



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 266-8739
PH 608 266-4635

February 5, 2009

Robert Talarczyk
R.A. Smith National, Inc.
14 W. Mifflin Street
Madison, Wisconsin 53703

RE: File No. LD 0838 – Approval of a four-lot Certified Survey Map of property owned by CBL Madison I, LLC & Madison Joint Venture located at 448 S. Gammon Road/ 7357 West Towne Way/ 66 West Towne Mall.

Dear Mr. Talarczyk:

The Plan Commission, meeting in regular session on January 26, 2009, **conditionally approved** your client's four-lot certified survey of property located at 448 S. Gammon Road/ 7357 West Towne Way/ 66 West Towne Mall. The conditions of approval from the reviewing agencies for the CSM to be satisfied prior to recording are:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twelve conditions:

1. Show all existing private utilities. Any shared facilities shall require agreement for recordation prior to approval.
2. Specifically identify whether easements shown are "public" and/or "private" either on the face of the CSM or in the specific easement notes on supplemental pages.
3. Interior lot dimensions were omitted for Lots 1 and 3 on Sheet 2.
4. Public water main easements listed as items #22 and #23 on Sheet 5 could not be found on the CSM map portion.
5. If the lots within this certified survey map are inter-dependent upon one another for storm water 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 certified survey map and recorded at the Dane County Register of Deeds.
6. The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."

7. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract.
 8. 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 or CSM. Note: Land tie to two PLS corners required.
 9. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997Coordinates 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. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address 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 Engineering Division for this information.
 10. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: 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).
- NOTE: This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.
- NOTE: New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.
11. In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements that are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.
 12. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to 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 sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following item:

13. There will be access restrictions for CSM noted on the face as follows: No Access shall be granted along the northerly right-of-way line of US Highway 12-14 (Beltline Highway); the applicant shall graphically show the "No Vehicular Access" restriction on the face of the CSM.

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

14. That the following notes be placed on the Certified Survey Map:

"The subdivider acknowledges that future development on the four lots shown on this CSM may be subject to Plan Commission approval as major alterations to the West Towne Mall planned commercial site conditional use following review and approval by the Urban Design Commission. As part of the approval of such major alterations, the developer may be required to make vehicular and pedestrian circulation improvements to the commercial complex, including but not limited to the mall ring road, to accommodate addition vehicular and pedestrian traffic within the mall complex, including the provision of dedicated pedestrian connections between existing and proposed uses."

"The demolition of the structures on Lot 1 of the CSM will require Plan Commission approval of demolition permits."

"Any new retail establishments with a total gross floor area of 40,000 square feet within this planned commercial site shall be subject to the large format retail establishment provisions of the Urban Design Commission Ordinance (MGO 33.24(4)(f))."

15. That Lots 1 and 2 of the proposed Certified Survey Map not be transferred to third-party interests prior to the granting of conditional use and/or demolition permit approvals for any proposed demolition or new construction on those parcels. A note to this effect shall be placed on the final CSM prior to recording. (This condition will not apply to transfers within the existing CBL ownership structure.)

Please note that the City Office of Real Estate Services is reviewing the report of title provided with this survey and may have comments. That office will send any comments to you by fax or e-mail. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

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 February 3, 2009.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (enclosed), 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.

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

LD 0838
West Towne Mall CSM
February 5, 2009
Page 4

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 thirty (30) days from the date of this letter. The approval of this CSM shall be null and void if not recorded in **two years** from the date of the approving resolution. 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
John Leach, Traffic Engineering Division
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations