



Legislation Text

File #: 41965, **Version:** 1

Fiscal Note

\$500 Administrative Fee deposited with the Office of Real Estate Services.

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 certain lots within the Final Plat of Genesis.

Body

WHEREAS, Genesis Commons, LLC 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, 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 the conditions of approval, including the requirement to denote the existing flood plain boundaries per Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map ("FIRM") Panel 5525C 0441G, Effective Date January 2, 2009; and

WHEREAS, the Plat was recorded with a restriction under the SURVEYOR'S NOTES as follows: NO BUILDING SHALL BE CONSTRUCTED WITH A LOW WINDOW OR DOOR OPENING BELOW ELEVATION 861.00 FEET; and

WHEREAS, the official FEMA floodplain map detailing the 100-year Floodplain of Pennito Creek and Unnamed Tributary to Upper Mud Lake has been restudied by the Wisconsin Department of Transportation (WDOT); and

WHEREAS, City Engineering Division has reviewed both the current flood study and a proposed revision by the Wisconsin Department of Transportation (WDOT), as part of the I-90 reconstruction project, and in both cases the reduction in minimum elevation from 861.00 to 860.00 results in entrance elevations that are in excess of the minimum required by FEMA and/or the WDNR; and

WHEREAS, Lot 1, Lot 2, Lot 8, Lot 9, Lot 10, Lot 11 and Lot 12 ("Lots") of the Plat are not within the current 1% annual chance flood (100-year floodplain) per said FEMA FIRM Panel 5525C 0441G, nor are the Lots within the 1% annual chance flood per the proposed WDOT Pennito Creek and Unnamed Tributary to Upper Mud Lake flood study; and

WHEREAS, the Owner has provided a written request to the City to modify the minimum elevation restriction for the Lots from 861.00 to 860.00, a copy of which is attached hereto and made part of this resolution; and

WHEREAS, the City's Engineering Division has reviewed the attached written request and recommends approval of the request to partially release and modify the minimum elevation restriction from 861.00 to 860.00 for those certain Lots.

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 to 860.00, North American Vertical Datum of 1988, for those buildings 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.