

# Dane County Contract Cover Sheet

RES 059

Revised 01/2023

<b>Dept./Division</b>	Waste & Renewables		
<b>Vendor Name</b>	City of Madison	<b>MUNIS #</b>	1384
<b>Brief Contract Title/Description</b>	ADOPTION OF THE DANE COUNTY SUSTAINABLE BUSINESS PARK DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS		
<b>Contract Term</b>			
<b>Contract Amount</b>			

<b>Contract #</b> Admin will assign	15116
<b>Type of Contract</b>	
<input type="checkbox"/>	Dane County Contract
<input type="checkbox"/>	Intergovernmental
<input type="checkbox"/>	County Lessee
<input type="checkbox"/>	County Lessor
<input type="checkbox"/>	Purchase of Property
<input type="checkbox"/>	Property Sale
<input type="checkbox"/>	Grant
<input checked="" type="checkbox"/>	Other

Department Contact Information		Vendor Contact Information	
<b>Name</b>	Sujata Gautam	<b>Name</b>	
<b>Phone #</b>	608-206-6952	<b>Phone #</b>	
<b>Email</b>	gautam.sujata@countyofdane.com	<b>Email</b>	
<b>Purchasing Officer</b>			

<b>Purchasing Authority</b>	<input type="checkbox"/> \$12,000 or under – Best Judgment (1 quote required)	
	<input type="checkbox"/> Between \$12,000 – \$43,000 (\$0 – \$25,000 Public Works) (3 quotes required)	
	<input type="checkbox"/> Over \$43,000 (\$25,000 Public Works) (Formal RFB/RFP required)	<b>RFB/RFP #</b>
	<input type="checkbox"/> Bid Waiver – \$43,000 or under (\$25,000 or under Public Works)	
	<input type="checkbox"/> Bid Waiver – Over \$43,000 (N/A to Public Works)	
	<input checked="" type="checkbox"/> N/A – Grants, Leases, Intergovernmental, Property Purchase/Sale, Other	

<b>MUNIS Req.</b>	<b>Req #</b>	<b>Org:</b>	<b>Obj:</b>	<b>Proj:</b>	
	<b>Year</b>	<b>Org:</b>	<b>Obj:</b>	<b>Proj:</b>	
		<b>Org:</b>	<b>Obj:</b>	<b>Proj:</b>	

Budget Amendment	
<input type="checkbox"/>	A Budget Amendment has been requested via a Funds Transfer or Resolution. Upon addendum approval and budget amendment completion, the department shall update the requisition in MUNIS accordingly.

<b>Resolution Required if contract exceeds \$100,000 (\$40,000 PW)</b>	<input checked="" type="checkbox"/> Contract does not exceed \$100,000 (\$40,000 Public Works)	<b>Res #</b>	059
	<input type="checkbox"/> Contract exceeds \$100,000 (\$40,000 Public Works) – resolution required.		<b>Year</b>
	<input checked="" type="checkbox"/> A copy of the Resolution is attached to the contract cover sheet.		

CONTRACT MODIFICATIONS – Standard Terms and Conditions		
<input type="checkbox"/> No modifications.	<input type="checkbox"/> Modifications and reviewed by:	<input checked="" type="checkbox"/> Non-standard Contract

APPROVAL	
<b>Dept. Head / Authorized Designee</b>	
Wienkes, Roxanne	Digitally signed by Wienkes, Roxanne Date: 2023.05.15 10:20:48 -05'00'

APPROVAL – Contracts Exceeding \$100,000	
<b>Director of Administration</b>	<b>Corporation Counsel</b>

APPROVAL – Internal Contract Review – Routed Electronically – Approvals Will Be Attached			
<b>DOA:</b>	<b>Date In:</b> 5/30/23	<b>Date Out:</b> _____	<input checked="" type="checkbox"/> Controller, Purchasing, Corp Counsel, Risk Management

## Goldade, Michelle

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**From:** Goldade, Michelle  
**Sent:** Tuesday, May 30, 2023 3:10 PM  
**To:** Hicklin, Charles; Gault, David; Lowndes, Daniel; Patten (Purchasing), Peter  
**Cc:** Stavn, Stephanie; Oby, Joe  
**Subject:** Contract #15116  
**Attachments:** 15116

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>	<b>Response</b>
	Hicklin, Charles	Read: 5/31/2023 10:33 AM	Approve: 5/31/2023 10:33 AM
	Gault, David	Read: 5/30/2023 4:40 PM	Approve: 5/31/2023 9:03 AM
	Lowndes, Daniel	Read: 5/30/2023 3:34 PM	Approve: 5/31/2023 9:47 AM
	Patten (Purchasing), Peter		Approve: 5/31/2023 6:42 AM
	Stavn, Stephanie	Read: 5/30/2023 3:27 PM	
	Oby, Joe		

Please review the contract and indicate using the vote button above if you approve or disapprove of this contract.

