

**Ordinance No. 2007-O-13
Amending Planned Development District
General Implementation Plan and
Planned Development District
Specific Implementation Plan for
Office Building and Data Center.**



* 4 3 3 5 5 3 0 4 *

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
4335530

07/19/2007 10:59AM

Exempt #:

Rec. Fee: 17.00
Pages: 4

Return to: City Clerk
5520 Lacy Road
Fitchburg, WI 52711

Parcel No.: 06091524312
06091524323
06091524334

Legal Description: Lots 22, 23 & 24 First Addition to Fitchburg Technology Campus

Plan Commission
Initiated By

Thomas D. Hovel
Drafted By

6/05/2007
Date

**ORDINANCE NO. 2007-O-13
ZONING ORDINANCE AMENDMENT
AMENDING GENERAL IMPLEMENTATION PLAN and ISSUING SPECIFIC
IMPLEMENTATION PLAN FOR ALL or PARTS OF LOTS 22, 23, & 24 FIRST
ADDITION TO FITCHBURG TECHNOLOGY CAMPUS,**

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

WHEREAS, Fitchburg Technology Campus LLC has had previously approved application (RZ-1650-07) by Ordinance 2007-O-08 to amend the Planned Development District General Implementation Plan (PDD-GIP) and to issue Planned Development District Specific Implementation Plan (PDD-SIP) for all or parts of lots 22, 23, and 24 First Addition to Fitchburg Technology Campus to allow an office building and a data center (application adopted by the Common Council on 3/27/2007), and

WHEREAS, they have submitted an application RZ-1650-07A to amend the approval provided on 3/27/2007 by Ordinance 2007-O-08 in order to alter the site plan and to allow for underground parking of 48 stalls; without an increase in net building square footage to take the stalls per 1000 sq ft from 3.36 to 4.48 (excluding the underground parking square footage), which will allow 191 total parking stalls with 48 being under structure (the original approved

14/17

GIP, Ordinance 2002-O-26, allowed a parking range of 3.0—4.0 stalls/1000 sq ft) which requires an amendment to the original GIP (2002-O-26) and the PDD-GIP/PDD-SIP approved for this project (2007-O-08) [the calculations do not include 6 stalls located on the data center site], and

WHEREAS, the Plan Commission considered the request on June 5, 2007 to amend PDD-GIP (2002-O-26 and 2007-O-08) zoning and the PDD-SIP zoning to allow the understructure parking and other amendments to the site plan as approved by Ordinance 2007-O-08 to issue the SIP on 3/20/2007, has reviewed the application according to the standards outlined in the ordinance, and has determined that the request, in conjunction with the proposed conditions, meets said criteria, and the Plan Commission has recommended approval, with conditions.

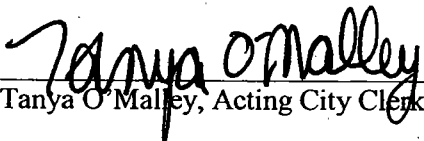
NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin does ordain that:

(A) PDD-GIP zoning, and PDD-SIP zoning approved by ordinance 2007-O-08 is hereby amended to allow for alterations to the site plan and for understructure parking for the office building of a total not to be less than 48 stalls (specifically amending section A.1. of 2007-O-08) as identified in the revised plans with a revision date of 5/17/2007 and originally approved by Ordinance 2002-O-26. This approval only applies to the understructure parking and slight site plan alterations to accommodate such parking and the alterations (smaller chiller building for the data center area) All other aspects of ordinance 2007-O-08 remain in full force and effect. Alternate east elevation is applicable depending upon phasing aspects (see architectural and design approval).


(B) This approval shall not take effect until the certified survey map (CS-1651-07) is approved and recorded, and signatures provided on this document and the ordinance recorded, and published which ever occurs last. However, in accord with section 22.92 of the zoning code, the owner shall consent within 30 days of the date of adoption for the amended PDD-GIP and PDD-SIP zoning to take effect.

(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Fitchburg, at a regular meeting held on the 12th day of JUNE, 2007.


Tanya O'Malley, Acting City Clerk

Approved: 6-19-07


Thomas Clauder, Mayor

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally came before me this 19th day of JUNE, 2007, the above named Tanya O'Malley, and Thomas Clauder to me known to be the Acting City Clerk and Mayor (respectively) of the City of Fitchburg, and the persons who executed the foregoing instrument and acknowledged the same.

Lisa M. Schulz
Notary Public, State of Wisconsin

Printed Name of Notary Public Lisa M Schulz
My Commission Expires: 4/26/2009

Consent of the Property Owner

[Signature] Date: _____

Personally came before me this 25th day of June, 2007, the above named Scott Kelly to me known to be President, of Fitchburg Technology Campus and the person who executed the foregoing instrument and acknowledged the same.

