

PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of July 3, 2007

RE: ID# 06729, Certified Survey Map Referral and ID# 06730, approval of the preliminary and final plat of "Hilldale Phase 2"

1. Requested Actions: Approval of a two-lot Certified Survey Map creating two lots for portions of the Hilldale Shopping Center redevelopment, and; approval of a preliminary and final plat creating eleven lots for much of the remaining mixed-use development.
2. Applicable Regulations: The subdivision process is outlined in Section 16.23 (5)(b) of the Subdivision Regulations.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant & Property owner: Hilldale Building Company, LLC, c/o Joseph Freed & Associates; 220 N Smith Street, Suite 300; Palatine, Illinois; Stephen Uhlarik, representative.

Surveyor: Francis Thousand, Arnold & O'Sheridan, Inc., 111 Deming Way, Suite 200; Madison.
2. Development Schedule: Redevelopment of the mixed-use center is ongoing.
3. Parcel Location: The entire Hilldale planned unit development consists of approximately 37 acres generally bounded by N. Segoe Road and Sawyer Terrace on the west, University Avenue on the north, N. Midvale Boulevard on the east and the prolongation of Heather Crest on the south, in Aldermanic District 11; Madison Metropolitan School District; Urban Design District 6.
4. Existing Conditions: The 528,664 square foot Hilldale Shopping Center site is comprised of eleven buildings including the former Humana office park and 349,450 square foot indoor shopping mall (Marshall Field's, Sentry, etc.), Ace Hardware and Hilldale Cinema. Phase I of the redevelopment project focused primarily on the area east of the main retail mall building and includes two parking structures containing 649 parking spaces, four retail buildings opposite the east wall of the mall totaling 71,190 square feet, 40 condominium units in four townhouse buildings located along N. Midvale Boulevard, a 7,900 square-foot restaurant at the corner of University and N. Midvale, and a 13,200 square-foot commercial building containing a 7,000 square-foot restaurant with outdoor eating area located at the southeastern corner of Price Place and Heather Crest. Work to convert the former University Bookstore located at the southern end of the mall building into a six-screen Sundance Cinema was recently completed. Construction of Phase II of the project will commence over the next few months. The next phase contains a 65,000 square-foot grocery store, 25,000 square feet of additional retail space, 13,000 square feet

of office space, a 40,000 square-foot gym, 238 condominium units and approximately 1,100 structured parking spaces following demolition of the Humana office park, Hilldale Theater and Peking Palace restaurant. A specific implementation plan was recently submitted for construction of a 150-room hotel along the west wall of the mall building in the area of the food court; that application will be reviewed on August 6, 2007.

5. Proposed Land Uses: No changes to the planned unit development plan for the project are proposed. The lots created by the proposed subdivision will allow the conveyance of certain elements of the development.
6. Land Use and Zoning Surrounding Site:
 - North: Single-family residences, a multi-story condominium building, Border's Books, Walgreen's, McDonald's, Copp's Supermarket and multi-tenant retail, located in the Village of Shorewood Hills; State of Wisconsin office building, zoned C2 (General Commercial District) in the City of Madison;
 - South: M & I Bank, Anchor Bank and various multi-tenant retail/ office buildings, zoned C2;
 - West: Hill Farms State Office Building (Dept. of Transportation), zoned C2; Normandy Apartments, zoned R6 (General Residence District); Karen Arms Condominiums and Rennebohm Park, zoned R5 (General Residence District);
 - East: US Bank, zoned C1 (Limited Commercial District); multi-unit residence buildings, zoned R4 (General Residence District).
7. Adopted Land Use Plan: The Comprehensive Plan identifies Hilldale as a site for transit-oriented and community mixed-use redevelopment.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for Certified Survey Maps, preliminary plats and final plats contained in the Subdivision Regulations.

PREVIOUS APPROVALS

On February 1, 2005, the Common Council approved rezoning of the 37-acre Hilldale Shopping Center and Humana Office complex from C2 (General Commercial District) to PUD-GDP-SIP to allow the addition of two parking structures containing 668 parking spaces, four retail buildings opposite the east wall of the mall totaling 71,190 square feet and 40 condominium units in four townhouse buildings located along N. Midvale Boulevard.

