



Legislation Text

File #: 46208, **Version:** 1

Fiscal Note

There are no fiscal impacts associated with the release of the restriction.

Title

Authorizing the execution of a Release of a "Housing for Older Persons" Restriction to Attic Angel Prairie Point Inc., for their property located at 8549 and 8557 Elderberry Road.

Body

WHEREAS, the Attic Angel Prairie Point Inc. ("Attic Angel") is the owner of a certain property described as Lot 1 and 2 of, Certified Survey Map No. 14370, located at 8549 and 8557 Elderberry Road, respectively; and

WHEREAS, Lots 1 and 2 of Certified Survey Map No. 14370 were previously legally described as Outlot 5 of the plat known as Prairie Point; and

WHEREAS, Attic Angel also recorded a Declaration of Conditions and Covenants and Restrictions ("Declaration") over said Certified Survey Map No. 13159 and Prairie Point Plat as recorded on September 15, 2011 as Document No. 4791929; and

WHEREAS, Attic Angels is conveying Lots 1 and 2 of Certified Survey Map No. 14370 to an unaffiliated entity which will be developing said Lots 1 and 2 for uses approved by the City, which will not consist of "Housing for Older Persons"; and

WHEREAS, Attic Angel has requested that the City of Madison Parks Division record a Release of "Housing for Older Persons" deed restriction, which would eliminate this age restriction encumbering said Lots 1 and 2; and

WHEREAS, said Deed Restriction does include language stating that "This Deed Restriction is made solely for the benefit of the City of Madison, maybe enforced solely by the City of Madison, and may, upon the request of the then Attic Angel Prairie Point, Inc., owner of the Property, be released by the City of Madison".....; and

WHEREAS, City of Madison Parks Division staff have reviewed and approve of the granting of said release of deed restriction.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Release of Deed Restriction to Attic Angel Prairie Point, Inc., for the "Housing for Older Persons" 55+ age restriction encumbering Lots 1 and 2, Certified Survey Map No. 14370 as cited in the Declaration of Conditions and Covenants and Restrictions as recorded on September 15, 2011 as Document No. 4791929, legally described as follows: Lots 1 and 2, Certified Survey Map No. 14370, Document No. 5279650, in Volume 98, Pages 251-256 of Certified Surveys, in the Dane County Register of Deeds Office, City of Madison, Dane County, Wisconsin as depicted on attached Exhibit A.