Susan W. Gurney
Notary Public, State of Wisconsin

Printed Name of Notary Public Susan W. Gurney
My Commission Expires: 03/15/09

Consent of Mortgage Holder:

[Signature] Date: 6/26/07
Mortgage Holder Fues.

Personally came before me this 26 day of June, 2007, the above named
James H. Hegenbarth to me known to be the President
of Park Banc and the person who executed the foregoing instrument and
acknowledged the same.

Lori B. Mahon
Notary Public, State of Wisconsin

Printed Name of Notary Public Lori B. mahon
My Commission Expires: 10-07-07

**Ordinance No. 2007-O-13
Amending Planned Development District
General Implementation Plan and
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Legal Description: Lots 22, 23 & 24 First Addition to Fitchburg Technology Campus

Plan Commission
Initiated By

Thomas D. Hovel
Drafted By

6/05/2007
Date

**ORDINANCE NO. 2007-O-13
ZONING ORDINANCE AMENDMENT
AMENDING GENERAL IMPLEMENTATION PLAN and ISSUING SPECIFIC
IMPLEMENTATION PLAN FOR ALL or PARTS OF LOTS 22, 23, & 24 FIRST
ADDITION TO FITCHBURG TECHNOLOGY CAMPUS,**

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

WHEREAS, Fitchburg Technology Campus LLC has had previously approved application (RZ-1650-07) by Ordinance 2007-O-08 to amend the Planned Development District General Implementation Plan (PDD-GIP) and to issue Planned Development District Specific Implementation Plan (PDD-SIP) for all or parts of lots 22, 23, and 24 First Addition to Fitchburg Technology Campus to allow an office building and a data center (application adopted by the Common Council on 3/27/2007), and

WHEREAS, they have submitted an application RZ-1650-07A to amend the approval provided on 3/27/2007 by Ordinance 2007-O-08 in order to alter the site plan and to allow for underground parking of 48 stalls, without an increase in net building square footage to take the stalls per 1000 sq ft from 3.36 to 4.48 (excluding the underground parking square footage), which will allow 191 total parking stalls with 48 being under structure (the original approved

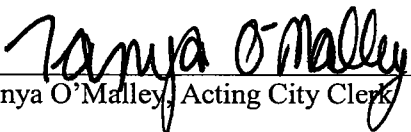
GIP, Ordinance 2002-O-26, allowed a parking range of 3.0—4.0 stalls/1000 sq ft) which requires an amendment to the original GIP (2002-O-26) and the PDD-GIP/PDD-SIP approved for this project (2007-O-08) [the calculations do not include 6 stalls located on the data center site], and

WHEREAS, the Plan Commission considered the request on June 5, 2007 to amend PDD-GIP (2002-O-26 and 2007-O-08) zoning and the PDD-SIP zoning to allow the understructure parking and other amendments to the site plan as approved by Ordinance 2007-O-08 to issue the SIP on 3/20/2007, has reviewed the application according to the standards outlined in the ordinance, and has determined that the request, in conjunction with the proposed conditions, meets said criteria, and the Plan Commission has recommended approval, with conditions.

NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin does ordain that:

- (A) PDD-GIP zoning, and PDD-SIP zoning approved by ordinance 2007-O-08 is hereby amended to allow for alterations to the site plan and for understructure parking for the office building of a total not to be less than 48 stalls (specifically amending section A.1. of 2007-O-08) as identified in the revised plans with a revision date of 5/17/2007 and originally approved by Ordinance 2002-O-26. This approval only applies to the understructure parking and slight site plan alterations to accommodate such parking and the alterations (smaller chiller building for the data center area) All other aspects of ordinance 2007-O-08 remain in full force and effect. Alternate east elevation is applicable depending upon phasing aspects (see architectural and design approval).
- (B) This approval shall not take effect until the certified survey map (CS-1651-07) is approved and recorded, and signatures provided on this document and the ordinance recorded, and published which ever occurs last. However, in accord with section 22.92 of the zoning code, the owner shall consent within 30 days of the date of adoption for the amended PDD-GIP and PDD-SIP zoning to take effect.
- (C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Fitchburg, at a regular meeting held on the 12th day of June, 2007.


Tanya O'Malley, Acting City Clerk

Approved: 6-19-07


Thomas Clauder, Mayor

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally came before me this 19th day of June, 2007, the above named Tanya O'Malley, and Thomas Clauder to me known to be the Acting City Clerk and Mayor (respectively) of the City of Fitchburg, and the persons who executed the foregoing instrument and acknowledged the same.