On December 13, 2005, the Common Council approved an amendment to the Hilldale PUD-SIP to allow demolition of the former US Bank office and the construction of the 7,900 square-foot Fleming's restaurant near the southwest corner of N. Midvale Boulevard and University Avenue.

On May 16, 2006, the Common Council approved an amendment to the Hilldale PUD-SIP to allow construction of a 13,200 square-foot commercial building containing the Great Dane Brew Pub and retail space located at the southeastern corner of Price Place and Heather Crest.

On January 2, 2007, the Common Council approved a major amendment to the Hilldale PUD-GDP-SIP to allow demolition of the former Humana office complex and the construction of a 65,000 square-foot grocery store, 25,000 square feet of additional retail space, 13,000 square feet of office space, a 40,000 square-foot gym, 238 condominium units and approximately 1,100 structured parking spaces. The amended GDP also approved a future phase consisting of 220 residential units and one hotel.

SUBDIVISION REVIEW

The applicant is requesting approval of two related subdivision requests for the 37-acre Hilldale Shopping Center property generally bounded by N. Segoe Road and Sawyer Terrace on the west, University Avenue on the north, N. Midvale Boulevard on the east and the prolongation of Heather Crest on the south. The intent of the two subdivisions is to divide the property so that portions of the overall development can be sold separately from various future condominium documents that will be recorded for elements of Phase II, which was approved with a total of 238 residential units in three buildings to be located on the site of the former Humana office complex. The applicant is likely to pursue further division of some of the lots proposed on the final plat through future Certified Survey Map submittals, though no such applications have been made at this time.

Certified Survey Map Referral

The first request before the Plan Commission is the division of approximately 35.23 acres of the 37-acre overall Hilldale property into two lots by certified survey map. Lot 1 of the proposed land division will consist of 29.5 acres of land that generally surround proposed Lot 2, which will consist of the remaining 5.73 acres in this request. In general, Lot 2 will include most of the improvements east of Price Place (extended) east of the main mall building, including the four retail buildings constructed opposite the mall building, and the two parking structures. Lot 2 will touch the N. Midvale Boulevard right of way at three locations and will surround two lots created by administratively approved CSM in 2005 for the four townhouse buildings constructed along Midvale frontage of the overall site. Lot 1 of the proposed land division will encompass most of the remaining improvements on the site, including the main mall building and Sundance Cinema, Great Dane and Fleming's restaurants, and the former Humana office complex located east of N. Segoe Road between Frey Street and University Avenue.

Preliminary & Final Plat of "Hilldale Phase 2"

The second request before the Plan Commission calls for the subdivision of Lot 1 of the above-described certified survey map into eleven lots. Of the eleven lots proposed, four of the lots will generally be located east of Sawyer Terrace, with the remaining seven located west of Sawyer Terrace, including six lots to be created on the sites of the former Humana office complex, Peking Palace restaurant and Hilldale Theater, where the Phase II mixed-use development was approved.

East of Sawyer Terrace, Lot 1 of the proposed Hilldale plat will contain 20.3 acres of land and will comprise the largest of the proposed lots as well as most of the improvements located on the overall 37-acre site. The lot will generally extend east from Sawyer Terrace, encompassing the main mall building, the Fleming's and Great Dane buildings and the Ace Hardware building, and will share a common eastern boundary with N. Midvale Boulevard and the western edge of Lot 2 of the proposed certified survey map.

Other lots east of Sawyer Terrace include a 0.43-acre lot (Lot 9) that will be created surrounding the footprint of the proposed 150-room hotel proposed to be constructed along the western wall of the main mall building in the area of the existing food court following approval of an amended specific implementation plan. (The SIP for the hotel is scheduled for Plan Commission review on August 6, 2007.) Lot 10 is proposed as a 0.8-acre lot located at the southeasterly corner of N. Segoe Road and Sawyer Terrace that is currently developed with a post office branch and that was shown on the general development plan as the site of a future 120-unit mid-rise residential building. Lot 11 will be a 0.84-acre parcel located along the N. Segoe Road frontage adjacent to the private street that extends along the southern edge of the development to connect to Heather Crest. The area of this proposed lot is currently part of the parking field lot of the mall building, which was identified in the general development plan as a future 100-unit mid-rise residential building.

