



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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

December 12, 2021

Michelle Burse  
Burse Surveying and Engineering, Inc.  
2801 International Lane, Ste 101  
Madison, Wisconsin 53704

RE: LNDCSM-2021-00023; ID [66600](#) – Certified Survey Map – 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street (Urban Land Interests, 322 W Johnson Street, LLP, and McCaughey Development Associates, LLP)

Dear Michelle;

At its December 7, 2021 meeting, the Common Council found the standards met and **conditionally approved** your client's one-lot Certified Survey Map of property generally addressed as 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street, Section 23, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin. The 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 Timothy Troester of the City Engineering Division–Main Office at (608) 267-1995 if you have any questions regarding the following eight (8) items:**

1. 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(9)c)
2. Construct asphalt, curb and gutter, terrace, sidewalk and pedestrian bumpouts to a plan as approved by City Engineer. Reconstruct new stormwater inlets and leads for pedestrian bumpouts. Note: Sidewalks on W. Gorham St. & W. Johnson St. are required to be 17' wide (8' terrace, 8' sidewalk, 1' behind sidewalk).
3. 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))

4. 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](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto: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)
5. Based on historical Sanborn Fire Insurance Maps, the properties in this CSM contained at least 3 underground storage tank beds (9 total tanks), and 6 properties related to auto service, sales, and repair. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
6. Abandon all existing subterranean vaults within the ROW.
7. Each lot shall be individually responsible for compliance with Madison Ordinance Chapter 37 requirements.
8. No change in grades shall be allowed without the approval of the City Engineer.

**Please contact Jeffrey Quamme, of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following nineteen (19) items:**

9. The Applicant shall Dedicate the required Right of way or grant a Public Sidewalk Easement as required by Traffic Engineering along W Gorham St and W Johnson St on the face of the Certified Survey Map. If the Public Sidewalk Easement is the option exercised and approved, contact Jeff Quamme for the required Easement Language to be placed on the Certified Survey Map.
10. A draft petition of the partial alley discontinuance that is proposed with this development and CSM has not yet been provided for preliminary review by City Agencies. Provide a draft petition with maps showing the proposed portion of the alley to be discontinued for review and comment by City agencies. Upon the review and comments of City Agencies being addressed, the Developer shall petition for the partial alley discontinuance and vacation for the alley off of W Johnson Street currently serving the backs of parcels on Gorham, State and E Johnson Streets. A petition along with legal description and sketch of the right of way to be vacated, any additional easement area maps for access and turnaround to be granted to the adjacent owners and the City of Madison along with any other required materials. The resolution for the discontinuance shall be conditioned upon any required access easements benefitting the adjacent owners and the City of Madison being finalized and agreed upon with the adjacent owners and the City of Madison. Any required easements shall be recorded subsequent to the CSM and prior to the final site plan sign off. Please note that any existing Utilities having facilities within any portion of the alley to be discontinued will retain easement rights within that discontinued area. The Applicant is encouraged to contact those utilities to coordinate any movement of utilities and additional easements required for the development.
11. Grant a permanent limited easement to the City of Madison for a turn around adjacent to public alley. The easement text include: Permanent Limited Easement benefitting the City of Madison for public vehicular turnaround improvement purposes. Contact Jeff Quamme for to confirm the final text, terms and conditions. Note: The Subterranean Electric Vault under turnaround will require MGO 10.31 Loading of (250 PSF).

