



## Legislation Text

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### Fiscal Note

The 2014 Capital Improvement Program includes a new branch library at Grandview Commons, with construction anticipated in 2018. A parcel of land has already been donated, as well as \$75,000 held by the Madison Public Library Foundation. The current Agreement requires a future donation of an additional \$150,000 at the time of construction. This Amendment to the Agreement requires the Foundation to return the initial cash donation plus accrued interest (total of about \$87,000). It also eliminates the requirement for the future donation of \$150,000.

### Title

Authorizing the Mayor and City Clerk to execute a Second Amendment to Definitive Agreement regarding the future branch public library at Grandview Commons.

### Body

#### Preamble

In 2007 DJK Real Estate, LLC and the Simon and Rosenberg families (collectively, "Donors") entered into a Definitive Agreement with the City concerning a future branch library in the Grandview Commons subdivision (the "Definitive Agreement"). The Definitive Agreement provided for the donation by Donors to the City of a parcel of land in Grandview Commons and for cash donations in the amount of \$75,000 (the "Initial Cash Donations") to be used for the library. In 2008 Donors donated to the City a parcel of land encompassing approximately 42,000 square feet (the "Library Site"), and provided the Initial Cash Donations. In 2013 the Definitive Agreement was amended to: (i) allow for the reconfiguration of the Library Site to accommodate the development of abutting lots; and (ii) provide that Donors shall donate an additional capital contribution of \$150,000 for the branch library if the City obtains all necessary zoning approvals by June 30, 2015 and commences construction no later than December 31, 2015. If the City fails to do either, the Library Site shall revert to Donors and Donors shall not be required to make the additional capital contribution.

Donors have requested that the City, as owner of the Library Site, seek an amendment to the General Development Plan so that the Library Site is consistent with the zoning already approved for the balance of the Town Center. Donors have also proposed to amend the Definitive Agreement and a Declaration of Restrictive Covenant covering the Library Site to: extend the reversion deadline to December 31, 2018; provide for the reimbursement to Donors of the Initial Cash Donations, plus accrued interest; and delete the requirement that Donors provide the additional cash contribution. The Initial Cash Donations plus accrued interest totals approximately \$87,000 and is being held by the Madison Public Library Foundation. The Library Board approved of these amendments at its February 6<sup>th</sup> meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute a Second Amendment to Definitive Agreement and a First Amendment to Restrictive Covenant with Donors and their affiliated entities containing the following terms and conditions:

1. Rezoning. The City agrees to seek an amendment to the General Development Plan for the Library Site so that it is consistent with zoning already approved for the Town Center which constitutes the balance of the property on which the Library Site is a part.
2. Reversion Deadline. The Library Site shall revert to Donors or their affiliated entities if the City has not received the necessary SIP approval of the Library Site and commenced construction thereon on or before

December 31, 2018.

3. Donations. Upon execution of the Second Amendment to Definitive Agreement, the City shall authorize the Madison Public Library Foundation to reimburse Donors for their Initial Capital Contributions plus accrued interest. The requirement that Donors provide a future additional capital donation of \$150,000 for library purposes shall be deleted.

BE IT FINALLY RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the Second Amendment to Definitive Agreement and an Amendment to the Declaration of Restrictive Covenant as described herein, and other documentation necessary to effectuate the intent of this resolution, all in a form to be approved by the City Attorney.