



## Legislation Text

File #: 26141, Version: 1

### Fiscal Note

RES-12-00179 (ID No. 25423), adopted March 20, 2012, amended the Brownfields Remediation Revolving Loan Fund to make available \$125,000 for reallocation following a proposal that did not come to fruition. Resolution ID No. 26096 (on the May 1, 2012 Common Council agenda for adoption) authorizes a grant of \$100,000, thereby leaving a balance of \$25,000 which would be awarded by this resolution. No additional appropriation is required, and there is no impact on the levy.

### Title

Authorizing the award of a grant of BREWD funds in an amount not to exceed \$25,000 to Noor Investments LLC for the remediation and redevelopment of property at 1129 South Park Street.

### Body

WHEREAS, the City of Madison received a \$1,000,000 award from the State of Wisconsin to capitalize the Brownfield Remediation/Elimination & Workforce Development (BREWD) program; and,

WHEREAS, the Common Council adopted the current BREWD program guidelines on February 23, 2010; and,

WHEREAS, Noor Investments LLC submitted an application for BREWD funding on March 29, 2012 for the remediation and redevelopment of property comprising approximately 0.3 acres located at 1129 South Park Street ("Property").

NOW THEREFORE BE IT RESOLVED that the Common Council awards a grant of BREWD funds in an amount not to exceed \$25,000 to Noor Investments LLC or its permitted assigns ("Developer") for the remediation and redevelopment of property at 1129 South Park Street (the "Grant"); and,

BE IT FURTHER RESOLVED that the Common Council authorizes the City Attorney's Office to draft a BREWD Grant Agreement in accordance with the BREWD program guidelines referenced above, and that said Grant Agreement should include the following specific terms:

- That the City shall secure the Grant with a subordinate mortgage on the Property to be satisfied upon the issuance of a Certificate of Occupancy for the new development on the Property and satisfaction of the job creation requirements.
- That the City shall require a minimum of one (1) permanent full-time equivalent (40 hours per week) position on the Property that conforms to the City of Madison Living Wage Ordinance (Section 4.20, MGO) within four (4) years of issuance of a Certificate of Occupancy for the new development on the Property; or, be subject to repayment of grant funds per the program guidelines referenced above.
- That the Grant will be used for the remediation activities consistent with the aforementioned application.
- That the Property will redevelop in a manner consistent with the aforementioned application, recognizing that final development plans are subject to future City approvals; and,

BE IT FURTHER RESOLVED that the Common Council authorizes the City Attorney's Office to draft a BREWD Grant Agreement with the following disbursement contingencies (which differ from the aforementioned program guidelines) so that funds are disbursed when:

- Developer expends eligible remediation costs that exceed the aggregate amount of the Grant and any required match (\$38,462).
- The Wisconsin Department of Natural Resources is satisfied with the completed demolition and remediation activities.
- The Developer has submitted invoices documenting project-related expenses and lien waivers demonstrating that all contractors have been paid.
- The Developer provides evidence (such as development entitlements, a building permit, or executed construction contract) to the satisfaction of the City that construction will begin within a reasonable period of time after disbursement of the Grant on the new development; and,

BE IT FURTHER RESOLVED that this Grant will be rescinded if the Developer and City are unable to execute a mutually agreed upon BREWD Grant Agreement within 90 days of Common Council approval; however, that this deadline may be extended by up to an additional 90 days at the discretion of the Director of the Department of Planning & Community & Economic Development; and,

BE IT FINALLY RESOLVED that the Mayor and City Clerk are authorized to execute said BREWD Grant Agreement and any other documents necessary to complete the transaction described in this Resolution, all in a form approved by the City Attorney.