

AGENDA ITEM # \_\_\_\_\_

Copy Mailed  
To Alderperson \_\_\_\_\_

City of Madison, Wisconsin

A RESOLUTION \_\_\_\_\_

Presented January 17, 1997

Referred Board of Estimates

Rereferred \_\_\_\_\_

Reported Back January 21, 1997

Expressing the Common Council's encouragement of the Olbrich Botanical Society's raising funds to acquire the Garver property and gifting it to the City.

Drafted By: Daniel Stapay, Parks Superintendent

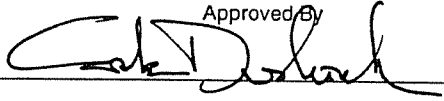
Date: December 18, 1996

Adopted  POF \_\_\_\_\_

Rules Suspended \_\_\_\_\_

Public Hearing \_\_\_\_\_

Fiscal Note: There is no anticipated impact upon either the 1996 or 1997 Capital Budgets as this property is to be presented as a gift to the City. It should be noted, however, that long-range costs related to development of the property are unknown at this time, and that the development of this property will have to compete with other projects requested in future year Parks Division Capital Budgets.

APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By  


SUBSTITUTE ID NUMBER 20,766  
RESOLUTION NUMBER 53,837

Operating expenses for such items as security, minor repairs, and the organization of storage areas are estimated at \$15,000 annually. No additional appropriation is required, these funds are available within the 1997 Parks Division Operating Budget. There is no impact upon the levy or cost controls.

Sponsors:

Ald. Dorothy Borchardt, Dist. 12

Ald. Susan Hamblin, Dist. 9

P R E A M B L E

Olbrich Botanical Gardens encompasses 13 acres of open space in the very heart of the City of Madison. The Gardens provide: conservation and science education programs for school children, leadership in the areas of neighborhood beautification and environmental stewardship, a community gathering space for garden clubs, private citizens and non-profit groups, training facilities for youth restitution and work experience programs, and a source of economic strength for the City of Madison.

WHEREAS, there is a strong partnership between the City of Madison and the non-profit Olbrich Botanical Society, and the Gardens provide high-quality recreational, educational and cultural services accessible to people of all ages and abilities; and

WHEREAS, the Garver property is immediately adjacent to Olbrich Gardens; and

WHEREAS, the Community Development Authority owns 20 acres of land designated by the Common Council for future parkland which surrounds three sides of the Garver property and fronts on 1,800 feet of Starkweather Creek; and

WHEREAS, the non-profit Olbrich Botanical Society is prepared to spearhead a community-wide effort to secure funds needed to purchase the Garver Feed property with the intention of gifting the property to the City of Madison; and

WHEREAS, a gift of the Garver property would secure an invaluable and irreplaceable resource for future garden development and future generations; and

WHEREAS, this gift would provide and preserve valuable urban green space as indicated in Madison's Park and Open Space Plan; and

WHEREAS, it would protect a valuable urban waterway through the preservation of the Starkweather Creek Corridor; and

WHEREAS, the Garver property would be conveyed subject to a lease (the "Lease") in favor of James D. Hatch and Wayne L. Wendorf, as tenants ("Tenants") which would contain the following terms:

1. Tenants would be allowed to occupy the Garver property for a period of up to five years following closing at a rent of \$1.00 per year and subject to Tenants' right to cancel at any time upon 60 days notice;
2. Tenants, during their period of occupancy, would be responsible for ongoing maintenance costs and for causing the property to comply with applicable codes and laws, but would have the option of vacating the property and terminating the Lease rather than making any repair or expenditure which would cost over \$10,000;
3. Tenants would be allowed to sublet on a month-to-month basis upon furnishing the City of Madison with relocation waivers and/or indemnifications under which Tenants and their subtenants would relinquish any claims to any relocation costs that would otherwise be payable by the City of Madison to such parties; and
4. Tenants would bear no responsibility for payment of any real estate taxes for 1998 and future years; and

WHEREAS, the property would be conveyed by the Olbrich Botanical Society to the City subject to a restriction (the "Restriction") that the property be used, in perpetuity, as parklands devoted primarily to botanical gardens, except that the City may use the buildings now located upon the Property for storage, offices and other municipal uses *on a temporary, interim basis.*

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby expresses its appreciation and encouragement to the Olbrich Botanical Society in its efforts to obtain this property and further expresses its interest in receiving the property as a future gift.

BE IT FURTHER RESOLVED, that should the Olbrich Botanical Society be successful in its efforts to obtain the property, the Common Council hereby authorizes the acceptance of title to the property as a gift, subject to the Lease and subject to the restriction as described above, and subject further to the issuance by the State of Wisconsin Department of Natural Resources of a letter indicating that no further action is necessary with regard to the environmental remediation of the property.

BE IT FURTHER RESOLVED, that the Mayor and the City Clerk are hereby authorized to sign any and all documents necessary to complete this transaction.