Contract #15116

Department: Waste & Renewables

Vendor: City of Madison

Contract Description: Adoption of Dane County Sustainable Business Park Declaration of Covenants, Conditions & Restrictions (Res 059)

Contract Term: --

Contract Amount: \$--

Thanks much,  
Michelle

*Michelle Goldade*

Administrative Manager

Dane County Department of Administration

Room 425, City-County Building

210 Martin Luther King, Jr. Boulevard

Madison, WI 53703

PH: 608/266-4941

Fax: 608/266-4425

TDD: Call WI Relay 711

Please note: I am currently working a modified schedule in accordance with COVID 19 response guidelines. I work in office Mondays and Wednesdays and work remotely Tuesday, Thursdays and Fridays.

1  
2  
3 **2023 RES-059**

4 AUTHORIZING ADOPTION OF THE DANE COUNTY SUSTAINABLE BUSINESS  
5 PARK DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

6 Dane County's Rodefild Landfill, located on US Highway 12/18 and County Highway  
7 AB, has an estimated 10 years of capacity remaining, and a new location is needed for  
8 the County to continue to provide local waste management services. Dane County  
9 (County) and the City of Madison (City) have mutual interests in managing solid waste  
10 locally, which is a more environmentally sustainable and cost effective approach.

11  
12 The County and the City negotiated a purchase of a portion of the Yahara Hills Golf  
13 Course, located directly south of the existing landfill across US Highway 12/18. This  
14 property provides approximately 232 acres of land to accommodate a Sustainability  
15 Campus which will include: a future landfill, composting operation, and a sustainable  
16 business park. The intent of the Sustainability Campus is to create opportunities for  
17 education, reuse, repair, recycling,

18  
19 The City and the County previously executed a Development Agreement on June 1, 2022  
20 that sets mutual understandings and expectations for the development of the landfill,  
21 compost site, and Sustainable Business Park. This Development Agreement stipulates  
22 that the County will file with the Dane County Register of Deeds, a declaration of restrictive  
23 covenants, approved by the City that establishes the purpose of the development, a  
24 project review board and process, allowable uses, and standards for development of the  
25 Sustainable Business Park.

26  
27 Additionally, the Development Agreement requires that the declaration include a list of the  
28 types of property uses that will be allowable within the Sustainable Business Park to  
29 ensure the use is consistent with the underlying goals of the City and the County regarding  
30 the Sustainability Campus. This Development Agreement requires the declaration state  
31 that the County is solely responsible for the administration and enforcement of the  
32 Covenants, and that the City shall be provided with a mechanism to enforce the allowable  
33 property uses established by the Declaration.

34  
35 **NOW, THEREFORE, BE IT RESOLVED** that the Dane County Board of Supervisors  
36 and the Dane County Executive hereby authorize the adoption of the Dane County  
37 Sustainable Business Park Declaration of Covenants, Conditions, and Restrictions.

**THE DANE COUNTY SUSTAINABLE BUSINESS  
PARK DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS**

This Declaration of Covenants, Conditions, and Restrictions is made effective on the signature date, by County of Dane, as the Declarant, with approval from the City of Madison.

