



Department of Planning & Community & Economic Development
Planning Division

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December 17, 2013

John Krebs
JSD Professional Services, Inc.
161 Horizon Drive, Suite 101
Verona, Wisconsin 53593

RE: File No. LD 1343 – Certified Survey Map – 7401 Mineral Point Road (Shopko/ CBL & Associates)

Dear Mr. Krebs;

The three-lot certified survey of your client's property located at 7401 Mineral Point Road, Section 26, Township 7N, Range 8E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned CC (Commercial Center District). The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following seventeen (17) conditions:

1. Correct the spelling of the adjacent store (Barnes & Nobel) to Barnes & Noble on sheet 1.
2. Correct the spelling of (West Town) to West Towne on Sheet 2, Easements W.
3. Correct spelling of (Westfield Road) to S Westfield Road on Sheets 1 & 2.
4. The specific type of easements referenced in Note L on Sheet 2 shall be identified on the map. There are several locations identified by the documents and the type(s) of easement use at each location shall be noted accordingly.
5. There appears to be an additional easement line along the northerly and westerly side of Lot 1 of the proposed Certified Survey Map. Clarify all easement lines and remove any lines that are not necessary.
6. Upon the execution of the agreements/easements the recording information for the private Ingress/Egress Easement over Lot 1, the 30-foot wide Private Utility Easement between Lots 2 and 3, and the Ingress/Egress Easement over CSM 13443 and the West Towne Mall lands shall be placed on the Certified Survey Map prior to recording.
7. A private common Access/Parking agreement to address vehicular and pedestrian movement between Lots 2 and 3 of the proposed Certified Survey Map and also Lot 1 of Certified Survey Map 13443 shall be drafted, recorded and the recording data placed on the proposed CSM prior to the CSM being recorded.

8. A common Storm Sewer/Storm Drainage easement/agreement for common private drainage and storm sewer facilities between Lots 1, 2 and 3 shall be drafted, recorded and the recording data placed on the proposed CSM prior to the CSM being recorded.
9. A common sanitary sewer easement/agreement for common the common private sanitary sewer serving the proposed 2 restaurants shall be drafted, recorded and the recording data placed on the proposed Certified Survey Map prior to the CSM being recorded.
10. The easement per Note R on sheet 2 shall have the offset dimension shown from the right of way of Mineral Point Road and bearings and distances noted at the east of the easement where it bends in the northeast corner of proposed Lot 3.
11. Title information was not available for this review. The Certified Survey Map is subject to any additional comments upon the review of the title information.
12. Per the agreement by the property owner, the applicant shall convey public access easements for public sanitary sewer, storm sewer and water main for the property at West Towne Mall prior to City Engineering Division sign-off on the CSM.
13. The lots within this Certified Survey Map are inter-dependent upon one another for stormwater 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 CSM and recorded at the Dane County Register of Deeds.
14. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact Janet Dailey (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).
15. All outstanding 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 Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
16. 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 Division. 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.
17. In accordance with s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the CSM in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City Engineering Division at 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 the City Engineering Division for this information.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following two (2) items:

18. The applicant shall modify CSM so that property lines do not bisect parking stalls.
19. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and those documents shall be noted on face of CSM.

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

20. Each lot shall have a separate water service lateral connected to a public water main.
21. Note: Per MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

22. Easements might need to be established to accommodate fire access requirements depending on future construction and site arrangement.

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:

23. Prior to requesting approval sign-off of the CSM, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. Section 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 current ownership interest reported in the most recent title report.
24. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate and executed prior to final sign-off. If the property is conveyed prior to sign-off, please revise the Consent of Mortgagee certificate(s) to reflect new mortgages, and be aware of the potential need to satisfy old mortgages. The title update shall report applicable mortgages prior to sign-off.
25. 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..."
26. Include a Consent of Lessee for any tenancy in excess of one year, as well as a Note that describes the lease by document number, if available, or tenancy description if unrecorded.
27. Please revise the Madison Common Council Certificate to appear as follows:

Resolved that this certified survey map located in the City of Madison was hereby approved by
Enactment Number _____, File ID Number _____, adopted on the ____ day of

_____, 20___, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Madison for public use.

Dated this ____ day of _____, 201__

Maribeth L. Witzel-Behl, City Clerk
City of Madison, Dane County Wisconsin

28. Please revise the City of Madison Plan Commission Certificate to appear as follows:

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

By: _____
Steven R. Cover, Secretary Plan Commission

Date: _____

29. As of November 21, 2013, the 2012 real estate taxes are paid for the subject property, but there is a special assessment for street improvement is reported in the amount of \$42,968.67. Per MGO Section 16.23(5)(g), the property owner shall pay all real estate taxes and special assessments for the subject property prior to CSM recording. Once levied, 2013 real estate taxes shall be paid prior to final sign-off of the CSM. Please provide staff with proof of payment.

30. Please verify that stormwater management charges are paid in full by contacting Janet Dailey with City Engineering (261-9688) or Sharon Pounders with the Madison Water Utility (266-4641).

31. The following CSM revisions shall be made:

- a.) Insert the recording document number for the three documents to be recorded, as labeled on Sheet 2 of 4.
- b.) Include a note to describe the existing Storm Water Management Maintenance Agreement per Document No. 4195268.
- c.) Please research the legal descriptions for item O in the title commitment and depict these easements if they are located within the CSM boundary.
- d.) Correct the typo in Note X. Document No. 16577543 should read 1657743.
- e.) It appears that the contents of item Y in Schedule B of the Title Commitment apply to the lands within the CSM boundary. Please research the documents and include a note on the CSM if they are applicable.
- f.) Include notes describing items BB and CC of the title commitment or provide an explanation as to why they are included in title, but omitted from the CSM.
- g.) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells and septic systems associated with the lands described for the proposed CSM. (Well abandonment: ref. NR 141).
- h.) Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to final sign-off 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 was approved by the Common Council on December 3, 2013.

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 jquamme@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 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 six (6) 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 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Maureen Richards, City Assessor's Office
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations