcels.

### Title

Authorizing the execution and acceptance of quit claim deeds to certain properties within the Wolfe Addition to Hawk's Creek, and authorizing the City Engineer and Manager of the Office of Real Estate Services to market and sell City owned parcels within the Wolfe Addition to Hawk's Creek. (1<sup>st</sup> AD)

### Body

#### PREAMBLE

WHEREAS, on December 10, 2012, the City, pursuant to RES-12-00875, File ID No. 27973, acquired 9.48 acres of land from the Madison Audubon Society, Inc. for public open space purposes, the expansion of the Ice Age Junction Trail, the extension of Jeffy Trail, and to facilitate the future residential development of these lands and the surrounding area; and,

WHEREAS, on May 15, 2013, the City, pursuant to RES-13-00300, File ID No. 29550, acquired land from Badger Mill Creek LLC for the expansion of open space and storm water management purposes to serve the

City's future Hawk's Creek development; and,

WHEREAS, on July 29, 2013, the City, pursuant to RES-13-00006, File ID No. 28396, entered into the Development and Land Swap Agreement for the Development of the Wolfe Addition to Hawks Creek (the "Agreement") with Hawk's Addition, LLC to jointly plat and develop Wolfe Addition to Hawk's Creek, and as part of this Agreement the City and Hawk's Addition, LLC agreed that Hawk's Addition, LLC would ultimately own Lots 1-6 and Lot 16 of the plat and the City would ultimately own Lots 7-15 of the plat; and,

WHEREAS, on July 18, 2013 the Wolfe Addition to Hawk's Creek Plat (the "Plat") was recorded with the Register of Deeds, which Plat divided the combined lands of the City and Hawk's Addition, LLC into 16 developable lots, 2 outlots and newly configured and extended right-of-way, which land division has resulted in lot lines that do not coincide with the original property lines and ownership lines; and,

WHEREAS, in order to clear title to the lots in the Plat so that the lots may be sold, the City and Hawk's Addition, LLC must exchange quit claim deeds to each other's parcels pursuant to the terms of the Agreement; and,

WHEREAS, upon exchanging the quit claim deeds, the City will be in a position to market Lots 7-15 of the Plat for sale and recover some, or most, of the City's investment in these lands and infrastructure improvements.

NOW THEREFORE BE IT RESOLVED, that the Manager of the Office of Real Estate Services is hereby authorized to quit claim the City's interests in Lots 1-6 and Lot 16 in the Plat to Hawk's Addition, LLC and to accept a quit claim deed of Hawk's Addition, LLC's interests in Lots 7-15 of the Plat.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Common Council hereby determines that because this land was acquired by the City to enable the installation of public improvements and to develop portions of the land with residential housing, that the City's sale of Lots 7-15 of the Plat is not a sale of surplus property subject to the provisions of MGO Sec. 8.075.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Manager of the Office of Real Estate Services, in consultation with the City Engineer, is hereby authorized to take all actions and enter into any commission based agreements necessary to market for sale Lots 7-15 within the Plat, provided any costs incurred in such activity are based upon a fair market rate for the activity in question.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Manager of the Office of Real Estate Services, in consultation with the City Engineer, is hereby authorized to execute any and all documents necessary to sell Lots 7-15 within the Plat, including purchase and sales agreements and warranty deeds, on terms and at a price supported by the City's determination of the fair market value of the marketable lots.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor, City Clerk, Manager of the Office of Real Estate Services, and/or the City Engineer are hereby authorized to execute any and all land record documents and other documents necessary to accomplish the objectives of this resolution, the resolutions set forth above, and the Agreement, all of which are intended to promote the residential development of the Plat.

NOW THEREFORE BE IT FURTHER RESOLVED, that once the City has sold all of its lots within the Plat, the Manager of the Office of Real Estate Services and the City Engineer shall report to the Common Council on the City's revenues and costs arising from the sale of the lots.