



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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

February 10, 2017

Chris Jackson
CJ Engineering, LLC
9205 W. Center Street #214
Milwaukee, Wisconsin 53222

RE: Approval of a request to rezone 23.4 acres of land from SE (Suburban Employment District) to IL (Industrial-Limited District), and; approval of a Certified Survey Map of land generally addressed as 6802 Ronald Reagan Avenue in the Center for Industry & Commerce subdivision creating two lots for industrial/ employment use and two outlots for future development (City of Madison & St. John Properties)

Dear Mr. Jackson;

At its February 7, 2017 meeting, the Common Council **conditionally approved** the zoning map amendment request and the Certified Survey Map of land generally addressed as 6802 Ronald Reagan Avenue in the Center for Industry & Commerce subdivision, Section 16, Township 8N, Range 10E, City of Madison, Dane County, Wisconsin subject to the following conditions of approval to be addressed prior recording of the CSM:

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following six (6) items:

1. The City has sanitary sewer facilities in the existing streets (Merchant Street and Graaskamp Way) that will need to be taken out of service (removed/ abandoned) and relocated to serve the sewer needs of the proposed lot layout. This is also the case for the sewer between existing Lots 45 and 46 as well as between Lots 39 and 40.
2. The applicant shall be aware that prior to beginning work on the proposed development an assessable street/sewer/storm/water public project must be completed for which assessments will be made toward the newly created lots.
3. The applicant shall provide a 30-foot wide Temporary Limited Easement for grading and sloping along all roadways. The TLE shall expire after City construction project #11461.
4. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise added to the Assessment District for the Public Works project to construct

right of way improvements to serve this development. 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.

5. A minimum of 2 working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact Brenda Stanley 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. All charges shall be cleared prior to recording the land division (and subsequent obsolesces of the existing parcel).
6. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with MGO Chapter 37.

Please contact Jeff Quamme of the City Engineering Division—Mapping Section at 266-4097 if you have questions regarding the following twenty-one (21) items:

7. The Surveyor's Certificate contained several bearing directional errors: Line 3, N 78 47 46 should be E; Line 4 same continuation s/b N & E; Line 20 bearing directional should be N & E. Also line 13, distance of 123.48 feet should be 523.99 ft. C7 curve table on various sheets has error for chord distance.
8. Portions of public utility easements along to-be vacated Merchant Street and Graaskamp Way shall be released by separate document prepared by City Office of Real Estate Services. City Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds.
9. Add the common name of N. Stoughton Road for US Highway 51 on all sheets.
10. The arrowhead for the 12-foot easement to Wisconsin Bell shall be corrected to point to the correct easement area. A 12-foot width dimension shall also be added to the map to clarify the limits of the easement.
11. Add the "No Vehicular Access" symbology to the legend on the Certified Survey Map.
12. Add a note to sheet 1: See Sheets 2-6 for additional parcel and easement details.
13. Add a note to the CSM that lands within this CSM benefit from Declaration of Easements per Document No. 3671349.
14. Add a note to the CSM that lands within this CSM are subject to Declaration of Covenants, Conditions and Restrictions per Document No. 3677132, amended by Document No. 4023951 and declarant rights assigned by Document No. 5007196.

15. Add a note to the CSM that lands within this CSM are subject to a Deed Restrictions per Document Nos. 3708482, 3708483, 3708485 and 3708486.
16. Add a note to the CSM that lands within this CSM are subject to Declaration of Conditions and Covenants per Document Nos. 3867640 and 3867641.
17. The original points of curvature for the dedication along Merchant Street shall have monuments shown as set as required by state statute.
18. Lot 2 shall include the fillet area in the northeast corner of the lot to include all of vacated Graaskamp Way.
19. Specific text is required for the Public Pedestrian and Bike Path easement. Contact Jeff Quamme for the required language (jrquamme@cityofmadison.com or 266-4097).
20. The pending vacation and discontinuance of Merchant Street and Graaskamp Way right of ways shall be adopted and recorded and the recording information placed on the CSM prior to final sign off.
21. The Public Storm Drainage and Sanitary Sewer Easements bisecting the Outlots shall be more completely and thoroughly dimensioned to allow complete retracement on the face of the CSM.
22. New 10-foot wide Public Utility Easements shall be added to the CSM on each side of the newly dedicated Ronald Regan Avenue. Also provide new 10-foot wide Public Utility Easement along the south side of John Wall Drive and the north side of Merchant Street where Graaskamp Way is to be vacated.
23. Standard Note for NEW Public Utility Easements: "Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area."
24. Correct the location of the 30-foot Landscape Buffer easement and the proposed Pedestrian Bike Path easement along the westerly side of this CSM. The correct location is 10 feet further to the east per the plat of The Center for Industry & Commerce.
25. This pending CSM application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
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.

27. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).
- 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 original submittal of data and prior to final sign off.

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following two (2) items:

28. Existing Madison Water Utility facilities in the existing Merchant Way street right of way will need to be abandoned/ removed to accommodate proposed Outlot 1. Additional new facilities will need to be extended to serve the proposed lot configuration.
29. The applicant shall be aware that prior to beginning work on the proposed development an assessable street/sewer/storm/water public project must be completed for which assessments will be made toward the newly created lots.

Please contact my office at 261-9632 if you have questions about the following item:

30. The applicant shall submit a detailed landscaping plan for the 30-foot planting strip (as originally established by the plat of The Center for Industry & Commerce) for Lot 1 abutting N. Stoughton Road/ US Highway 51) for approval by the Planning Division prior to the issuance of building permits for Lot 1. The plan shall specify the species and size of landscape materials to be planted within the buffer. The landscaping shown on the approved buffer plan shall be reflected on the landscaping plan submitted for zoning site plan approval prior to permit issuance for Lot 1.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following six (6) items:

31. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Please revise the legal name of the City in the Owner's Certificate to "City of Madison, a Wisconsin municipal corporation".

This CSM will be included as one of the documents scheduled to be recorded during a closing for the sale of Lot 1 of the proposed CSM to Hoepker Center, LLC. Assuming the City will be the owner of the lands within the CSM boundary at the time of CSM recording, the Office of Real Estate Services (ORES) will obtain the necessary signatures for the CSM from the Mayor, Clerk, and Plan Commission Secretary after the final approved version of the CSM is delivered to ORES. The executed original will be delivered to First American Title to be held in escrow for closing.

If Hoepker Center, LLC will be the owner of Lot 1 of the proposed CSM at the time of CSM recording, the Owner's Certificate will need to be revised, with said parties having legal signing authority executing the final approved original version of the CSM in advance of closing.

32. There are no mortgages of record for the lands within the CSM boundary. However, if the City is not the owner at the time of CSM recording and the buyer obtains a mortgage prior to CSM recording, said mortgagee shall sign a certificate of consent prior to CSM approval sign-off.
33. As of January 25, 2017, there are special assessments reported for multiple parcels within the CSM boundary. All known special assessments for all of the tax parcel number within the CSM boundary are due and payable prior to CSM approval sign-off, pursuant to MGO Section 16.23(5)(g)1. ORES will coordinate with Finance to determine the best way to address the deferred assessments.
34. In the event there are storm water fees, please coordinate with Tim Troester (608-267-1995) or Brenda Stanley (608-261-9127) in the City Engineering Division to obtain any outstanding storm water management totals from the City of Madison Water Utility. The prorated fee shall be paid prior to CSM approval sign-off.
35. ORES may require time to review a title update prior to CSM approval sign-off. Any reports obtained would be shared with the survey firm that prepared the CSM. If there are any changes of record, the surveyor shall update the CSM with the most recent information reported in the title update.
36. The following revisions shall be made to the CSM prior to final sign-off and recording:
 - a.) An Escrow Agreement shall be prepared upon receipt of this letter and provided to ORES immediately but no later than one week prior to closing. The Escrow Agreement shall delineate the order of recording for all the documents associated with the sale of Lot 1 of the proposed CSM, as well as any other documents required for the recording of the CSM.
 - b.) Include the document number, once recorded, for the vacated rights-of-way in the legal description header and on each page of the CSM containing a label that pertains to said vacation.
 - c.) Adjust the leader arrow and add an additional arrow to clearly depict the limits of the 12' easement per Doc. No. 2236533 on Lot 64 CIC plat.
 - d.) On Page 6 detailing the Avigation Easement, revise the label to state "Extended C/L of Airport Runway".

