



## Legislation Text

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**File #:** 03812, **Version:** 1

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### **Fiscal Note**

No fiscal impact.

### **Title**

Providing the consent of the City for Pony Express, LLC to locate a building materials sales establishment on Lots 3 and 4 of the Center for Industry and Commerce. (17 AD)

### **Body**

WHEREAS, the City of Madison ("City") was the owner of certain property described as Lots 3 through 20, the Center for Industry and Commerce, LLC, in the City of Madison, Dane County, Wisconsin ("Property"); and

WHEREAS, the City entered into an Agreement to Purchase and Undertake Development of the Northeast Industrial Property ("Agreement") with The Center for Industry and Commerce, LLC ("CIC") under which CIC purchased and undertook the development of the Property; and

WHEREAS, the City and CIC desired that the Property should be subject to the restrictions set forth in a deed restriction ("Deed Restriction") which was recorded with the Dane County Register of Deeds Office on May 8, 2003 as Document No. 3708484; and

WHEREAS, the Deed Restriction provides in part that the Property shall not be used for "building materials sales establishments" without the prior written approval of the City; and

WHEREAS, Pony Express, LLC ("Pony Express") has entered into a contract with CIC ("Contract") to purchase Lots 3 and 4 of the Property; and

WHEREAS, Pony Express is a Madison-based distributor of drywall and concrete products whose customers include wholesalers, contractors and subcontractors throughout Dane County; and

WHEREAS, Pony Express desires to purchase Lots 3 and 4 of the Property for the purpose of constructing a building and outside storage area to be used for the storage, sale and/or distribution of building materials; and

WHEREAS, the Contract contains a contingency whereby CIC must obtain the written consent of the City to allow a building materials sales establishment on Lots 3 and 4 of the Property.

WHEREAS, the City Zoning Administrator and the Director of the Department of Planning and Development have reviewed the proposed use and support providing consent for the construction and operation of a building materials sales establishment on Lots 3 and 4 of the Property.

NOW, THEREFORE, BE IT RESOLVED that the City of Madison hereby consents to the use of Lots 3 and 4 in the Center for Industry and Commerce (as shown on the attached map) by Pony Express, LLC, and its successors and assigns, for the construction and operation of a building materials sales establishment.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign any and all documents that may be required to accomplish the purpose of this resolution.