**WITNESSETH:**

**WHEREAS**, the County has operated a solid waste landfill located at 7102 U.S. Hwy 12 & 18 in the City of Madison, Dane County, Wisconsin since 1985, but its current capacity is only projected to last until approximately 2030; and,

**WHEREAS**, the County has preliminary plans to develop a landfill, compost site, and Sustainable Business Park (hereinafter collectively referred to as the “Sustainability Campus”) with the intent to divert waste and create local circular economies; and,

RETURN TO: County of Dane  
City County Building Room 110  
210 Martin Luther King Jr. Blvd.  
Madison, WI 53703

Tax Parcel No.: See Exhibit A

**WHEREAS**, the City and County desire to cooperate in the development of the Sustainability Campus, including the future landfill, to allow for continued waste management options for the City and County and advance the region towards a circular economy; and,

**WHEREAS**, the City has sold real property further defined in Exhibit A, to the County on terms set forth in a Purchase and Sale Agreement entered into on June 1, 2022; and,

**WHEREAS**, the City and the County previously executed a Development Agreement on June 1, 2022 that sets mutual understandings and expectations for the development of the landfill, compost site, and Sustainable Business Park; and,

**WHEREAS**, the Development Agreement stipulates that the County will file with the Dane County Register of Deeds, a declaration of restrictive covenants, approved by the City, that establishes the purpose of the development, a project review board and process, allowable uses, and standards for development of the Sustainable Business Park; and,

**WHEREAS**, the Development Agreement requires that the declaration include a list of the types of property uses that will be allowable within the Sustainable Business Park to ensure the use is consistent with the underlying goals of the City and the County regarding the Sustainability Campus; and,

**WHEREAS**, the Development Agreement requires the declaration state that the County is solely responsible for the administration and enforcement of the Covenants, and that the City shall be provided with a mechanism to enforce the allowable property uses established by the Declaration.

**NOW, THEREFORE,** the Declarant hereby declares that the real estate described in Exhibit A is and shall be held, improved, developed, transferred, sold, conveyed, dedicated, leased, subleased, and otherwise utilized and occupied subject to and in compliance with the terms and provisions of this Declaration.

I. DEFINITIONS

The following definitions shall apply within this Declaration:

Applicant: A person, entity, business owner, or representative of a business owner (such as a developer or architect) who formally submits plans and specifications for a Project to the Project Review Board for approval.

Business Professional: All economic development, finance, or accounting professionals licensed or certified to practice in the State of Wisconsin, or an individual in the allied professions, such as business administration, or the like.

Circular Economy: A system that is based on the principles of designing out waste and pollution, keeping products and materials in use, and renewing and restoring natural systems.

City: The City of Madison, Wisconsin.

City's Designated Representatives: Representatives designated by the City of Madison to review and approve property uses permissible by this Declaration. The City's Designated Representatives shall be the Department of Planning, Community & Economic Development-Planning Division Director, or designee.

County: The County of Dane, Wisconsin.

Declarant: The County - and its successors and assigns.

Declaration: This Declaration of Covenants, Conditions, and Restrictions for the Sustainable Business Park, as it may from time to time be amended or supplemented.

Design Professional: All architects or engineers licensed to practice in the State of Wisconsin, or an individual in the allied professions, such as planning, urban design, landscape architecture, or the like.

Development Site: A Lot, combination of Lots or subplot on which improvements are proposed.

Director: The Director of the Dane County Department of Waste & Renewables.

Local Negotiated Agreement Process: Process administered by the State of Wisconsin Waste Facility Siting Board required as part of landfill permitting and governed by State Statutes ss. 289.33.

Lot: A platted parcel of land that is contained within the Sustainable Business Park.

Master Site Plan: The County-developed overall site plan that incorporates and illustrates multiple phases of the Campus at varying time periods as it may from time to time be amended or supplemented.

Occupant: A lessee or licensee of a Property Owner, or any other person or entity other than a Property Owner, in lawful possession of a lot with the permission of the Owner.

Plans: Documents that discuss and illustrate the intended development scheme; drawings, diagrams, scaled-map, a detailed formulation of a program of action, designs for improvements, buildings, or development site.

Project: A development, business, operation, organization, educational campaign or otherwise that meets the requirements of this Declaration and is approved or adopted by the Project Review Board as affiliated with the Sustainability Campus.

Project Review Board: The Project Review Board established under Article IV. Also referred to as the Design Review Board in prior Agreements between City and County.

Project Representative: A business owner, business owner's representative, or individual designated as the authorized representative for a Project.

Property Owner: Any person or entity that is the record owner of fee simple title to any Lot, excluding any entity or person who holds such interests as security for the payment of an obligation, but including land contract purchasers and any mortgagee in actual possession of a Lot.

Record: To file a document with the Office of the Register of Deeds, Dane County, Wisconsin.

