



Legislation Details (With Text)

**File #:** 54141      **Version:** 1      **Name:** 11458 - Lease Amendment 3325 Thurber Avenue  
**Type:** Resolution      **Status:** Passed  
**File created:** 12/14/2018      **In control:** FINANCE COMMITTEE  
**On agenda:** 2/5/2019      **Final action:** 2/5/2019  
**Enactment date:** 2/8/2019      **Enactment #:** RES-19-00082

**Title:** Amending Resolution Enactment Nos. RES-18-00069 and RES-18-00399, which authorize a lease with the Town of Blooming Grove for space within the building located at 3325 Thurber Avenue for use as an artist studio.

**Sponsors:** Sheri Carter, Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:** 1. 11458 Exhibit 1.pdf, 2. 11458 Exhibit 2.pdf

Date	Ver.	Action By	Action	Result
2/5/2019	1	COMMON COUNCIL	Adopt	Pass
1/14/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
1/14/2019	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/9/2019	1	MADISON ARTS COMMISSION	Return to Lead with the Recommendation for Approval	Pass
1/8/2019	1	FINANCE COMMITTEE	Referred	
1/8/2019	1	FINANCE COMMITTEE	Referred	
1/8/2019	1	COMMON COUNCIL	Refer	Pass
12/20/2018	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution amends adopted RES-18-00069 and RES-18-00399 to provide that the Town of Blooming Grove will be responsible for a maximum of \$15,000 for ADA bathroom remodeling costs. Remaining grant funds received by the City per RES-18-00399 will be used to pay for any remodeling costs in excess of \$15,000. No additional City appropriation is required.

**Title**

Amending Resolution Enactment Nos. RES-18-00069 and RES-18-00399, which authorize a lease with the Town of Blooming Grove for space within the building located at 3325 Thurber Avenue for use as an artist studio.

**Body**

WHEREAS, on January 16, 2018, a lease with the Town of Blooming Grove was approved by Resolution Enactment No. RES-18-00069, File No. 49683 (copy attached as Exhibit 1), which lease allows for the City's use of space within the Town's vacant building located at 3325 Thurber Avenue as an artist studio; and

WHEREAS, as part of the conditional use approval process with the County of Dane, it was determined that the existing restroom within the leased premises needs to be made ADA compliant; and

WHEREAS, on May 15, 2018, Resolution Enactment No. RES-18-00399 (copy attached as Exhibit 2) was

adopted, which resolution modified the lease term, lease contingency, and addressed the parties obligations with regard to the ADA bathroom remodeling project; and

WHEREAS, pursuant to RES-18-00399, the Town is responsible for remodeling the existing bathroom within the leased premises to make it ADA compliant, and the City is required to reimburse the Town for any such remodeling costs in excess of \$5,000, but in no event shall the City's reimbursement be greater than \$10,000; and

WHEREAS, the Town did not approve of the foregoing condition as it exposed the Town to financial liability in the event remodeling costs exceed \$15,000; and

WHEREAS, since the adoption of RES-18-00399, the Town has been awarded a \$10,000 grant from the Evjue Foundation to be used for the ADA bathroom remodeling project, which means that the Town is now able to contribute \$15,000 towards the remodeling project; and

WHEREAS, the City Arts Program Administrator has determined that the cost of the ADA restroom remodeling project should not exceed \$15,000; and

WHEREAS, pursuant to RES-18-00399, the City received grant funding from the Madison Community Foundation ("MCF"), \$10,000 of which was designated for the ADA bathroom remodeling project; and

WHEREAS, part of the MCF grant monies have been expended for architectural/planning fees related to the bathroom remodeling project, but the balance of approximately \$8,000 is available as a construction contingency reserve in the event the project costs exceed the Town's maximum contribution of \$15,000.

NOW, THEREFORE, BE IT RESOLVED that numbered paragraph 10 of Resolution Enactment No. RES-18-00069, as amended by RES-18-00399, is hereby further amended to read as follows:

10. Contingency. The lease shall be contingent upon the County of Dane granting the necessary zoning and occupancy approvals. If such approvals are not granted by May 1, 2019, the Lease shall be deemed null and void, unless both parties agree in writing to waive or extend this contingency.

BE IT FURTHER RESOLVED that numbered paragraph 11 of Resolution Enactment No. RES-18-00399 is amended to read as follows:

11. Construction by Town. The **Town** agrees to remodel the existing bathroom within the Leased Premises to make it ADA compliant. The City shall reimburse the Town for any such remodeling costs in excess of \$15,000.

BE IT STILL FURTHER RESOLVED that all other terms and conditions of Resolution Enactment No. RES-18-00069 and Resolution Enactment No. RES-18-00399 shall remain the same.