



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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**\*\*BY E-MAIL ONLY\*\***

August 27, 2021

Eric Ogden  
HSA Commercial Real Estate  
100 S Wacker Drive, Suite 950  
Chicago, Illinois 60606

RE: LNDCSM-2021-00021; ID 66597 – Certified Survey Map – 3030 Ohmeda Drive (Datex-Ohmeda, Inc.)

Dear Eric;

The Certified Survey Map (CSM) dated August 24, 2021 to divide property generally addressed as 3030 Ohmeda Drive, Section 23, Township 7N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The CSM creates three lots and one outlot, with a remainder parcel. The property is zoned IL (Industrial–Limited District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

**Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following eleven (11) items:**

1. This development shall provide treatment for the public road expansion necessary to serve the improvements. A public stormwater and drainage easement shall be dedicated with the CSM to allow for public water to be treated within the privately owned stormwater treatment facility.
2. Enter into a City / Developer agreement for the required infrastructure improvements to serve the land division. The agreement shall be executed prior to sign off of the CSM. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
3. Construct sidewalk on Femrite Drive along the frontage of the property according to a plan approved by the City Engineer.
4. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
5. The City shall construct Ohmeda Drive lighting, ditch and sidewalk from current termini to the north through Outlot 1 by a public works contract. It is currently scheduled for construction in 2022. The developer shall pay for assessable portion of project costs.

6. The applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Ohmeda Drive in accordance with Section 66.0703(7)(b) Wisconsin Statutes and MGO Section 4.09.
7. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
8. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 261-9127 (bstanley@cityofmadison.com) 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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
9. A portion of this CSM/project may come under the jurisdiction of the US Army Corp of Engineers and the Wisconsin Department of Natural Resources (WDNR) for wetland issues. A wetland delineation shall be completed and the report provided to City Engineering. If wetlands are found, they shall be shown on the CSM as documented by an assured delineator.
10. A note shall be added to the CSM as follows: "All lots created by this CSM are individually responsible for compliance with the requirements of MGO Chapter 37 at the time of development."
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan and Report shall include compliance with the following:
  - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.
  - Detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.
  - Provide infiltration of 90% of the pre-development infiltration volume.
  - Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
  - Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.

**Please contact Eric Pederson of the City Engineering Division–Mapping Section at (608) 266-4056 if you have questions regarding the following twenty (20) items:**

12. The proposed CSM boundary requires offsite (Public Bike Path & Public Sanitary Sewer) facilities to serve this development. Provide these easements either by expanding the CSM boundary and include necessary easement dedications on said CSM, or alternatively separate easement documents shall dedicate to the City. Owner shall note that additional time will be required if they choose to not expand CSM boundary and also include easement dedications, as City Office of Real Estate Services must then administer public easement conveyances by separate document. Contact Eric Pederson of Engineering Mapping (epederson@cityofmadison.com, 608- 266-4056) if CSM does not facilitate easements so he can coordinate the Real Estate project, and associated information and fees required.
13. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
14. Refer to various key requirements that were outlined in summary dated September 23, 2020 following City meeting with HSA development team. Note that some of those may require additional easement/land record interests, either created by this Certified Survey Map, or potentially off-site acquisitions that may be the responsibility of the developer.
15. a) The owner shall provide at no cost to the City of Madison dedication or a reservation to be dedicated at a later date with no fee when required by Common Council for future public street as needed to facilitate this CSM and development. This can be accomplished either via revised CSM to create/convey such reservation to the City, or alternatively by separate Office of Real Estate Services project(s). If by separate document, the surveyor shall provide appropriate map and legal description to the City for Office of Real Estate Services (ORES) use to complement reservation document prior to recording with the Register of Deeds. The owner shall let the City know if this will be done via revised CSM or separate recorded document administered by ORES. Owner shall note the potential for increased risk in delays to their anticipated project schedules in the event they choose conveyance by separate instrument by the City rather than inclusion/creation by this CSM.  
  
b) The owner shall dedicate a 20-foot wide easement for public bike path purposes and 30-foot wide easement for sanitary sewer purposes on an expanded CSM Lot 4 or the remnant lands. Coordinate with City Engineering staff for the exact locations.
16. Revise note for use for Outlot 1 as follows: “Outlot 1 is dedicated for Public Stormwater Management.”
17. The applicant shall extend dedication of Ohmeda Drive to the future intersection of the east-west street as planned in the adopted Yahara Hills Neighborhood Development Plan or provide reservation to be dedicated at a later date with no fee when required by Common Council.

18. Show a temporary limited easement for a temporary cul-de-sac on Ohmeda Drive in the general vicinity of Outlot1 and at the north end of Ohmeda Drive, having a radius of 50 feet and a reverse curve radius of 50 feet or as otherwise acceptable to the City Engineer. The easement text is as follows: "Temporary Limited Easement benefitting the City of Madison for temporary turnaround improvement purposes. Said Easement shall terminate upon the extension of Ohmeda Drive to the north of this CSM along with the removal of the public temporary turnaround improvements within the easement area."
19. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
20. Where applicable, a note shall be added under all of the street names labeled and to be dedicated on the CSM "Dedicated to the Public" as required by Wis. Stats. Sec. 236.20(4)(b).
21. 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 monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jquamme@cityofmadison.com](mailto:jquamme@cityofmadison.com)).
22. The 52-foot wide access easement for the benefit of Lot 1 as shown on sheet 2 of 7, shall be revised to clearly depict such as a 52-foot wide "private" access easement for the benefit of Lot 1.
23. The 20-foot wide storm sewer easement for the benefit of Lots 1 and 2 as shown on sheet 2 of 7, shall be revised to clearly depict such as 20-foot wide "private" storm sewer easement for the benefit of Lots 1 and 2.
24. Refer to condition of approval from City Planning requiring the remnant lands be included with this CSM as additional Lot 4.
25. Outlot 1 shall be clearly depicted as dedicated to the public for storm water management purposes.
26. Coordinate the need for inclusion of additional right of way dedication for Femrite Drive from southerly prolongation of the east line of Ohmeda Drive to the west with the City Engineering Division. The dedication shall be inclusive of all lands lying between the north right of way line of Femrite Drive and the centerline/reference line thereof.
27. Proposed CSM indicates CSM 14114 as adjoiner to the east line of existing Ohmeda Drive. Include the as-surveyed location of existing CSM 14114 monumentation to confirm resultant right of way width and location of Ohmeda Drive.
28. Identify any and all applicable recorded and measured variations from existing bearings/distances along any exterior/shared boundaries of record.

29. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
30. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
31. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

**Please contact Jeff Belshaw of the Madison Water Utility at (608) 267-8735 if you have any questions regarding the following two (2) items:**

32. The developer shall construct the public water distribution system and services required to serve the proposed CSM per MGO 16.23(9)(d)(3).
33. All public water mains and water service laterals shall be installed by a standard City subdivision contract/ City-Developer agreement. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

**Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following ten (10) items:**

34. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. Sec. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain final approval sign-off.

35. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
36. 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...
37. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder.
38. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
39. Pursuant to MGO Section 16.23(7)(d)3 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

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

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Matthew Wachter, Secretary of the Plan Commission

40. As of August 16, 2021, the 2020 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer, 210 Martin Luther King, Jr. Blvd., Madison, WI 53701.
41. As of August 16, 2021, there are deferred special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.
42. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Andy Miller in the Office of Real Estate Services ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (May 21, 2021) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
43. The following revision shall be made to the CSM prior to final sign-off:

- a) Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report.
- b) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
- c) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
- d) Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
- e) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for \_\_\_\_\_ purposes."

**Please contact my office at (608) 261-9632 if you have any questions about the following condition:**

44. In order to accomplish the land division as proposed and meet the conditions of approval enumerated elsewhere in this letter, the applicant shall pursue one of the following procedural options for completing the land division, which shall be executed prior to final approval of the CSM by the Planning Division and recording with the Register of Deeds:
- a) Amend the CSM to create the remaining Datex-Ohmeda, Inc. lands depicted on sheet 4 of 8 as Lot 4, with Outlot 1 to be dedicated to the public for stormwater management as required by the City Engineer. The amended CSM shall **dedicate right of way** for the northern extension of Ohmeda Drive to the future intersection of the east-west street as planned in the adopted Yahara Hills Neighborhood Development Plan. A 20-foot wide easement shall be dedicated to the City on the amended CSM for the future multi-purpose path shown in the adopted Yahara Hills Neighborhood Development Plan, with the final alignment and configuration of this path to be determined by the City Engineer and Planning Division in consultation with the applicant and owner; **OR**
  - b) Revise the current three-lot, one-outlot CSM to provide the bearings and distances of the remnant parcel depicted on sheet 4 of 8 to assist in listing the remnant parcel; **AND**
  - c) Provide a map and legal description to the Office of Real Estate Services (ORES) for the reservation of future right of way for Ohmeda Drive north of Outlot 1 to the future intersection of the east-west street as planned in the adopted Yahara Hills Neighborhood Development Plan. The reservation shall be administered as a real estate project by ORES prior to final approval and recording of the CSM; **AND**
  - d) A 20-foot wide easement for the future multi-purpose path shown in the adopted Yahara Hills Neighborhood Development Plan and 30-foot wide easement for sanitary sewer shall be dedicated to the City across the remnant parcel as a real estate project administered by ORES. The applicant shall submit a map and legal description to the Office of Real Estate Services showing the alignment and configuration of this path, which shall be approved by the City Engineer and Planning Division prior to final approval and recording of the CSM.

**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 will be considered by the Common Council at its August 31, 2021 meeting.**

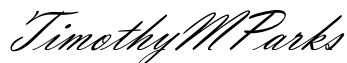
In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will transmit the CSM to the City Clerk's Office for execution of the Common Council certificate.

Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument will be returned electronically to the applicant by the Planning Division for printing and recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at 266-4141.

Any appeal from this action, including the conditions of approval, may be appealed to the Plan Commission for consideration in accordance with MGO Section 16.23. An appeal otherwise 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 you may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com).

Sincerely,



Timothy M. Parks  
Planner

cc: Phil Jennings  
Rob Phillips, City Engineer  
Chris Petykowski, City Engineering Division  
Brenda Stanley, City Engineering Division  
Eric Pederson, City Engineering Division—Mapping Section  
Jeff Quamme, City Engineering Division—Mapping Section  
Sean Malloy, Traffic Engineering Division  
Jeff Belshaw, Madison Water Utility  
Andy Miller, Office of Real Estate Services  
Dan Rolfs, Office of Real Estate Services  
Jenny Kirchgatter, Assistant Zoning Administrator