Site Improvements: Includes, but is not limited to, buildings, outbuildings, roads, driveways, parking areas, fences, screening walls and barriers, retaining walls, stairs, docks, water lines, sewers, electrical and gas distribution facilities, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas, and all other structures, installations, and landscaping of every type and kind, whether above or below the land surface.

Sustainable Business Park: The portion of the Sustainability Campus further defined in Article II that will be further divided into lots or sublots and available for long term lease and development for the uses defined in this Declaration.

Sustainability Campus: Overarching Property, owned by County, that is proposed to be developed into a landfill, supporting infrastructure for the landfill, organics management facility, and Sustainable Business Park.

Violation: An act or omission that results in a violation of any term of this Declaration.

## II. PROPERTY SUBJECT TO THIS DECLARATION

This Declaration shall apply to the real property, known as the Dane County Sustainable Business Park, located in the City of Madison, Dane County, Wisconsin, identified as Lot 1 (30.34 acres) on CSM \_\_\_\_\_ included as Exhibit A.

## III. STATEMENT OF PURPOSE

This Declaration is made with the intention of promoting an integrated land use plan that includes sustainable and accessible design and ensures an effective, safe, and appropriate physical environment while helping to divert waste, promote circular economies, and educate the public about sustainability and waste minimization. This Declaration is made to ensure that Property within the Sustainable Business Park is used consistent with the City's and County's goals to promote waste diversion, reuse, and recycling, and advance circular economies.

## IV. PROJECT REVIEW BOARD

### A. Creation

There shall be created a Project Review Board that shall be responsible for reviewing and approval of proposed Projects, including building plans and specifications, and for enforcing the provisions of this Declaration.

### B. Functions

1. General. The Project Review Board shall cooperate with Property Owners, Occupants, Project Representatives, and Applicants to assure the orderly and quality development of the Project and has the right to enforce compliance with this Declaration.
2. Administration of Project Review Process. The Project Review Board shall administer the plan submission process described in Article V.
3. The Project Review Board shall review only for compliance with this Declaration. The Declarant or future Property Owner shall be solely responsible for negotiating any sale or lease of property subject to this Declaration.

### C. Project Review Board Structure

1. The Project Review Board shall consist of three (3) members appointed by the Director of the Dane County Department of Waste & Renewables, and one (1) member subsequently appointed pursuant to Paragraph IV.C.2. Three members shall be appointed by the Director as follows:
  - a. One (1) member, who will represent the County or the majority Property Owner.

- b. One (1) member, who shall be a business professional who shall have the ability to review business plans, waste and recycling markets, job creation potential, economic impact, and financial viability.
  - c. One (1) member who shall be a design or engineering professional who shall have the ability to review safety standards, design standards, and consistency with the Master Site Plan of the Campus.
  - d. The Project Review Board members appointed by the Director may be County staff.
  - e. Project Review Board members appointed by the Director shall be appointed - within ninety (90) days of initial recording of this Declaration and within ninety (90) days of any future vacancy.
2. Project Review Board shall adopt bylaws that allow for the appointment of one (1) additional Project Review Board member as follows:
- a. Upon execution of three or more Project lease agreements or contracts, the designated Project Representatives shall be allowed to elect one (1) member to the Project Review Board.
  - b. Each Project Representative shall be entitled to a minimum of one (1) vote to select a member of the Project Review Board. The Project Review Board may develop additional bylaws that grant additional voting rights to Projects that meet or exceed established waste diversion criteria.

D. Term

Each member of the Project Review Board shall serve for a three (3) year term.

E. Removal

Director can remove a board member upon death, incapacitation or malfeasance in office.

F. Organization and Notice of Meetings

The Chair of the Project Review Board shall be appointed by the Director, and the Chair shall schedule and preside over the Project Review Board meetings. The Project Review Board's meetings are open to the public and will be publicly noticed. A quorum shall consist of simple majority of members. The Project Review Board shall adopt bylaws governing the structure, manner of business, and meeting times and places of the Project Review Board. In the absence of adopted by-laws or procedures, the Board shall follow Robert's Rules of Order.



G. Voting Structure

A simple majority vote of members attending shall constitute a decision by the Project Review Board. If a Project Review Board member is unable to serve due to absence or conflict of interest the Director may appoint a temporary substitute member to serve.

