



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

April 19, 2019

Dave Nelsen
Ruedebusch Development/ 2020 Madison, LLC
4605 Dovetail Drive
Madison, Wisconsin 53704

RE: Attaching 55.67 acres of land owned by Hooper Construction Corporation, addressed as 4202 and 4210 Hoepker Road, to the City of Madison from the Town of Burke; assigning IL (Industrial–Limited District) to the attached land; and approving a Certified Survey Map (CSM) to divide 63.77 acres of land zoned IL to create two lots for industrial development and dedicate right of way for the extension of Manufacturers Drive

Dear Mr. Nelsen;

At its April 16, 2019 meeting, the City of Madison Common Council **approved** an ordinance to attach 55.67 acres of land to the City from the Town of Burke. The attachment will take effect at 12:01 a.m. on Monday, April 22, 2019. No further action is required on your or the property owner's parts in order for the attachment to take effect.

At the same meeting, the Common Council **conditionally approved** your zoning map amendment and Certified Survey Map of land generally addressed as 4202 and 4210 Hoepker Road and located in Section 9, 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 twenty-eight (28) items:

1. The Madison Metropolitan Sewerage District annexation fee shall be paid for prior to CSM sign off.
2. The applicant will need to coordinate any permitting requirements with agencies outside the City of Madison, including Wisconsin Department of Transportation (WisDOT), Town of Burke and / or Village of Deforest for work in the right of way outside of the City of Madison's jurisdiction.
3. The applicant will not be allowed to discharge any waters from this site onto the WisDOT right of way without express permission and permits to do so.
4. The applicant shall relocate driveway at 4195 Anderson Road to provide a safe distance from the new Manufacturers Drive-Anderson Road intersection as required by City Traffic Engineer.

5. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
6. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off.
7. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. This property is subject to sanitary connection charges for the Hanson Road Neighborhood Sanitary Sewer and Water Main Assessment District.
8. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
9. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
10. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
11. Note: Portions of this site have wetland indicators identified. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources (WDNR) for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
12. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; and i)

Street names. All other levels (contours, setbacks, elevations, etc) are not to be included with this file submittal. Email file transmissions preferred izenchenko@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

13. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section) with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.
14. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151. However a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
15. A minimum of two (2) working days prior to requesting City Engineering signoff on the final plat, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or 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 the land division (and subsequent obsolesces of the existing parcel).
16. The following note shall be placed on the CSM: "No changes in drainage patterns associated with development on any or all lots within this CSM shall be allowed without prior approval of the City Engineer."
17. The following note shall be added to the CSM: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of Madison General Ordinances in regard to storm water management at the time they develop."

18. The applicant will be required to provide stormwater management for the new roadway and dedicate an outlot to the public for this purpose. If other means for providing the necessary stormwater management will be used the applicant shall demonstrate how and where the treatment will be located, including providing any written permissions, easements, recorded documents, etc. prior to the sign off of this CSM.
19. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
20. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. The PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
21. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
22. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City Engineering.
23. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
24. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with MGO Chapter 37; and complete an erosion control plan and complete

weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of Madison General Ordinances.

25. The developer shall construct Madison standard street and sidewalk improvements for all streets within the CSM, except that sidewalk shall not be required north of Lot 2.
26. The developer shall confirm that adequate sight distance exists where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
27. The Developer shall make improvements to Hoepker Road, Anderson Road and N. Stoughton Road as required by City Traffic Engineer to facilitate ingress and egress to the CSM.
28. The applicant shall construct sidewalk along Hoepker Road from N. Stoughton Rd to east limits of the CSM.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have questions regarding the following seventeen (17) items:

29. The applicant shall dedicate additional right of way along US Highway 51. The limits shall be 5 feet easterly of the WisDOT proposed Bicycle/Pedestrian path. Final configuration of the right of way shall be as mutually agreed upon between the City Engineer and the applicant.
30. The applicant shall dedicate the 60- by 160-foot area projecting into the Hoepker Road right of way and an additional 10 feet for public street adjacent to existing Hoepker Road.
31. The applicant shall dedicate an additional 11 feet for a total of 81 feet from the centerline adjacent to the north side of Hoepker Road for the first 450 feet of Hoepker Road lying immediately east of the right of way of US Highway 51.
32. It is anticipated that the public improvements required to serve this proposed plat may require Temporary Grading Easements along Manufacturers Drive and driveway relocation on adjacent properties northerly to Anderson Road. The developer shall acquire the right of way and easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and easements required, the City shall proceed to acquire the right of way and easements. The developer shall reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer shall provide a deposit at the time of contract amendment execution to cover the estimated City staff expenses and right of way and easement costs for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easements and/or right of way.
33. Utility Easements per the plat of Interstate Commerce Park along Commerce Park Drive being discontinued shall be released. Also, the 10-foot and 12-foot wide Utility Easements along the south