The seven lots generally west of Sawyer Terrace include:

- Lot 2, a 0.27-acre that was approved in the most recent Hilldale specific implementation plan as a one-story, 5,500 square-foot commercial space located at the southeastern corner of the Phase II development along the easterly prolongation of Frey Street;
- Lot 3 will be a 2.5-acre tract that will consist of most of the proposed five-story, 1,100-space parking structure that will be shared by the Phase II development;
- Lot 4 will be a 1.14-acre tract that will contain a nine-story structure to be located at the corner of University Avenue and Mall Drive and will include 19,000 square feet of ground floor retail space, a 40,000 square-foot space for a future gym and a seven-story, 90-unit residential tower;
- Lot 5 will be 1.05-acre tract that will be developed with an eleven-story structure extending along a portion of the University Avenue frontage containing 13,450 square feet of leaseable office space and a ten-story, 144-unit residential tower;
- Lot 6 will be 1.95-acre parcel that will contain the 65,000 square-foot Whole Foods store that will occupy the corner of N. Segoe Road and University Avenue;

- Lot 7 will be a relatively small, oddly shaped parcel located along the Frey Street frontage that will be developed as a four-unit townhouse backing onto the 1,100-space parking structure;
- Lot 8 will be a 0.99-acre parcel located at the southwest corner of Frey Street and Sawyer Terrace that was approved in the Hilldale specific implementation plan as a future privately-maintained greenspace to be constructed for Hilldale residents following its interim use as a staging area for the second phase.

[Note: The preliminary plat exhibit portrays existing conditions on the site of the eleven-lot plat as required by State subdivision statutes and not the proposed improvements listed above. An exhibit containing the most recent general development plan approved for Hilldale is attached.]

In addition to the creation of lots for the Hilldale site, the proposed plat will also dedicate additional right of way along Sawyer Terrace and Frey Street for street improvements related to the approved planned unit development, including the conversion of Sawyer Terrace into a two-way street (it is a one-way street northbound currently). The plat will also dedicate a number of easements, include those for ingress and egress and utilities.

ANALYSIS

The applicants are requesting approval of a unique two-step subdivision approval to allow lots to be created that reflect existing and future elements of the redevelopment of the Hilldale Shopping Center.

Considerations of State and City Subdivision Regulations

The unique approach, involving first a land division and then a plat, is necessitated as a result of another unique land division that was undertaken by the applicants and approved by the City in 2005. The earlier land division created three lots along N. Midvale Boulevard, including two lots for two townhouse buildings each along Midvale, and a third lot for most of the Hilldale property east of Sawyer Terrace. The 2005 certified survey map, recorded as Certified Survey Map 11595, included a situation where portions of Lot 1, the lot containing the mall, the two Phase I parking structures and other buildings, overlapped with the two townhouse lots, Lots 2 and 3, in essence creating a vertical as well as horizontal division of the land. For all intents and purposes, the normal plane created by a land division, which projects perpendicular to the ground, in this case extends up perpendicularly before running horizontal for a distance over the lot below before continuing perpendicular to the ground and finally running horizontal back to the location of the common property line at the ground. This overlapping situation occurs at two separate locations along the common boundaries between Lots 1 and 2 and Lots 1 and 3.

City staff administratively approved the 2005 CSM. At the time, the overlapping nature of the lots in this survey was not identified as an issue. However, issues do exist. The City Attorney's Office generally believes that vertical subdivisions may be approved consistent with the State subdivision statutes found in Chapter 236 W.S. under certain circumstances. Staff believes that such subdivisions are very uncommon. However, the City's interpretation of Chapter 236 deviates from the State Department of Administration's, who certifies that all subdivision plats

recorded throughout the State are consistent with the requirements of Chapter 236. The State has indicated to the applicants and their surveyor that it will not certify any subdivision plat that contains vertical or three-dimensional elements because it does not feel that such subdivisions meet with the purpose and intent of the Chapter 236. However, the State has not stated an objection to, nor does it have approval jurisdiction over, the use of a certified survey map to accomplish vertical subdivisions.

