Legislation Text

File #: 16762, **Version:** 1

Fiscal Note

No appropriation required.

Title

Authorizing the Mayor and City Clerk to execute a Land Use Restriction to restrict the use of a portion of Olbrich Park as parklands devoted primarily to botanical gardens.

Body

Preamble

Pursuant to Substitute Resolution No. 53,837, ID No. 20766, adopted by the Common Council on January 21, 1997, Olbrich Botanical Society, Inc. (OBS) conveyed to the City the Garver Feed Mill and the five acres surrounding the feed mill building. The conveyance by OBS contained a restriction that the Garver Feed Mill property be used as parklands devoted primarily to botanical gardens, with temporary municipal use of the building for storage and office needs. By resolution RES-08-00623, File No. 09785, adopted June 17, 2008, the Common Council accepted the proposal of Common Wealth Development to redevelop the Garver Feed Mill as an arts incubator which shall include, among other uses, studio space for artists, a gallery, café, performance space and a gift shop. In order for Common Wealth to redevelop the property as an arts incubator, the OBS deed restriction must be released. OBS has agreed to release the deed restriction, provided an alternative location is designated by the City for expansion of the botanical gardens at Olbrich. On March 11, 2009 the Board of Park Commissioners approved the attached Olbrich Park Land Use Plan that provides for future expansion of the botanical gardens on land that is adjacent to the Thai Pavilion and Gardens (the “Garden Expansion Area”). OBS has agreed to release the deed restriction on the Garver property simultaneous to the City’s execution of a new land use restriction to restrict the Garden Expansion Area designated on the Olbrich Park Land Use Plan to parklands for botanical gardens. The new land use restriction may be terminated only upon the approval of the City with the consent of OBS.

Whereas, the City desires to restrict a 9.5 acre portion of Olbrich Park to parklands for botanical gardens in order to facilitate garden expansion and the rehabilitation of the Garver Feed Mill property; and

Whereas, Olbrich Botanical Society agrees to release the deed restriction on the Garver Feed Mill property upon the City’s restricting the 9.5 acre portion of Olbrich Park to botanical garden use.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk are authorized to execute a land use restriction restricting the 9.5 acres shown as “Garden Expansion” on the Olbrich Park Land Use Plan to parklands devoted primarily to botanical gardens.