Legislation Details (With Text)

File #:	81362	**Version:**	1	**Name:**	
Type:	Resolution			**Status:**	Passed
File created:	1/2/2024			**In control:**	COMMUNITY DEVELOPMENT AUTHORITY
On agenda:	1/23/2024			**Final action:**	1/23/2024
Enactment date:	1/26/2024			**Enactment #:**	RES-24-00059
Title:	Authorizing the Execution of an Amendment to the Amended and Restated Operating Easement at the Village on Park for the Goodman South Madison Library. (District 14)				
Sponsors:	Isadore Knox Jr.				
Indexes:					
Code sections:					
Attachments:	1. Amended and Restated Operation and Easement Agreement.pdf				

Date	Ver.	Action By	Action	Result
1/23/2024	1	COMMON COUNCIL	Adopt Unanimously	Pass
1/16/2024	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/9/2024	1	COMMON COUNCIL	Refer	Pass
1/2/2024	1	COMMUNITY DEVELOPMENT AUTHORITY	Referred for Introduction	

Fiscal Note

The proposed resolution authorizes the execution of an Amendment to the Amended and Restated Operating Easement at the Village on Park for the Goodman South Madison Library. The resolution does not change costs or the methodology to allocate costs to the Goodman South Madison Library branch, estimated at $17,500 - $26,700 for 2023-2025 in Legislative File #71256 which authorized the amendment to the Operating Easement that included common area maintenance fees to be paid by the Library. No additional City appropriation required.

Title

Authorizing the Execution of an Amendment to the Amended and Restated Operating Easement at the Village on Park for the Goodman South Madison Library. (District 14)

Body

WHEREAS, the Goodman South Madison Library condo unit (the “Library”) is subject to the South Madison Community Condominium Declaration, which was recorded on March 5, 2010 as Document No. 4639192 with the Dane County Register of Deeds (the “Declaration”);

WHEREAS, the Declaration is subject to the Operation and Easement Agreement dated March 26, 2009 and amended on March 8, 2013, recorded as Document Numbers 4525865 and 4968445, respectively with the Dane County Register of Deeds (collectively the “Original OEA”), which created certain rights, privileges and easements and imposed certain restrictions, obligations and covenants affecting all of the real estate then described as Lots 1 and 2 of Certified Survey Map No. 12600, City of Madison, Dane County, Wisconsin (the “Property”); and

WHEREAS, following the recording of the Original OEA, the Property was subdivided to accommodate

additional development, portions of the subdivided Property were conveyed to third parties and the Original OEA was amended to reflect those changes, as set forth in that certain First Amendment to Operation and Easement Agreement, dated March 8, 2013, recorded with the Dane County Register of Deeds on March 11, 2013, as Document No. 4968445 (the "First Amendment to OEA"); and

WHEREAS, following the recording of the First Amendment to the OEA, the Property was further divided to accommodate additional development; and

WHEREAS, following the subdivision of the Property, the First Amendment to Operation and Easement Agreement was further amended on August 6, 2022, recorded with the Dane County Register of Deeds on August 10, 2022, as Document No. 5854351 (the "Amended and Restated Operation and Easement Agreement") (Exhibit A); and

WHEREAS, the Parties, constituting all of the owners of the Development including the Library, desire to amend the Amended and Restated Operation and Easement Agreement as follows:

- (1) (g) Surface Parking. The term "Surface Parking" shall mean and refer to any vehicular parking stalls that are from time to time maintained within the Development, exclusive of (i) any parking stalls located within the Parking Garage, ~~and~~ (ii) any parking stalls located on the ACHC Parcel, and (iii) Ancillary Function Spaces.

- (1) (i) Ancillary Function Space. The term "Ancillary Function Space" shall mean and refer to any outdoor space reserved for exclusive use by an owner or their tenant that is necessary to support the primary function of the owner or tenant's interior space.

- (6) (e) The CDA shall have the right, without approval, to alter the Common Areas and to designate Ancillary Function Spaces on the CDA Parcel resulting in a diminution of Common Areas, provided the number of total parking spaces within the Common Areas are in accordance with the City Zoning ordinances and the approved Master Plan for the Village on Park.

NOW, THEREFORE, BE IT RESOLVED that the City's Common Council hereby adopts the foregoing recitals, and approves changes to the Amended and Restated Operation and Easement Agreement consistent with the Amended Terms.

BE IT FURTHER RESOLVED that the City's Common Council hereby authorizes the Mayor and City Clerk to execute and deliver the Amendment to the Amended and Restated OE and take any further action required to accomplish the purpose of this Resolution in a form approved by the City Attorney.