The purpose of the first request before the Plan Commission, therefore, is to approve a certified survey map to remove the overlapped portions of the Hilldale property created by the earlier CSM from the remainder of the site so that the subdivision plat may proceed. The location of the common boundary between the two lots on the proposed CSM follows the center of the private street that separates the main mall building from the four retail buildings to the east, as well as the center of the private street opposite Heather Crest on the south and a driveway from N. Midvale Boulevard located north of the northernmost townhouse building. Staff believes that the proposed common lot line portrayed on the CSM is appropriately located.

The Planning Division generally believes that the proposed preliminary and final plat of Lot 1 of the proposed CSM can meet the criteria for subdivisions as provided for in Section 16.23 of City ordinances. The lots proposed generally coincide with the footprints of various elements of the project, either existing or proposed, and the plat should not interfere with the implementation of the approved general development and specific implementation plans approved for Hilldale. The applicant will be required however, to submit subdivision documents to the City for review and approval prior to the final approval of the plat and CSM for recording. These documents will need to address the shared access and parking arrangements across the entire 37-acre site, as well as provide language regarding the responsibility for assessments, maintenance and liability for all shared elements of the development. The 37-acre site will ultimately include a significant number of shared facilities (utilities, parking structures, elevator shafts, building entrances, etc.) that will need to be addressed as part of these subdivision documents. Staff believes that the subdivision and land division applications may be able to be conditionally approved subject to the submittal and ultimate approval of these reciprocal documents. Because the proposed plat and CSM include the already approved vertical subdivision of Lots 2 and 3 of CSM 11595, the issues related to this land division must be addressed prior to recording.

Planning staff also asks that proposed Lot 8 encompassing the future greenspace to be located at the southwest corner of Sawyer Terrace and Frey Street be designated as an outlot, which generally has the connotation of being undevelopable. The outlot should be identified on the plat as "private open space" to be maintained by the owners of the Hilldale Shopping Center as called for in the approved planned unit development. A condition of approval of the approved planned unit development requiring that neither the shopping center nor the greenspace be sold separately should also be reflected on the final plat.

Future Subdivision of Portions of Hilldale Plat

The applicants have held discussions with City staff regarding the future subdivision of some of the lots proposed on the Hilldale final plat to further facilitate the conveyance of portions of the mixed-use development, through both fee simple sales of land and condominium declarations.

The subsequent divisions would occur by certified survey map of individual lots created by the plat and in some cases, include the vertical division of lots. The applicant has not submitted any such land divisions for formal comment and to date, has only approached staff with conceptual layouts of some of the lots. However, the future land divisions may create lots that contain different square footages from floor to floor as well as lots that do not have a connection to the ground, which is to say that a "lot" may be located some number of feet (or stories) above ground level.

City staff from various agencies have met to discuss the efficacy of these potential vertical land divisions. To date, a number of concerns have been raised by a variety of agencies about the vertical land division, which was approved in 2005 and the potential future vertical divisions, including the ability for the City to maintain accurate land records with three-dimensional lots, assess parcels without ground area (square footage), and the overall operation and maintenance of subdivision lots that extend as shafts through all or portions of buildings. As a result, City staff does not feel that land divisions that create lots that don't touch the ground or that vary in square and cubic footage as they extend upwards through buildings are in the City's best interest at this time. However, as no new vertical land divisions are proposed with the two applications before the Plan Commission (recognizing that the existing vertical division has already been approved as part of CSM 11595), staff feels that the certified survey map and preliminary/ final plat for Hilldale as submitted can be approved subject to the conditions being met.

CONCLUSION

The applicants are requesting approval of a certified survey map and preliminary and final plat to subdivide portions of the 37-acre Hilldale Shopping Center site into a total of twelve new lots. The two-step subdivision approach is unique in that a certified survey map is required to precede the subdivision plat so that the proposed plat can be certified by the State of Wisconsin as meeting the requirements of Chapter 236 of Wisconsin Statutes regarding subdivisions. The State has indicated that it would not certify a plat that includes vertical or three-dimensional subdivision elements, which the subject subdivision would if it included elements created by a certified survey map recorded in 2005 following City approval. In the preceding CSM, portions of the three lots created overlapped one another at different locations. The proposed CSM will separate those overlapping portions of the property from the rest of the development parcel so that the subdivision plat can proceed.