12. The Site Plan indicates a transformer vault encroaching into the public right of way of S Broom Street and the Public Alley to remain. The Applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way. Note: Vault will not be permitted under street within 2' of Face of Curb on S Broom Street. Vault must follow MGO 10.31 loading (250 PSF).
13. This 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.
14. Lands within this CSM are subject to Privilege in streets agreements for an electrical vault and building footings per Doc No's 1736103 and 2010467 within the alley, State Street and W Gorham St. The agreements with the City shall be terminated upon the recording of the partial discontinuance of the alley and prior to the recording of the CSM. Contact City of Madison Office of Real Estate Services to coordinate the releases. The references shall be removed from the map.
15. Applicant shall determine if the existing Memorandum of Lease for a fire exit path per Doc No. 3460647 will be subject to the Doctrine of Title Merger upon the lands within this proposed CSM being under identical ownership. If so, the easement and label shall be removed from the CSM.
16. The site is subject to Privilege in streets agreement for a fire escape per Document No.'s 1740646 and 1986482 within the alley to be discontinued. The agreements with the City shall be terminated upon the recording of the partial discontinuance of the alley and prior to the recording of the CSM. Contact City of Madison Office of Real Estate Services to coordinate the release. The references shall be removed from the map.
17. Show and label the Underground Electric Easement to MGE per Document No. 1709427 on the Easement Details Sheet 2.
18. Applicant shall determine if the existing Easements per Doc No's 442026 and 442575 will be subject to the Doctrine of Title Merger upon the lands within this proposed CSM being under identical ownership. If so, the easement and label shall be removed from the CSM.
19. The portion of this CSM along State Street is subject to an Easement to Wisconsin Telephone Company per Document No. 1743078. Either this easement shall be released or appropriately noted on the CSM.
20. Provide recorded as data along all boundary lines where missing. The Southeast line of Lot 13 is substantially longer than 132 feet. Please provide information supporting the additional depth of the lots along W Johnson Street.

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 ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com))
22. 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 Jeff Quamme ([jrquamme@cityofmadison.com](mailto: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.
23. The header for each sheet and for the legal description shall include text "and part of a Discontinued and Vacated alley per Document No. \_\_\_\_\_". The Document No. will be available prior to recording the Certified Survey Map.
24. It appears the right of way width of W Johnson Street adjacent to this CSM may be less than 66 feet. Confirm and provide any measured as widths of the adjacent right of ways.
25. Fix overlapping dimensions on sheet 1 to make the dimensions readable.
26. Add text to the Public Alley label that it is per Document No. 472131 and partially vacated per Document No. \_\_\_\_\_.
27. Submit to Jeff Quamme, 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 shall be void of gaps and overlaps and match the final recorded plat:
  - 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. 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 Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding two (2) the following items:**

28. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of an (eight)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Gorham Street.

29. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of an (eight)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Johnson Street.

**Please contact Ann Freiwald of the Parks Division at 243-2848 if you have any questions regarding the following three (3) items:**

30. 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(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 21024 when contacting Parks about this project.
31. 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."
32. The Parks Division shall be required to sign off on this CSM.

**Please contact Lance Vest of the Office of Real Estate Services at (608) 245-5794 if you have any questions regarding the following eleven (11) items:**

33. 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.

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.

34. 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).
35. 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. The most recent title reports provided to ORES include the mortgages recorded as follows: Doc. No.1745738, Doc. No.1804133, Doc. No. 4651770, Doc. No.1119000, Doc. No.1139733, Doc. No.1190247, Doc. No.1206596, Doc. No. 3463120, Doc. No. 3676973, Doc. No.3888386, Doc. No. 4083350, Doc. No. 1451270, Doc. No. 1755873, Doc. No. 1755874.
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. 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.

38. As of August 31st, 2021, the 2020 real estate taxes are paid for the subject property.

Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. 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

39. As of August 31st, 2021, there are special assessments reported for the properties within the CSM boundary. 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(5)(g)1.

In lieu of this requirement, the owner may present written documentation from the City's Board of Public Works that the special assessments may be continued to be paid on the installment basis authorized by the Board of Public Works. However, if lands within the CSM boundary are to be dedicated, the special assessments levied against the dedicated lands are to be paid in full.

40. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Lance Vest ([lvest@cityofmadison.com](mailto:lvest@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 (March 14, 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. 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.

41. Depict, name, and identify by document number all existing easements cited in record title and the updated title report. In particular, depict or include a reference to the easements recorded as Doc. Nos. 1709427, 1743078, and 3462443.

42. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

43. Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.

**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 at its December 7, 2021 meeting.**

**Approval of this Certified Survey Map does not include any approval to demolish existing buildings or construct new buildings on the subject site. A letter with the conditions of approval for the related redevelopment of the site was sent separately.**

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, 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 (608) 261-9135.

Sincerely,



Chris Wells  
Planner

cc: Timothy Troester, City Engineering Division  
Jeff Quamme, City Engineering Division—Mapping Section  
Sean Malloy, Traffic Engineering Division  
Ann Freiwald, Parks Division  
Lance Vest, Office of Real Estate Services