



Department of Planning & Community & Economic Development

Planning Division

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

February 5, 2026

Kevin Pape
kpap@vierbicher.com

RE: Approval of a Certified Survey Map (CSM) of property owned by OM Land, LLC located at 2150 Commercial Avenue ([90802](#)).

Kevin,

On January 13, 2026, the Common Council **conditionally approved** your Certified Survey Map for 2150 Commercial Avenue Commercial Avenue. In order to receive final approval of the Certified Survey Map and for any other permits that may need to be issued for your project, the following conditions shall be met:

Please contact Lisa McNabola of the Planning Division at (608) 243-0554 if you have any questions regarding the following one (1) item:

1. Before the CSM is signed by the City, MGO Section 16.26(f) shall be amended to remove the portion of the setback line that is located on 2150 Commercial Avenue. The applicant shall provide any exhibits, legal descriptions and fees required to amend MGO Section 16.26(f). If the ordinance amendment is not approved, then the setback line shall be shown on the CSM.

Please contact Gretchen Aviles Pineiro of the Engineering Division at (608) 266-4089 if you have any questions regarding the following ten (10) items:

2. The property is a closed Wisconsin Department of Natural Resources (WDNR) Bureau of Remediation and Redevelopment Tracking System (BRRTS) site (#02-13-580722 Oscar Mayer Former Filling Station East) and has continuing obligations. Written approval from the WDNR is required prior to disturbing the existing barrier cap or changing the land use. City Engineering will require a copy of WDNR approval prior to approving any site disturbance permits including demolition. Submit any post-WDNR-closure environmental investigation documents to City Engineering, if applicable. Any contaminated soil or water shall be handled and disposed of in accordance with all WDNR regulations at the sole cost of the developer, and in consultation with the City. The developer shall provide all records pertaining to WDNR coordination, environmental investigations, and disposal activity to Environmental Review (environmentalreview@cityofmadison.com).

3. The applicant is required to provide new public storm and sanitary sewer easements across the site as part of any redevelopment. Additionally, as the site is a known contamination site, any new/relocated sewer crossings through the site shall require the approval of the WDNR in regards to how the construction is completed and what the materials are used for the new utilities.
4. Prior to demolition on the site - storm and sanitary sewer shall be relocated or an agreement as to how and when this will be done as part of a Developers Agreement with the City.
5. At the time of redevelopment, this site will require a developer agreement with the City for relocation of existing storm and sanitary sewer that currently cross the site. New easements shall be dedicated as part of that and existing easements will need to be released.
6. There is an existing storm sewer box running N and S along the Western property boundary of the CSM. At the time of redevelopment, the areas above the box shall not be allowed to be utilized as a laydown area nor shall cranes be allowed to set up over the box. Should the developer desire to do either of the above - the box shall be removed and replaced in the area of interest.

7. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(7)c)
8. Construct sidewalk and terrace along Coolidge Street and Oscar Avenue adjacent to Lot 1 per plans approved by the City Engineer.
9. Construct multi-use path and terrace along Packers Avenue and Commercial Avenue adjacent to Lot 1 per plans approved by the City Engineer.
10. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
11. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (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). (POLICY)

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following four (4) items:

12. The applicant shall rename "Roth Street" to "Coolidge Street" on the Certified Survey Map.
13. The applicant shall dedicate sixteen (16) feet of right of way along their frontage of Oscar Avenue for a total Right of Way width of 66'. regards to how the construction is completed and what the materials are used for the new utilities.
14. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum ten (10)-foot wide path, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Commercial Avenue.

15. The applicant shall confirm with Traffic Engineering and Engineering that sufficient Right of Way has been dedicated with this Certified Survey Map along their Packers Avenue frontage to allow the future Packers/Coolidge intersection prior to sign-off.

Please contact Jacob Moskowitz, Assistant Zoning Administrator at (608) 266-4560 if you have any questions regarding the following two (2) items:

16. Lot 2 as proposed does not meet the minimum lot size in the IL Zoning District. On the final CSM, lot 2 shall be changed to an outlot.
17. A site plan shall be submitted for the lot and outlot that shows the paving removed and the sites seeded and graded.

Please contact Brian Kowalski of the Parks Division at (608) 243-2848 if you have any questions regarding the following two (2) items:

18. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25091. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.
19. The following note should be included on the CSM: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
20. The Parks Division shall be required to sign off on this CSM.

Please contact Jeffrey Quamme of the City Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following twenty (20) items:

21. Grant a Public Sanitary Sewer and Storm sewer Easement(s) to the City on the face of this Certified Survey Map or Subdivision Plat. Grant easements as necessary to reroute and construct Sanitary and Storm Sewer connections through the site.

Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) for the final required language.

