



Legislation Text

File #: 41991, **Version:** 1

Fiscal Note

The proposed resolution authorizes the Economic Development Division to execute a Plat Restriction Amendment to partially release and modify the minimum elevation restriction for low window or door openings pertaining to certain buildings constructed on certain lots within the Final Plat of Genesis. The fiscal impact of this resolution is a one-time payment of a \$500 administrative fee paid by Genesis Commons, LLC to the Office of Real Estate Services, deposited to account 40470-43522, charge code 63029.

Title

Authorizing the execution of a Plat Restriction Amendment to partially release and modify the minimum elevation restriction for low window or door openings pertaining to certain buildings constructed on certain lots within the Final Plat of Genesis.

Body

WHEREAS, Genesis Commons, LLC (“Owner”) is the owner of certain properties legally described as Lot 1, Lot 2, Lot 8, Lot 10, Lot 11 and Lot 12, Final Plat of Genesis (“Plat”), recorded with the Dane County Register of Deeds on June 14, 2011 in Volume 59-091A of Plats, Pages 419-421, as Document No. 4770373, in the City of Madison, Dane County; and

WHEREAS, the City of Madison (“City”) is the owner of Lot 9 of said Plat; and

WHEREAS, the Plat was conditionally approved by the City’s Common Council by Resolution Enactment Number RES-10-00318, File I.D. Number 17823, adopted on the 13th of April, 2010; and

WHEREAS, the Plat was subsequently recorded upon the satisfaction of a condition of approval that the existing flood plain boundaries detailed in Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Map Panel 5525C 0441G, with an effective date of January 2, 2009, be denoted on the Plat; and

WHEREAS, in consideration of the flood plain boundaries, the following restriction was included under the SURVEYOR’S NOTES on the Plat: NO BUILDING SHALL BE CONSTRUCTED WITH A LOW WINDOW OR DOOR OPENING BELOW ELEVATION 861.00 FEET (“Elevation Restriction”); and

WHEREAS, the Owner provided a written request to the City, included herein as Exhibit A, to modify the Elevation Restriction from 861.00 feet to 860.00 feet, thereby partially releasing the Elevation Restriction for only Lot 1, Lot 2, Lot 8, Lot 9, Lot 10, Lot 11, and Lot 12 (“Lots”), said Lots visible on the Plat included herein as Exhibit B; and

WHEREAS, subsequent to Plat recording, the Wisconsin Department of Transportation (“WisDOT”) conducted a study of the 100-year Floodplain of Pennito Creek and Unnamed Tributary to Upper Mud Lake (“Study”) as part of the I-90 reconstruction project, which included land within the Plat; and

WHEREAS, the Wisconsin Department of Natural Resources (“WDNR”) is currently reviewing a request from WisDOT to revise FEMA FIRM Panel 5525C 0441G (“Flood Map”) to show current conditions based upon the conclusions of the Study; and

WHEREAS, the City Engineering Division reviewed the Flood Map and determined that the Lots are not within the 100-year floodplain; and

WHEREAS, the City Engineering Division reviewed the Study and concluded that the Lots are not within the 1%

annual chance flood, and that the requested reduction in the Elevation Restriction from 861.00 feet to 860.00 feet for those certain Lots results in entrance elevations that are in excess of the minimum required by FEMA and/or the WDNR; and

WHEREAS, based upon the review of the Flood Map and the Study, the City Engineering Division recommends approval of the Owner's request.

NOW THEREFORE BE IT RESOLVED, that upon City of Madison Common Council adoption of this resolution, the Mayor and the City Clerk are hereby authorized to execute any related documents required to release, amend and/or modify the minimum elevation restriction for low window or door openings from 861.00 feet to 860.00 feet, per the North American Vertical Datum of 1988, for those buildings to be constructed on Lot 1, Lot 2, Lot 8, Lot 9, Lot 10, Lot 11 and Lot 12 of the Final Plat of Genesis, recorded in Volume 59-091A of Plats, pages 419-421, as Document No. 4770373, in the City of Madison, Dane County, Wisconsin.