The Planning Division believes that the standards for subdivisions could be met with these requests subject to the conditions stated in the "Recommendations" section, including the submittal of all materials requested by the reviewing agencies. The Plan Commission should also give consideration to the recommendation of the reviewing agencies in deciding whether or not to approve the CSM and plats. The alternative Plan Commission action would be to reject both requests.

RECOMMENDATIONS

The subdivision applications were submitted on April 18, 2007. Due to the time constraints for the consideration of preliminary plats provided under Wis. Stats. Chapter 236.11, which provides

the approving authority for plats 90 days from the date of submittal to approve, conditionally approve or reject the plat, the Plan Commission is requested to act on these requests on July 9, 2007. Unless the applicant agrees to an extension of the 90-day period in writing, failure to act on these applications by July 18 results in an automatic approval under Chapter 236.11 W.S.

The Plan Commission therefore has two alternatives: It may approve the Certified Survey Map creating two lots and recommend that the preliminary and final plat of Hilldale Phase 2 be sent to the Common Council with a recommendation of **approval**, or it may **reject** both requests as being inconsistent with the City of Madison Subdivision Regulations found in 16.23, MGO.

If the Plan Commission should act to approve the CSM and plats, the action shall be subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the final plat be revised per Planning Division approval as follows:
 - a.) that proposed Lot 8 be renamed "Outlot 1", and that a note be placed on the plat noting the outlot as "private open space" (as identified in the approved PUD-GDP-SIP) to be maintained by the owners of the Hilldale Shopping Center, and that neither the shopping center nor the greenspace be sold separately;
 - b.) the area in square feet of Lot 7;
 - c.) that the name of the plat be shortened to "Hilldale" to better reflect the scope of the subdivision, which will encompass most of the 37-acre Hilldale development (staff feels that the plat name is also misleading as no Hilldale Phase 1 plat was previously recorded to suggest a succession of plats).
3. That all documents that govern the ownership, organizational structure, use, maintenance and continued protection of the overall subdivision and any of its common services, common open areas or other facilities shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development, City Engineer, City Assessor and City Attorney's Office prior to final signoff and recording of both the certified survey map and final plat. These documents shall include all the requirements of the agencies noted above in order to ensure that the City can continue to provide all services to the property and the public interest is protected.



**Department of Public Works
City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dalley, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: July 2, 2007

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 702 N. Midvale Boulevard Certified Survey Map

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The Hilldale Development Team wishes to not mix commercial and residential units in a single condominium. There appears to be a simple solution which does not seem to compromise the project or city staff efficiency. Under 703.155 of the Wis. Statutes, it provides for the creation of a "master association" made of one or more condominium associations. So, there could be a single structure that contains both a commercial condominium association and a residential condominium association both of which would be part of a master association. The declarations would define how the rights and responsibilities are divided between the three associations. As a bonus, the master association can also include noncondominium property owners to better coordinate with adjoining property. The Developer shall use a master association unless an alternate solution is agreed to by the City Engineer and City Attorney.
2. On Sheets 5 and 6 of 10, better identify the three dimensional lot layout.
3. Stormwater assessment bills will most likely be billed to underlying landowner only due to the fact City of Madison ordinances do not specify three dimensional billing.
4. Numerous technical errors have been pointed out to the Surveyor to correct at a meeting and must be checked and verified prior to Certified Survey Map recording.
5. The applicant shall review the right-of-way requirements for the subdivision with the City Engineer and City Traffic Engineer and shall revise or dedicate right-of-way if required by the City Engineer.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:



Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final) and Certified Survey Maps

Name: 702 N. Midvale Boulevard Certified Survey Map

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the developer.
1.2 Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
2.2 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets Intersect at right angles.
* A 15 foot minimum tangent at intersections from PC of curve to property line.
* Arterial intersection spacing generally greater than 1200 feet.
* Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
* Spacing of intersections on local streets shall be greater than 300 feet.
* Cul-de-sacs shall be less than 1000 feet long.
* 100 foot tangents between curves.