V. PLAN SUBMISSION PROCESS

A. General

Each Applicant is required to follow the plan submission and approval process set forth in this Article V. The Applicant is responsible for providing all documents and plans necessary to submit a completed application.

B. Application Submittal and Requirements

1. The application and review process shall generally involve three (3) steps:
  - a. Preliminary Concept and Business Plan. This step may be initiated by issuance of a Request for Proposals or Request for Information by the Declarant.
  - b. Site Plan. This step may be waived for an Application that does not include site Improvements.
  - c. Construction Plan. This step may be waived for an Application that does not include site Improvements.
2. The Preliminary Concept and Business Plan shall be submitted to the Project Review Board and include the following:
  - a. Name and description of the Project
  - b. Name, address, and contact information of the Applicant
  - c. Name, address, and contact information of the Project Representative
  - d. Project Schedule and Timeline
  - e. Detailed description of how the Project will advance the local circular economy including, as applicable:
    - i. Types and quantities of materials diverted from landfill disposal

- ii. Plans for collection, transportation, and processing of materials
  - iii. Byproducts or residuals of process
  - iv. Number of jobs created and estimated economic impact
  - v. Summary of how the Project will advance public education and awareness of waste diversion or other stated goals of the Sustainability Campus.
- f. Estimated costs and revenues including, as applicable:
- i. Capital costs (infrastructure, buildings, equipment, etc.)
  - ii. Operating costs (utilities, staff, fuel, etc.)
  - iii. Operating revenues (tipping fees, sale of products, etc.)
  - iv. Sources of financing or funding (loans, grants, subsidies, investors, etc.)
- g. Description of how the Project will utilize or create renewable energy, incorporate green building standards, minimize or reduce carbon emissions, or further incorporate safety, sustainability, or environmental stewardship
- h. Description of how the Project will incorporate diversity, equity and inclusion in planning and execution.
- i. Application shall also include the following for Projects that include Site Improvements:
- i. Proposed design and engineering team
  - ii. Size and requirements of lot or subplot, if applicable
  - iii. Required improvements including the necessary square footage of building space, outdoor storage, required zoning, utilities or other infrastructure
  - iv. Generalized process flow and relationships of buildings, adjacent properties, streets and other infrastructure
  - v. Preliminary stormwater plan
  - vi. The Project Review Board may require the Applicant to submit additional detail including renderings that will illustrate the design and development concept, if deemed necessary at this stage of review

3. Upon Project Review Board approval of the Preliminary Concept and Business Plan, an Applicant shall submit a “Site Plan” for the proposed Project. The Site Plan shall include the following, as applicable:
  - a. Site survey, including existing topography, easements and utilities
  - b. Building location(s) and footprint(s)
  - c. Building setbacks
  - d. Circulation, including waste streams, residuals, shipping/receiving, customers, pedestrian, tour guests, and other vehicular traffic
  - e. Proposed future grades and drainage
  - f. Proposed storm water infiltration measures and runoff calculations and modelling
  - g. Utility locations, including telephone, electricity, gas, sewer, water, storm sewer systems and water quality and quantity management
  - h. Parking layout and number of spaces, and number of employees
  - i. Outdoor staging areas, equipment, and waste collection areas
  - j. Other site amenities
  - k. Building and Landscape Plans:
    - i. Floor plans
    - ii. Building elevations and renderings
    - iii. Building materials, including use, colors and samples
    - iv. Roof lines
    - v. Color conceptual landscape plan indicating plant material, location, quantity, species and initial size
4. Upon Project Review Board approval of the Site Plan, an Applicant shall submit “Final Construction Plans” for the proposed Project. The Final Construction Plans shall include the following, as applicable:
  - a. Engineering and construction plans, specifications, and grading plans for the site, parking areas, signage, lighting, and landscaping
  - b. Erosion control plans during construction

- c. Storm water infiltration plan and storm water management plan including required oil and grease interceptor plans
- d. Construction plans, specifications and elevations for the Improvements as required for engineering and construction for all aspects of a Development Site

C. Basis for Approval

All plans shall be in compliance with the standards set forth in Articles III, VI, and VII, and subject to approval by a majority vote of the Project Review Board.

