



## **LEGAL SERVICES DEPARTMENT**

### **Office of the City Attorney**

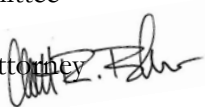
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**TO:** Members of the Finance Committee

**FROM:** Christopher R. Behrens, City Attorney 

**DATE:** October 8, 2020

**RE:** Proposed Resolution brought at the Request of the YMCA Regarding Waiving Certain Restrictive Covenants with regard to the Soldier's Square Parking Ramp

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Recently City staff was approached by the YMCA and their legal counsel regarding their planning for the Soldier's Square Parking Ramp's redevelopment. The YMCA is currently exploring different options for the site including constructing a new parking ramp or a mixed use development that includes a parking structure.

The 1996 agreement that transferred the parking ramp from the City to the YMCA contains certain terms including a reversionary clause and right of first refusal. In the case of the reversionary clause, if the YMCA decides to raze the parking ramp and build a new one on the location it has two options: 1) allow the property to revert to the City for a sum calculated according to the agreement; or, 2) allow the City to include public purpose parking, at the City's sole cost, to be built in conjunction with the Y's project. With regard to the right of first refusal, if the YMCA would decide to sell the property to a third party to, for example, develop a mixed use project that includes parking to accommodate the YMCA's needs, the YMCA would first be required to allow the City an opportunity to purchase the property from the YMCA for a sum calculated according to the agreement.

The YMCA has requested that the City of Appleton adopt a resolution waiving the restrictive covenants as more particularly set out in the attached resolution in order to allow the YMCA to move forward in a more rapid and unencumbered fashion in planning for its future needs with regard to parking and its redevelopment of the Soldier's Square Parking Ramp site. City staff have reviewed and discussed this request from the YMCA and support waiving these restrictive covenants to help facilitate redevelopment of this particular site.

Accordingly, staff respectfully requests and recommends APPROVAL OF THE RESOLUTION WAIVING RESTRICTIVE COVENANTS CONCERNING YMCA SOLDIER'S SQUARE PARKING RAMP PROPERTY.

CRB:jljg

City Law: A20-0588

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