22. The Applicant shall Dedicate a strip of Right of Way along portions of Oscar Ave, Commercial Ave, and Packers Ave as necessary and required for proper street movements by Engineering and Traffic Engineering. Final areas of dedication are to be approved by Engineering and Traffic.

23. The Applicant shall Dedicate a 66 foot wide Right of Way for the extension of Coolidge Street per Officially Mapped Street Resolution RES-22-00478.

24. The LOI indicates that this CSM site is comprised of 3 parcels. This CSM does not include 2231 & 2235 Myrtle St.

25. There is a portion of a prior setback in the MGO along Oscar Ave which was Packers Ave at one time. Work with the planning department to remove the lands within this CSM from the area the ordinance covers. Provide any exhibits, legal descriptions and fees that may be necessary to release this setback per MGO 16.26(1)(F).

26. Show the 10' Public Service strips and Building lines as set forth on the plat of Woodland. Release any necessary portions of the public service strips which will require a City of Madison Real Estate project and required fees, legal descriptions and exhibits.

27. Release the Public Utility Easement as set forth in Document 1191911 that were retained at the time Meyer Ave was discontinued.

Any release would require a City of Madison office of Real Estate Services to Project to be set up and any required fees legal descriptions and exhibits to be provided to facilitate the release

28. In accordance with Chapter 236, Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on a Plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division.

Additionally label and cite the various documents that acquired the access rights along Packers Ave

29. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) to coordinate the Real Estate project, and

associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat.

30. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
31. show the existing easements set forth in documents 2094325 and 2051488. Portions of these easements are located within areas that are to be dedicated to the public and will need to be released or their rights assigned to the City of Madison
32. Show the 10' wide existing easement for a sign to the City of Madison per Document No. 1230980. work with Traffic Engineering to release this easement if necessary. Any release would require a City of Madison office of Real Estate Services to Project to be set up and any required fees legal descriptions and exhibits to be provided to facilitate the release.
33. Add a note about the Platted building lines per the plat of Woodland.

The building lines as shown and noted on this Certified Survey Map are the "building lines" as shown and denoted on the Woodland Plat. The Building Lines were not noted as a restriction on that plat as required by a public body and also the plat does not name a public body as a grantee, promise or beneficiary. Therefore the " Building Lines are not specifically enforceable by the City of Madison.

34. Show new No access restriction along the West line of Packers Ave, within the limits of the new lots outside of the lands being dedicated.
35. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the Surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith (JSmith4@cityofmadison.com) of City Engineering, Land Information
36. 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. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
37. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@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.

38. Remove the street name Roth Street for the new dedicated street. This is an extension of Coolidge Street.
39. If any contamination is found in lands to be dedicated that is unacceptable to the City of Madison, those dedications may have to subject to areas of easement in lieu of public dedication.
40. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - i. Right-of-Way lines (public and private)
 - ii. Lot lines
 - iii. Lot numbers
 - iv. Lot/Plat dimensions
 - v. Street names
 - vi. Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

Please contact Trent Milliken of the Real Estate Office at (608) 266-5940 if you have any questions regarding the following seven (7) items:

41. OWNER'S CERTIFICATION

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. 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.

If any of the land within the CSM boundary is under contract for sale or purchase, and said transfer will be conducted at the time of CSM recording, an escrow agreement may be necessary. Please discuss closing plans with ORES in advance of CSM signoff.

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 approval sign-off.

42. MORTGAGEE/VENDOR CERTIFICATION

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).

43. CERTIFICATE AND CONSENT REQUIREMENTS

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 and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).

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.

44. TAX INCREMENTAL DISTRICT

The lands within the CSM boundary are partially located within TID 54, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the CSM if a TIF application is required. Mr. Gromacki can be reached at 608-267-8724 or jgromacki@cityofmadison.com.

If a TIF Loan has been authorized for the project, please inform ORES staff (Trent Milliken – tmilliken@cityofmadison.com).

45. REAL ESTATE TAXES

As of 12/1/25, the 2024 real estate taxes are paid for the subject property.

SPECIAL ASSESSMENTS

As of 12/1/25, there are no 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 Madison General Ordinance Section 16.23(4)(f)(3).

46. TITLE REPORT UPDATE

Pursuant to Madison City Ordinance Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Trent Milliken (tmilliken@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 (10/8/25) 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. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

47. ADDITIONAL REQUIREMENTS

There are multiple easements and access restrictions listed in record title that are not mentioned on the face of the CSM. Depict, name, and identify by document number all existing easements cited in

record title and the updated title report. If no longer relevant, please include a note about said easements.

Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.

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

Please follow the procedures listed below for your Certified Survey Map:

1. 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 make the City Clerk's Office aware that the Common Council certificate may be executed.
2. Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.
3. 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 regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please contact my office at 243-0554 or lernest@cityofmadison.com.

Sincerely,

Lisa Ernest
Planner