- e.) On Page 2 and 3, add “per plat Doc. No. 3708481” under the labels for the Additional Highway Setback and the 30’ Landscape Buffer.
- f.) On Page 2 and 3, insert an arrow leader showing the location of the 30’ pedestrian and bike path easement.
- g.) Address the statement pertaining to Outlot 3 in Note 7, Page 8. Either contemplate its removal or include “per the plat” in its description.
- h.) Include the specific line work symbol for the access control (hash marks) in a legend on Page 2 and 3. Adjust the leader arrow on Page 3 in the No Vehicular Access Permitted label to point at the hash mark line work and not the public utility easement.
- i.) Carry over the Note from Page 4 of the CIC Plat regarding access controls for Ronald Reagan Avenue.
- j.) On Page 2, remove the label on Lot 39 for the 30’ storm drainage easement, as the easement is located on the next sheet and the arrows don’t point to anything.
- k.) On Page 2 and 3, clearly show the northerly limit of the 30’ storm drainage easement, which terminates at the boundary of Lots 70 and 71, on the portion that is coterminous with adjacent Outlot 3.
- l.) On Page 2, label Outlot 1 and 2. On Page 3, include a label for Outlot 2.
- m.) Real Estate Project No. 11264 has been created for the partial release for portions of certain public utility easements along portions of the vacated rights-of-way within the CSM boundary, to be completed and recorded by ORES prior to the pending closing with Hoepker Center, LLC.
- n.) If the 30’ public storm drainage easement and the 30’ public sanitary sewer easements, either in their entirety or partially need to be released, coordinate with ORES and City Engineering to create a project to accomplish said release.
- o.) On Pages 3 and 5, clearly differentiate that portion of the 10’ public utility easement that is being created by the CSM (at the intersection of Merchant Street and vacated Graaskamp Way) from the existing 10’ platted public utility easement.
- p.) On Page 5, include a label and leader arrows identifying the 10’ public utility easements set forth by the plat on proposed Outlot 1. Label Outlot 1 on this page, as well.
- q.) Also include a label for the vacated ROW and associated Doc. No. in the Lot 2 portion on Page 4.
- r.) For clarity, please consider including a detail for the public right-of-way dedication area at the bend of Merchant Street on Page 5. On Page 1, include the text “see detail Page 5” under the label for the dedication area.

- s.) The Note regarding “the intra-block drainage easements...” is duplicated. Please remove on of the Notes, either from Page 7 or Page 8.
- t.) Include a legend showing the standard public utility easement detail and carry over the associated notes from the plat.
- u.) Include a Note on Pages 7 or 8 that describe all leases of record, including the document numbers for said leases, renewals and amendments. The Lease per Doc. No. 2844279 is currently expired, but the City intends upon granting a one year renewal. If the renewal is recorded prior to CSM approval sign-off, please include the document number and description of the renewal/amendment in said Note.
- v.) Include Notes on Page 8 for all declarations and deed restrictions of record, including any associated amendments and assignments.
- w.) Coordinate with ORES and City Engineering regarding on how best to accomplish the deed restriction releases.
- x.) Please provide the document number to be amended per Resolution 45675 and coordinate with ORES and City Engineering to determine the responsible parties for this workflow.
- y.) Define the purpose and ownership (public or private) of all outlots by adding text under the outlot number: “Dedicated to the public for _____ purposes.”

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

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 email the document number of the recorded CSM to Jenny Frese at the City’s Office of Real Estate Services as soon as the recording information is available.

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.**

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Center for Industry & Commerce CSM
6802 Ronald Reagan Ave., generally
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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: Dustin Atkielski, St. John Properties Acquisitions, LLC (by e-mail only)
Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division–Mapping Section
Jenny Kirchgatter, Assistant Zoning Administrator
Adam Wiederhoeft, Madison Water Utility
Jenny Frese, Office of Real Estate Services
Kris Koval, Office of Real Estate Services