- 2.5 _____
2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____
2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____
2.8 The right of way width on _____ shall be _____ feet, on _____ shall be _____ feet and on _____ shall be _____ feet.
2.9 _____ shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of _____ feet.
2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a minimum reverse curve radius of _____ feet.
2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on _____ having a radius of _____ feet and a reverse curve radius of _____ feet. The easement(s) shall expire when the streets are extended.

- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____. The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement ____ feet wide from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____. The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.
- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (*Also require the City / Developer agreement line 1.1*)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] __ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration tapers.
- The above improvement consists of rights turn lanes.
- The above improvement will consist of passing lanes.
- The above improvement will consist of median openings.
- Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*
- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 3.16 The developer shall confirm that adequate sight distance exists on _____ where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
- 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
- 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.2 The following notes shall be included on the final plat:
 - a. All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
 - NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.**
 - b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
 - a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - b. All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site,

or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.4 Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

- a. For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water detention at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
- Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

Sanitary Sewer

- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997 Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the **final plat/CSM** to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number:**

- a. Right-of-Way lines (public and private)
- b. Lot lines
- c. Lot numbers
- d. Lot/Plat dimensions
- e. Street names
- f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

NOTE: This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

NOTE: New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.
- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred.

Transmit to epederson@cityofmadison.com



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: July 2, 2007

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 702 North Midvale Boulevard Preliminary and Final Plat

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The Hilldale Development Team wishes to not mix commercial and residential units in a single condominium. There appears to be a simple solution which does not seem to compromise the project or city staff efficiency. Under 703.155 of the Wis. Statutes, it provides for the creation of a "master association" made of one or more condominium associations. So, there could be a single structure that contains both a commercial condominium association and a residential condominium association both of which would be part of a master association. The declarations would define how the rights and responsibilities are divided between the three associations. As a bonus, the master association can also include noncondominium property owners to better coordinate with adjoining property. The Developer shall use a master association unless an alternate solution is agreed to by the City Engineer and City Attorney.
2. Proposed plat shall address easement dedications and vacations as approved by the City Engineer.
3. The applicant shall review the right-of-way requirements for the subdivision with the City Engineer and City Traffic Engineer and shall revise or dedicate right-of-way if required by the City Engineer.
4. The applicant is advised that City billings from the stormwater utility shall be issued to the recorded owner of the respective underlying "land" parcel. The applicant shall provide evidence that they understand this arrangement and have provided for a means of payment from entities sharing said parcel.
5. A cross lot agreement is required as stormwater management for one lot is occurring on another.
6. The maintenance agreement for stormwater management features shall be required.
7. Private street names shall approved by the City Engineer and indicated on the final plat.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final)
and Certified Survey Maps**

Name: 702 North Midvale Boulevard Preliminary and Final Plat

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the developer.
- 1.2 Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
- 2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.
- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

2.5 _____

2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____

2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____

2.8 The right of way width on _____ shall be _____ feet, on _____ shall be _____ feet and on _____ shall be _____ feet.

2.9 _____ shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of _____ feet.

2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a minimum reverse curve radius of _____ feet.

- 2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on _____ having a radius of _____ feet and a reverse curve radius of _____ feet. The easement(s) shall expire when the streets are extended.
- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____. The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____. The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.16 Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.17 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.18 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.19 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
 - a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.
- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (*Also require the City / Developer agreement line 1.1*)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] ___ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration

tapers.

- The above improvement consists of rights turn lanes.
 - The above improvement will consist of passing lanes.
 - The above improvement will consist of median openings.
 - Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*
- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
 - 3.16 The developer shall confirm that adequate sight distance exists on _____ where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
 - 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
 - 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
 - 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.2 The following notes shall be included on the final plat:
 - a. All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

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 - b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
 - a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - b. All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings,

driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.4 Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

- a. For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water detention at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
- Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

Sanitary Sewer

- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997 Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the **final plat/CSM** to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number:**
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

NOTE: This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

NOTE: New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.
- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com

Three-Dimensional Subdivision Notes

Assessor's Office Comments – Plan Commission

- Each parcel must include an interest in the associated land.
- Each parcel is required to have a full legal description both horizontally and vertically. These descriptions must be fully drawn graphically in three dimensions and include square footage and cubic footage by parcel.
- All easements, cross easements and ownership interests must be fully documented and recorded with the Register of Deeds Office.
- Each parcel and description must include only one assessment class.