



Legislation Text

File #: 78329, **Version:** 1

Fiscal Note

The proposed resolution authorizes the execution of a first amendment to the development agreement between the City and Mortenson Development, Inc., and its assigns for reconstruction of the Lake Street portion of the State Street Campus Garage. The 2023 Capital Budget includes \$48m for the State Street Campus Garage Replacement (Munis project #14145) supported by \$29.5m in Non-General Fund GO Borrowing and \$18.5m in Parking Reserves. No additional City appropriation required.

Title

Authorizing the Mayor and City Clerk to execute a First Amendment to Development Agreement with Mortenson Development, Inc, and its assigns, for the reconstruction of the Lake Street portion of the State Street Campus Garage at 415 N. Lake Street; and, approving a Memorandum of Understanding between Mortenson Development, Inc. and the University of Wisconsin - Madison regarding reduced-cost housing for students (2nd AD).

Body

WHEREAS, the Madison Parking Utility is planning to reconstruct the Lake Street portion of the State Street Campus Garage at 415 N. Lake Street, and create an intercity bus terminal, as part of a larger mixed use development project; and,

WHEREAS, on April 26, 2021, the Common Council approved a resolution (RES-21-00295) establishing a process to select a development team to partner with on the development of the State Street Campus Garage Mixed Use Project; and,

WHEREAS, per the process outlined in RES-21-00295, upon review of submitted proposals, the Finance Committee directed staff to begin negotiating with Mortenson Development, Inc.; and,

WHEREAS, on December 6, 2022, the Common Council approved a resolution (RES-22-00832) authorizing the execution of a Development Agreement with Mortenson Development, Inc. for a public/private partnership for the redevelopment of the Lake Street portion of the State Street Campus Garage; and,

WHEREAS, that now executed Development Agreement directed further negotiation of key points of the partnership, including the definition of a "Release Milestone" (the point in time that the parking garage and site is made available to Mortenson Development, Inc. to begin construction of the apartments) and other items related to construction management; and,

WHEREAS, the City has now completed the Schematic Design for the Parking Garage component of the project, which has highlighted the need to make further adjustments to the Development Agreement, especially within Exhibit E "Scope Delineation and Preliminary Plans;" and,

WHEREAS, the City and Mortenson Development, Inc. have now also prepared a "Conditions of Construction for Release Milestone" to be included in the First Amendment to Development Agreement as a new Exhibit G; and,

WHEREAS, further refinement of Exhibit E "Scope Delineation and Preliminary Plans," Exhibit G "Conditions of Construction for Release Milestone," and Release Milestone text within the Development Agreement, as

amended, may be required as the City and Mortenson Development, Inc. complete the "Design Development" and "Construction Documents" phases of the design process; and,

WHEREAS, RES-22-00832 also requires Common Council approval of a Memorandum of Understanding between Mortenson Development, Inc. and the University of Wisconsin - Madison regarding reduced-cost housing for students.

NOW THEREFORE BE IT RESOLVED, that the Common Council hereby authorizes the Mayor and City Clerk to execute the First Amendment to Development Agreement, including new and amended Exhibits, with Mortenson Development, Inc, and its assigns, attached hereto; and,

BE IT FURTHER RESOLVED, that the City Engineer is authorized to approve further changes and refinements to Exhibit E "Scope Delineation and Preliminary Plans," Exhibit G "Conditions of Construction for Release Milestone," and Release Milestone text within the Development Agreement, as amended; and,

BE IT FURTHER RESOLVED, that the Common Council approves the Memorandum of Understanding between Mortenson Development, Inc. and the University of Wisconsin - Madison regarding reduced-cost housing for students; and,

BE IT FINALLY RESOLVED, that the Mayor and City Clerk are authorized to execute and record the various documents referenced in the Development Agreement, and any other documents required for the real estate closing in a form approved by the City Attorney.