



Department of Planning & Community & Economic Development
Building Inspection Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
TTY/TEXTNET 866 704 2318
FAX 608 266 6377
PH 608 266 4551

DATE: September 26, 2011

TO: Plan Commission

FROM: George C. Hank, Director
Building Inspection Division

SUBJECT: 902 Dempsey Road – Royster Clark Buildings

Staff from the Building Inspection Division have visited the property and associated buildings located at the Royster Clark Plant at 902 Dempsey Road at least 75 times and generated at least 16 enforcement cases since January 2008. The buildings are surrounded by chain link fence topped with barbed wire. Trespassers frequently go over, under or around the fence. The buildings, especially the large metal building, pose a public nuisance and safety concern.

The design and condition of the buildings makes it difficult to secure the buildings from illegal entry. There are large openings where a conveyor system connects storage buildings to the large metal building. The attachment points for the metal siding have deteriorated and siding frequently comes loose during high wind events. The deteriorated and loose siding also make it easier to illegally access the buildings.

The interior layout of the metal sided building contains large unprotected pits, and stair and walkway systems that reach the highest levels of the building. Portions of the stairs have been removed to limit access. The buildings are an attractive nuisance and people continue to try to access them, sometimes with tragic consequences.

I am writing to urge support for the issuance of the Demolition Permit under Madison General Ordinance 28.12(12)(c)2.



Department of Planning & Community & Economic Development

Economic Development Division

Website: www.cityofmadison.com

- Office of Business Resources
- Office of Economic Revitalization
- Office of Real Estate Services

Madison Municipal Building, Room 312
215 Martin Luther King, Jr. Boulevard
P.O. Box 2983
Madison, WI 53701-2983

TTY/TEXTNET 866 704 2318
FAX 608 261 6126
PH 608 266 4222

April 20, 2011

RE: Royster Clark BREWD Application

Mr. Carl Ruedebusch, Manager
RDC Development, LLC
4605 Dovetail Drive
Madison, WI 53704

Dear Mr. Ruedebusch:

Thank you for your Brownfield Remediation/Elimination & Workforce Development (BREWD) application submitted on February 4, 2011 regarding the Royster Clark property located on the eastside of Madison. City staff have reviewed your application, and are prepared to recommend to the Common Council a \$375,000 BREWD grant. In addition, City staff will recommend an additional \$50,000 BREWD grant, for a total of \$425,000, if demolition/remediation activities begin by November 1, 2011. The City will consider an extension of this November 1, 2011 deadline if action on the necessary demolition permit is delayed by the City.

A resolution authorizing the granting of these funds will be introduced to the Common Council on May 3rd, with Council approval expected on May 17th. Upon approval by the Common Council, you will be required to execute a BREWD Grant Agreement with the City of Madison, which will outline the terms and conditions of this offer.

We are grateful that you have decided to invest in the redevelopment of the Royster Clark property in a manner consistent with the adopted neighborhood plan for the site. This offer of BREWD funds is made based upon the proposed demolition, remediation, and redevelopment of the Royster Clark property identified in the aforementioned application. Significant deviation from your proposal may result in the City's withdrawal of this offer. Likewise, this offer could be withdrawn if you and the City are unable to execute a mutually agreed upon BREWD Grant Agreement within 90 days of Council approval.

Please don't hesitate to contact me at 608.261.9983 or aolver@cityofmadison.com with any questions or concerns that you may have.

Sincerely,

Aaron Olver
Division Director



City of Madison

Legislative File Number 22235 (version 1)

Title

Authorizing the award of a grant of BREWD funds in an amount not to exceed \$425,000 to RDC Development, LLC for the demolition, remediation, and redevelopment of the Royster Clark property, and the execution of a BREWD Grant Agreement by the Mayor and City Clerk.

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, RDC Development, LLC submitted an application for BREWD funding on February 4, 2011 for the demolition, remediation, and redevelopment of the property known as Royster Clark at the intersection of Cottage Grove Road and Dempsey Road.

NOW THEREFORE BE IT RESOLVED that the Common Council awards a grant of BREWD funds in an amount not to exceed \$425,000 to RDC Development, LLC ("Developer") for the demolition, remediation, and redevelopment of the Royster Clark property (the "Grant"); and,

BE IT FURTHER RESOLVED that \$50,000 of the Grant is conditioned upon Developer's commencement of the demolition and remediation activities by November 1, 2011, with the option for the Department of Planning, Community & Economic Development Director to extend the November 1, 2011 deadline if the issuance of a demolition permit is delayed by the City; 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 first occupied commercial structure developed on the site.
- That the City shall require a minimum of 11 (for a \$375,000 grant) or 13 (for a \$425,000 grant) permanent full-time equivalent (40 hours per week) positions on the property that conform 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 first occupied commercial structure developed on the site; or, be subject to repayment of grant funds per the program guidelines referenced above.
- That the Grant will be used for the demolition and remediation activities consistent 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 demolition and remediation costs that exceed the aggregate amount of the grant and any required match (\$576,924 for a \$375,000 grant and \$653,847 for a \$425,000 grant).
- 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 has satisfied all City of Madison prevailing wage requirements per MGO 4.23 to the satisfaction of the City of Madison Affirmative Action Division.
- A building permit has been issued to construct the first commercial building that will house the positions noted above, and evidence is furnished to the satisfaction of the City that construction will begin within a reasonable period of time after disbursement of the Grant; 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.

Fiscal Note

The 2011 adopted City operating budget provides authorization for expenditures of \$500,000 from the Brownfields Remediation Revolving Loan Fund (p. 29), from which the proposed expenditure of \$425,000 will come. The funding is from a State grant. No additional appropriation is required.

Stouder, Heather

From: Gina Ferraro [ginamfk@hotmail.com]
Sent: Thursday, September 29, 2011 11:55 AM
To: Stouder, Heather
Cc: Paul Jenkins
Subject: RE: 10/3 Public hearing

Please accept this email as written notification of my support of the demolition at 902 Dempsey Road. My property backs up to the unsightly monstrosity. I am most looking forward to the environmental cleanup, so I no longer have to worry about possible contamination.

Thanks.

Gina Ferraro
9 Coral Court, Madison 53714
608-628-1237

From: HStouder@cityofmadison.com
To: ginamfk@hotmail.com
Date: Thu, 29 Sep 2011 11:40:29 -0500
Subject: RE: 10/3 Public hearing

Hello, Gina-

You can definitely submit an e-mail with your comments directly to me, and I will pass it along to the Plan Commission in advance of their meeting next Monday. Thanks, and please let me know if you have any questions.

Best-
Heather

From: Gina Ferraro [<mailto:ginamfk@hotmail.com>]
Sent: Thursday, September 29, 2011 11:36 AM
To: Stouder, Heather
Subject: 10/3 Public hearing

I was wondering if I can just submit and email in support of the demolition on 902 Dempsey Road property?

I am a resident at 9 Coral Court.

Thanks.
Gina