Lisa M. Schulz
Notary Public, State of Wisconsin

Printed Name of Notary Public Lisa M. Schulz
My Commission Expires: 4/26/2009

Consent of the Property Owner

[Signature] Date: _____

Personally came before me this 25th day of June, 2007, the above named Scott Kelly to me known to be President, of Fitchburg Technology Campus and the person who executed the foregoing instrument and acknowledged the same.

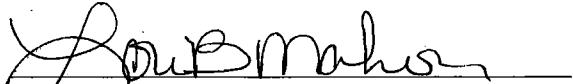
Susan W. Gurney
Notary Public, State of Wisconsin

Printed Name of Notary Public Susan W. Gurney
My Commission Expires: 03/15/09

Consent of Mortgage Holder:

[Signature] Date: 6/26/07
Mortgage Holder MCS.

Personally came before me this 26 day of June, 2007, the above named
James H. Hegenbarth to me known to be the President
of Park Bank and the person who executed the foregoing instrument and
acknowledged the same.


Notary Public, State of Wisconsin

Printed Name of Notary Public Lori B. mahon
My Commission Expires: 10-07-07



Capital Newspapers Proof of Publication Affidavit

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5520 LACY RD
TANYA O'MALLEY
MADISON, WI 53711

ORDINANCE NO. 2007-O-13

Plan Commission Thomas D. Hovel
Initiated By Drafted By
6/05/2007
Date

ZONING ORDINANCE AMENDMENT AMENDING GENERAL IMPLEMENTATION PLAN and ISSUING SPECIFIC IMPLEMENTATION PLAN FOR ALL or PARTS OF LOTS 22, 23, & 24 FIRST ADDITION TO FITCHBURG TECHNOLOGY CAMPUS,

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

WHEREAS, Fitchburg Technology Campus LLC has had previously approved application (RZ-1650-07) by Ordinance 2007-O-08 to amend the Planned Development District General Implementation Plan (PDD-GIP) and to issue Planned Development District Specific Implementation Plan (PDD-SIP) for all or parts of lots 22, 23, and 24 First Addition to Fitchburg Technology Campus to allow an office building and a data center (application adopted by the Common Council on 3/27/2007), and

WHEREAS, they have submitted an application RZ-1650-07A to amend the approval provided on 3/27/2007 by Ordinance 2007-O-08 in order to alter the site plan and to allow for underground parking of 48 stalls, without an increase in net building square footage to take the stalls per 1000 sq ft from 3.36 to 4.48 (excluding the underground parking square footage), which will allow 191 total parking stalls with 48 being under structure (the original approved GIP, Ordinance 2002-O-26, allowed a parking range of 3.0-4.0 stalls/1000 sq ft) which requires an amendment to the original GIP (2002-O-26) and the PDD-GIP/PDD-SIP approved for this project (2007-O-08) [the calculations do not include 6 stalls located on the data center site], and

WHEREAS, the Plan Commission considered the request on June 5, 2007 to amend PDD-GIP (2202-O-26 and 2007-O-08) zoning and the PDD-SIP zoning to allow the understructure parking and other amendments to the site plan as approved by Ordinance 2007-O-08 to issue the SIP on 3/20/2007, has reviewed the application according to the standards outlined in the ordinance, and has determined that the request, in conjunction with the proposed conditions, meets said criteria, and the Plan Commission has recommended approval, with conditions.

NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin does ordain that:

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(B) This approval shall not take effect until the

SS.

Daphne Haacker

being duly sworn, doth depose and say that he (she) is an authorized representative of Capital Newspapers, publishers of

Wisconsin State Journal,

a newspaper, at Madison, the seat of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

June 22nd, 2007

certified survey map (CS-1651-07) is approved and recorded, and signatures provided on this document and the ordinance recorded, and published which ever occurs last. However, in accord with section 22.92 of the zoning code, the owner shall consent within 30 days of the date of adoption for the amended PDD-GIP and PDD-SIP zoning to take effect.
(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process. The above and foregoing ordinance was duly adopted by the Common Council of the City of Fitchburg, at a regular meeting held on the 12th day of June, 2007.

/s/ Tanya O'Malley, Acting City Clerk
/s/ Thomas Clauder, Mayor
PUB. WSJ: June 22, 2007
(#6786448) WNXLP

(Signed)

(Title)

Principal Clerk

Subscribed and sworn to before me on

June 22, 2007

Ellen M. Morgan

Notary Public, Dane County, Wisconsin

My Commission expires May 24th, 2009