



Legislation Details (With Text)

**File #:** 81941      **Version:** 1      **Name:** CSM - 426 S Yellowstone Dr  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/6/2024      **In control:** PLAN COMMISSION  
**On agenda:** 3/19/2024      **Final action:** 3/19/2024  
**Enactment date:** 3/22/2024      **Enactment #:** RES-24-00217

**Title:** Approving a Certified Survey Map of property owned by Yellowstone Apartments, LLC located at 426 S Yellowstone Drive and releasing City enforcement of a platted restriction (District 19).

**Sponsors:** Planning Division

**Indexes:**

**Code sections:**

**Attachments:** 1. Application.pdf, 2. Letter of Intent.pdf, 3. 426 S Yellowstone Dr CSM.pdf, 4. Park Towne\_Sixth Addition Plat.pdf, 5. Staff Memo.pdf, 6. Disposition Letter

Date	Ver.	Action By	Action	Result
3/19/2024	1	COMMON COUNCIL	Adopt under suspension of MGO 2.055 (14 votes required)	Pass
3/11/2024	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF MGO 2.055 - REPORT OF OFFICER	Pass

**Title**

Approving a Certified Survey Map of property owned by Yellowstone Apartments, LLC located at 426 S Yellowstone Drive and releasing City enforcement of a platted restriction (District 19).

**Body**

WHEREAS a Certified Survey Map of property owned by Yellowstone Apartments, LLC located at 426 S Yellowstone Drive , City of Madison, Dane County, Wisconsin has been duly filed for approval by the Plan Commission, its Secretary or their designee, as provided for in Section 16.23(4)(f) of Madison General Ordinances; and

WHEREAS the proposed Certified Survey Map requests to combine Lots 58 and 59 of the final plat of *Sixth Addition to Park Towne*, recorded at the Dane County Register of Deeds as Document No. 1536478 on Pages 16 and 17 of Volume 47 of Plats on September 1, 1977, said final plat approved by the Common Council on August 2, 1977; and

WHEREAS the final plat of *Sixth Addition to Park Towne* includes the following statement: "The owner/developer of each lot shall consult with the Parks Conservation Specialist at the time of preparing the site plan for any lot in this plat so that consideration can be given grading and the preserving the larger trees."; and

WHEREAS Chapter 236, Wisconsin Statutes requires that the Madison Common Council approve any dedications proposed or required as part of the proposed division of the lands contained on said Certified Survey Map; and

WHEREAS, the plat note may represent a restriction for public benefit as allowed by Section 236.293 of the Wisconsin Statutes, which states that such restrictions may be released or waived in writing by the public body

or public utility having the right of enforcement; and

WHEREAS, the Planning Division believes that note on the plat is no longer enforceable by the City, as staff was also unable to confirm if the plat note intended for the City's Parks agency to have responsibility for enforcement of the note, or if staff of the company that developed the subdivision had that responsibility, noting that no employee of the Parks Division currently has responsibility or authority for the review of improvements on private property; and

WHEREAS, the Plan Commission on May 8, 2023 approved redevelopment of the subject site with a six-story mixed-use building containing 750 square feet of commercial space and 147 apartments; and

WHEREAS, the approved redevelopment was conditioned by the Plan Commission on the preserving of the larger trees consistent with the platted note and complying with the zoning requirement to increase the rear yard (west yard) setback, said condition to be satisfied by submittal of an updated site plan and landscape plan that identifies which existing trees will be preserved within the increased setback for approval by the Planning Division Director or their designee.

NOW THEREFORE BE IT RESOLVED that said Certified Survey Map, bond and subdivision contract, subsequent affidavits of correction, parkland acquisition documents, easement or right-of-way release or procurement documents or any other related document or documents as deemed necessary by the Secretary of the Plan Commission in accordance with the approval of said Certified Survey Map are hereby approved by the Madison Common Council.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 236.293 of the Wisconsin Statutes, the Mayor and the City Clerk are hereby authorized to execute a release of the City's right to enforce the plat note established by the final plat of Sixth Addition to Park Towne. The recordable release document shall be in a format reviewed and approved by the City of Madison Attorney's Office prior to final execution and recording with the Dane County Register of Deeds.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Madison are hereby authorized to sign the above mentioned documents related to this Certified Survey Map.

BE IT FURTHER RESOLVED that all dedications included in this Certified Survey Map or required as a condition of approval of this Certified Survey Map be and are hereby accepted by the City of Madison.

BE IT FURTHER RESOLVED that the Planning Division is authorized to reflect the recorded Certified Survey Map in the Comprehensive Plan and any applicable neighborhood plans