

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: August 22, 2019

MEMORANDUM

TO: Members of the Plan Commission

FROM: Michael P. May, City Attorney
John Strange, Assistant City Attorney

RE: Edgewood Master Plan Repeal Ordinance, Legistar No. 56839

You have before you on August 26, 2019, Legistar No. 56839, an ordinance to repeal Edgewood's Master Plan. Edgewood sued the City in federal court on August 22, 2019, alleging that the City has violated Edgewood's religious rights under the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). Edgewood included other claims in the lawsuit.

In terms of the RLUIPA claim, the City's best legal position would be if the Master Plan were repealed and no other changes in the CI District ordinances were adopted. Therefore, our office recommends approval of the repeal of the Master Plan.

We understand Edgewood previously proposed to amend its Master Plan (Legistar No. 53954). Edgewood's application was set to come before Plan Commission for a recommendation on February 26, 2019. Prior to the hearing, Edgewood informed the City it did not wish to proceed to the Plan Commission Hearing but also did not formally withdraw the application. Therefore, neither the Plan Commission nor the City has ever made a final decision on that item. You need not consider it on August 26.

Additionally, several alders are proposing changes to the CI District that would impact all of the entities in that CI District, that is, the Madison public high schools, the UW-Madison, Edgewood, parts of Madison College, and UW hospitals (Legistar No. 56981). At this point, it is difficult for our office to predict what impact, if any, approval of that ordinance might have on the pending lawsuit. We therefore do not take a legal position on those changes.

CC: Mayor Rhodes-Conway
All Alders
Tim Parks