



Department of Planning & Community & Economic Development

Planning Division

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June 5, 2015

Brett Stoffregan
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: File No. LD 1517 – Certified Survey Map – 126 S. Carroll Street & 25 W. Main Street, including the subterranean space below S. Carroll Street (Urban Land Interests)

Dear Mr. Stoffregan;

Your one-lot Certified Survey Map of property located at 126 S. Carroll Street and 25 W. Main Street, Section 24, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The private property is zoned PD (Planned Development District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-six (26) items:

1. Storm sewer shall be designed to serve the road. This design shall be reviewed and approved by City Engineering. The public main shall be located near the corner of W. Doty Street and S. Carroll Street.
2. 111 S. Hamilton Street is reliant upon the S. Carroll Street storm sewer for roof drain connection. The CSM shall provide means to serve the existing storm connection. The applicant has indicated that the connection of the existing private service serving 111 S. Hamilton Street will be provided with the private storm sewer that is being constructed to serve the proposed development. An agreement detailing the rights and responsibilities of both properties shall be drafted and signed prior to the recording of the Certified Survey Map (CSM).
3. Applicant shall provide an ownership/maintenance agreement for a private sewer serving both 25 W. Main Street and 111 S. Hamilton Street. An agreement detailing the rights and responsibilities of both properties shall be drafted and signed prior to the recording of the CSM.
4. Conveyance of the subterranean area below S. Carroll Street for the proposed underground parking structure will be required prior to sign off on the CSM. Note that the subterranean area denoted and detailed on the submitted CSM does not adequately represent the area to be conveyed or the structure to be constructed. Revisions to the subterranean description and exhibits will be required and reviewed by the City of Madison prior to the conveyance of the subterranean area and the final sign off of the CSM. The final location of the top of the subterranean area shall be verified by City

Engineering staff to assure the configuration is acceptable and adequate for required public utilities and street improvements to be constructed above the proposed parking structure.

5. The encroachment agreement per Document No. 2503903 shall be terminated upon the demolition of the existing parking ramp. Contact the City of Madison Office of Real Estate Services to coordinate the termination.
6. The Encroachment Agreement per Document No. 2853769 and the unrecorded private tunnel license are to be terminated and replaced with new agreements to be drafted and administered by the Office of Real Estate Services. If these agreements are recorded prior to final sign off, the CSM shall be revised to acknowledge the agreements.
7. Add a note on sheets 1, 2 and 3: S. Carroll Street right-of-way lies above and below the subterranean portion of Lot 1 as shown, dimensioned and labeled on this CSM.
8. Add a note to sheet 3: Subterranean portion of this CSM under S. Carroll Street conveyed from the City of Madison per Document No. _____.
9. Revise the header of each sheet and the header to the legal description as follows:AND A SUBTERRANEAN PORTION UNDER S. CARROLL STREET PER DOC. NO. _____ LOCATED IN.....
10. Provide the benchmark description, location and elevation that is the basis for the elevations shown on the CSM. Also additionally provide 2 permanent benchmarks adjacent to the site with description, location and elevations.
11. Correct the spelling of "Subterranean" to Subterranean where spelled incorrectly.
12. Change the line types of the dashed lines of the S. Carroll Street right of way lines within the CSM. Label them as "S. Carroll Street right-of-way lines above and below the subterranean portion of Lot 1."
13. Add the spot elevations for the subterranean area to the legend on sheet 1 and label: Elevations representing the upper limits of the Subterranean Portion of Lot 1 under S. Carroll Street.
14. Label on sheet 1 the Most Easterly Corner of Block 72.
15. Revise the label on sheet 1: "LOT 1 IS SUBTERRANEAN UNDER S. CARROLL STREET SEE DETAIL ON SHEET 4."
16. Provide a bearing and distance on the shortest south line of the alley right of way per Doc No. 183475.
17. Provide a note that all elevations are based upon NAVD 88(1991).
18. Show the existing balcony encroachment on sheet 2.

19. Revise the legal description under the Surveyor's Certificate. Add courses, dimensions and calls wherever the exterior boundary crosses any public right of way lines.
20. Revise the description of the subterranean area upon the revision of the area shown on the CSM and to be conveyed. The description shall also add calls when following any right of way lines, block lines or identifiable corners.
21. Add a note to sheet 3: Subterranean portion of this CSM under S. Carroll Street is privately owned as provided for by Wisconsin State Statutes 66.0915(4).
22. Label the Most Easterly Corner of Block 72 on the detail on sheet 4 of 7. Also add the lengths between elevations on each side of the subterranean area running along the right of way lines of S. Carroll Street and any other information required to be revised.
23. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this 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 CSM without the agreement executed by the developer.
24. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Schmidt (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
25. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary or storm sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013, new plugging procedures and permit fees are in effect.
26. 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. Note: Land tie to two PLS corners required.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following two (2) items:

27. The developer shall be responsible for all costs associated with replacing and relocating the public water main in S. Carroll Street.

28. Note: All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility per MGO Sec. 13.21.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

29. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following nine (9) items:

30. Prior to requesting final CSM sign-off by the Office of Real Estate Services, executed signature block certifications shall be included for all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.

31. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final sign-off. If existing mortgages are satisfied prior to CSM approval sign-off, a recorded satisfaction document shall be provided.

32. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language: "...surveyed, divided, mapped and dedicated..."

33. A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to final sign-off.

34. The land within the CSM boundary is being consolidated into one lot that is included in two separate Tax Incremental Finance Districts (TIDs). Be advised that reconciliation of TID issues may be required prior to CSM approval sign-off through coordination with the City Assessor's office, the City Attorney's office, and the City TIF Coordinator, Joe Gromacki.

35. Include the following Plan Commission certificate on the final CSM:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
Natalie Erdman, Interim Secretary, Plan Commission

Date: _____

36. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to CSM recording. As of the date of this letter, the 2014 real estate taxes are paid for the subject property and no special assessments are reported.

37. Prior to final CSM sign-off, please verify with Janet Schmidt of the City Engineering Division (261-9688) or Pam Mousley at the Water Utility (261-9132) that stormwater management fees are paid in full.
38. Please revise the CSM prior to final sign-off:
 - a.) Include Agreement per Document No. 899009 under Notes on Sheet 3.
 - b.) Although Document No. 3172307 is named temporary, there is no expiration date and the document runs with the land. Either graphically depict the easement area or include its description under Notes on Sheet 3.
 - c.) Coordinate with City staff regarding the conveyance of the subterranean tunnel space to occur prior to CSM approval sign-off. Reference Real Estate Project No. 10702.
 - d.) Coordinate with City staff regarding the potential need to record a termination document for the unrecorded pedestrian tunnel license, once that space has been conveyed by the City.
 - e.) Revise the subterranean label on Sheet 1 and Sheet 4 to "Part of" Lot 1.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division is scheduled for review by the Common Council on June 16, 2015. Note: Two leases related to this project are also scheduled for Council review on June 16.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the 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 signoff. E-mail submittal of the final CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.

The owner shall furnish to the Office of Real Estate Services and the survey firm preparing the CSM an updated title report covering the period between the date of the initial title report and the date when final signoff is requested. The surveyor shall update the CSM with the most recent information reported in the title update.

Upon acceptance and recording of the Certified Survey Map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document

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can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Schmidt, City Engineering Division
Jeff Quamme, City Engineering Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Sally Sweeney, City Assessor's Office
Jenny Frese, Office of Real Estate Services