VI. PERMITTED USES

A. Permitted Uses

The following business activities or uses are considered consistent with the intent of the Development and are permitted uses:

1. Entities that divert materials from the waste stream and prevent landfill disposal, including but not limited to:
  - a. Materials Recovery Facilities (MRFs) and supporting infrastructure
  - b. Waste Collection and Sorting Facilities and supporting infrastructure
  - c. Recycling Facilities (i.e. scrap metal, tires, shingles, plastics, fiber, mattresses, paper, electronics, textiles, glass)
  - d. Untraditional or Emerging Recycling or Waste Management Technologies (i.e. electric car battery, drywall, solar panel, or wind turbine recycling)
  - e. Wood Processing
  - f. Upcyclers
  - g. Food Recovery Operations (food pantries, commercial refrigerators or freezers)
  - h. Surplus, Swap, or Trade Shops or Auctions
  - i. Thrift or Reuse Stores

2. Entities that implement and operate alternatives to landfill disposal, including but not limited to the following processes and any necessary supporting infrastructure:
  - a. Anaerobic Digestion
  - b. Biomass and Biofuel Production
  - c. Pyrolysis
  - d. Gasification
  - e. Mechanical Biological Treatment (mechanical sorting with biological processing)
  - f. Indoor or Outdoor Composting Facilities (i.e wind rows, aerated static piles, in-vessel composting)
  - g. Vermicomposting, bokashi composting, or other emerging composting practices
  - h. Aerobic Digestion
  - i. Soil or Sediment Treatment
3. Entities that operate systems to utilize energy or resources from Campus operations, including but not limited to the following processes and any necessary supporting infrastructure:
  - a. Carbon (CO<sub>2</sub>) and/or Nitrogen (N<sub>2</sub>) Capture, Processing, Distribution or Beneficial Reuse
  - b. Biogas Collection, Processing, Distribution or Beneficial Reuse
  - c. Renewable Energy Production
  - d. Cogeneration Facilities and Infrastructure
  - e. Electrical Vehicle Charging Stations
4. Entities that offer services that extend the life of materials, including but not limited to:
  - a. Repair or Refurbish Shops (i.e appliance repair, bike repair, clothing, electronics)
  - b. Tool, Equipment, or Supplies Sharing Programs or Businesses
  - c. Reupholsters

- d. Artists and Craftspeople
  - e. Maker Spaces and Community Workshop Spaces
  - f. Commercial Dishwashers
  - g. Reprocessing Facilities
  - h. Deconstruction or Demolition Services
5. Entities that research or develop new waste technologies, recycling processes, renewable energy, or use or production of post-consumer materials, including but not limited to:
- a. Academic Research Institutions
  - b. Research Companies
  - c. Materials Testing Laboratories
  - d. Start-up Companies
  - e. Product Life Cycle Assessment Focused Organizations or Consultancies
6. Entities that use recovered or recycled materials as the primary feedstock for the production of goods or products including but not limited to:
- a. Composite Decking Manufacturers
  - b. Recycled Gypsum Processors
  - c. Sustainable Fertilizer Manufacturing
  - d. Post-Consumer Product Manufacturers
7. Entities that provide education or program management services that advance the goals of the Campus and promote circular economy, renewable energy, and regenerating natural systems, including but not limited to:
- a. STEAM Educators (Schools, Museums, Nature Centers)
  - b. Environmental Clubs and Organizations
  - c. Community Groups

- d. Businesses that provide consulting on operating with minimal waste
- e. Vocational Trainers
- f. Wellbeing or Mindfulness Practitioners

B. Accessory Uses

The following activities or uses that support Campus tenants or embody circular economy goals including are considered consistent with the intent of the Development and are permitted accessory uses:

- 1. Renewable Energy Infrastructure (geothermal, wind, solar, or otherwise)
- 2. Administrative Offices
- 3. Scaling/Weighing Infrastructure
- 4. Maintenance Facilities
- 5. Retail Activities that support or sell products of Campus Occupants.
- 6. Wastewater Treatment Facilities
- 7. Stormwater Management Facilities
- 8. Food Service Operations that use recovered food or food grown onsite

C. Other Uses

Other uses consistent with the purposes of the Sustainable Business Park as set forth in Article III may be allowable with approval of the Project Review Board and approval from the City's Designated Representatives.

