



Legislation Details (With Text)

File #: 28945 **Version:** 1 **Name:** Lamar Company Settlement Agreement and Stipulation

Type: Ordinance **Status:** Passed

File created: 1/29/2013 **In control:** BOARD OF ESTIMATES (ended 4/2017)

On agenda: 2/26/2013 **Final action:** 2/26/2013

Enactment date: 3/9/2013 **Enactment #:** ORD-13-00023

Title: Effectuating the settlement agreement and stipulation in pending tax litigation between The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC v. City of Madison, Dane County Circuit Court Cases No. 2011-CV-2201, No. 2010-CV-2615, No. 2009-CV-2695, No. 2008-CV-2390, No. 2007-CV-0928 and No. 2005-CV-0794, and granting limited exceptions to the billboard ban.

Sponsors: Paul R. Soglin

Indexes:

Code sections:

Attachments: 1. Final Signed City & Lamar Settlement Agreement & Stip, 2. Lamar Billboard Resolution

Date	Ver.	Action By	Action	Result
2/26/2013	1	COMMON COUNCIL	Adopt	Pass
2/18/2013	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/18/2013	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/5/2013	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
2/5/2013	1	COMMON COUNCIL	Referred	Pass
1/29/2013	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The stipulation and settlement agreement with Lamar will allow the city and other taxing jurisdictions to avoid a tax settlement payment of \$160,000, as well as unknown amounts on related issues at other sites. As such, there is no anticipated fiscal effect from this ordinance.

Title

Effectuating the settlement agreement and stipulation in pending tax litigation between The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC v. City of Madison, Dane County Circuit Court Cases No. 2011-CV-2201, No. 2010-CV-2615, No. 2009-CV-2695, No. 2008-CV-2390, No. 2007-CV-0928 and No. 2005-CV-0794, and granting limited exceptions to the billboard ban.

Body

DRAFTER'S ANALYSIS: This ordinance provides an exception to the City's existing ordinances to allow Lamar Outdoor Advertising to obtain permits for three (3) double-sided billboards and to issue two (2) revised permits for other billboards. It is part of a settlement of pending tax litigation with Lamar and is a companion to a related resolution approving that settlement.

The Common Council of the City of Madison do hereby ordain as follows:

WHEREAS, the Common Council has adopted a resolution authorizing the settlement of litigation between The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC (collectively "Lamar") and the City of Madison (City), including the following Dane County Circuit Court cases:

No. 2011-CV-2201, No. 2010-CV-2615, No. 2009-CV-2695, No. 2008-CV-2390, No. 2007-CV-0928 and No. 2005-CV-0794; and

WHEREAS, pursuant to the settlement, it is required that Lamar obtain permits pursue certain actions which may be in violation of the current Madison General Ordinances related to billboards.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF MADISON DO HEREBY ORDAIN as follows:

Notwithstanding the provisions of Chapter 31 of the Madison General Ordinances (MGO), and solely as set forth below, Lamar, as required by the Stipulation and Settlement Agreement in the above cases, shall be permitted the following:

1. To apply for and obtain three (3) new advertising sign permits for a maximum of six (6) faces, provided that such new permits shall be subject to all other City of Madison Ordinances, including siting and other restrictions on signs as set forth in Chapters 28, 31 and 33, MGO, and shall be considered existing nonconforming signs.

2. To apply for and obtain a permit allowing Lamar to place an additional face on its existing sign on US Highway 14 south of the Beltline (2801 Syene Road), said sign to be considered a nonconforming sign.

3. To apply for and obtain a permit allowing Lamar to downsize the faces on its existing sign on US Highway 51 north of Buckeye Road from 14 x 48 feet to 12 x 50 feet, provided that Lamar must exercise this right within 1 year of the approval of this Agreement by the Madison Common Council, and said sign to be considered a nonconforming sign.