## VII. DEVELOPMENT STANDARDS

Projects shall not be approved unless they meet the following standards:

A. Development Standards

Projects shall comply with all applicable building codes, zoning requirements and other applicable federal, state and local regulations, standards and codes. Project specific development standards for building materials, landscaping and screening, parking, signage, pedestrian access, educational displays, and other items may be established by the Declarant through amendments to this Declaration, conditions of project approvals, a Master Site Plan, or through lease agreements or contracts with Project Representatives.

B. Operational Standards.

Project Representatives and Property Owners shall be responsible for maintaining premises and improvements in such a manner that promotes a safe, clean, inclusive and attractive environment for employees, visitors, and adjacent property owners.

Projects shall comply with the applicable ordinances and regulations. Additional standards for hours of operation, noise limits, traffic patterns, or other items may be established by the Declarant through an amendment to this Declaration, conditions of project approvals, the Local Negotiated Agreement Process, or through lease agreements or contracts with Project Owners and Developers.

VIII. ENFORCEMENT

- A. Any violation of this Declaration that continues for a period of thirty (30) days following delivery of notice of violation to the Project Representative shall be enforceable by Declarant and any other Owner, or the City as provided for in Section B, by proceedings at law or in equity against any person or persons violating or attempting to violate any provision of the Declaration, either to restrain or cure the violation or to recover damages, or both.
- B. The City may enforce any violation of the permitted uses set forth in Article VI within the Sustainable Business Park. In enforcing these permitted uses, the City has the same rights and responsibilities as the Declarant under Section A.
- C. Nothing herein shall be deemed to limit the rights of the City of Madison to enforce any zoning codes, ordinances, regulations or other requirements which may be identical or similar to the requirements of this Declaration.
- D. The Declarant shall have the right to correct any violation of this Declaration itself and recover reimbursement by the party who has been in violation of the Declaration for all costs incurred, including but not limited to the costs of correction, legal fees, costs of enforcement and all other costs whether direct or indirect.

IX. ADDITIONAL PROVISIONS

A. Duration, Modification, and Termination

This Declaration may be amended by the Declarant and recorded with the Dane County Register of Deeds. Amendments to Articles VI and VIII shall require approval from the City's Designated Representatives. This Declaration shall expire after a period of twenty five (25) years from the date this Declaration is initially recorded, or such time that the landfill that is part of the Sustainability Campus is no longer accepting solid waste, whichever occurs later. Declarant shall have the unilateral right, exercisable by executing and recording a document exercising such right, to subject additional lands to this Declaration.

B. Variances



The Project Review Board may grant a variance from any of the prescribed criteria herein, from time to time where such variances will assist in carrying out the intent and spirit of this Declaration. Approval of any variance request requires a unanimous affirmative vote by the Project Review Board. Approval of any variance regarding allowable uses in Article VI shall have approval from City's Designated Representatives.

C. Severability

The provisions of this Declaration are severable. If one or more provisions of this Declaration is ruled invalid by judgment or court order, the remaining provisions shall not be affected and shall remain in full force.

D. Notices

Any notices or other communications to the Project Review Board required by this Declaration shall be given via registered or certified mail, to the Project Review Board at the following address:

Attn: Dane County Sustainability Campus Project Review Board  
Dane County Department of Waste & Renewables  
1919 Alliant Energy Center Way  
Madison, WI 53713

or such other address as may be designated in a document recorded by Project Review Board with the Dane County Register of Deeds. Notices to any Project Representative shall be given to the address listed in the Project Application. All notices shall be deemed given three (3) days after the same have been sent, via registered or certified mail, to the party.

E. Successors and Assigns

This Declaration shall benefit, and be binding upon, Declarant, Project Representatives, and Property Owners, and their respective successors and assigns as owners of any lands within the Project, and shall run with the land.

IN WITNESS OF ALL THE ABOVE, Declarant has executed this Declaration as of the Effective Date with approval of the City of Madison.

*(Signatures begin on next page)*

**COUNTY OF DANE, WISCONSIN,**  
a municipal corporation

By: \_\_\_\_\_  
Joseph Parisi  
County Executive

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Scott McDonell  
County Clerk

Date: \_\_\_\_\_

The execution of this Agreement by County officials was authorized by Enactment No. \_\_\_\_\_, File No. \_\_\_\_\_, adopted \_\_\_\_\_, 2023

**EXHIBIT A**

Certified Survey Map