and west sides of Lot 2, CSM 9690 shall be released that lie within the required new road dedications. The applicant shall be responsible to obtain releases from utilities other than the City of Madison prior to the City of Madison releasing its rights. Coordinate the City releases with Jeff Quamme. (jrquamme@cityofmadison.com) Note on the CSM the easements to be released by separate document.

34. Remove from the notes on sheet 6 the following:
 - a.) The note referencing Document No. 1804438. This is for the homestead outside of this CSM.
 - b.) The Deed Restriction per Document No. 3634899. It is for Dane County Zoning and all lands will be in the City of Madison.
 - c.) The reference to the Avigation Easement per Document No. 4121457 does not encumber lands within this CSM.
 - d.) Remove the note referencing the Private Sewerage Maintenance Agreement per Document No. 2215895. The site has been razed.
 - e.) Remove the note referring to Document No. 2559856. Lands are now in the City of Madison, not the Town of Burke.
 - f.) Remove the note referencing the Agreement to Purchase and Develop interstate Commerce Park per Document No. 4108256. This has been satisfied for lands within this CSM.
 - g.) Remove the note referring to the Well Agreement in Document No. 855339. The site has been razed.
 - h.) Remove the reference to ETJ approval per Document No. 2267778. It does not apply with the CSM being in the City of Madison.
 - i.) Remove the reference to the Well Agreement per Document No. 2382228. The site has been razed.
 - j.) Remove the notes from Interstate Commerce Park on sheet 7 referring to access and setback to the Interstate Highway. This CSM does not abut the Interstate.
 - k.) Remove the notes from Interstate Commerce Park and CSM 9690 referring to the non-exclusive easements for drainage purposes. Note 4 on sheet 7 releases these easements with the new land division.
35. Delineate on sheet 4 the area including Lots 1-4 & 8-10 as being subject to the Avigation Easement per Document No. 4111035.
36. Add a "Vehicular Access Restriction" along the frontage of Hoepker Road where none currently exists.
37. Correct the Surveyor's Certificate to state compliance with the subdivision regulations of the City of Madison and not Dane County.
38. With the required dedication of Hoepker Road, remove the area of Lot 1 that includes the right of way and adjust the area of the lot accordingly.

39. Provide the widths of Anderson Road on the CSM. Provide overall widths of Manufacturers Drive on all sheets where it has been mapped.
40. Dimension the bends for the Public Utility Easement per Document No. 3214154.
41. The Highway Setback line on sheets 2 and 3 shall reference the note pertaining to the setback note on sheet 7.
42. Properly dimension where the Utility and Grading and Sloping Easements do not line up along Hoepker Road. Also, provide a public utility easement to connect the public Utility Easements at this location.
43. All notes referring to "vacated" Commerce Park Drive shall be revised to be "vacated and discontinued". Also revise the note on Sheet 4 for Proposed Vacated Commerce Street. It shall read Vacated and Discontinued Commerce Park Dr. City of Madison Resolution RES-19-___, File ID No. ___
44. 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 for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). If a new tie sheet is not required under A-E 7.08, City Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office and shall be attached to a signed and sealed monument condition report.
45. Standard Note for 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.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following six (6) items:

46. The applicant shall be required to extend the westbound right turn lane at the Anderson Road/ N. Stoughton Road intersection as required by the City Traffic Engineer.
47. The applicant shall extend the westbound left-turn lane at the Hoepker Road/N. Stoughton Road intersection as required by the City Traffic Engineer.
48. The applicant shall extend the eastbound left-turn lane at the Hoepker Road/Manufacturers Drive intersection as required by the City Traffic Engineer.
49. The applicant shall be required to modify the existing southbound approach at the Hoepker Road/Manufacturers Drive intersection to provide an additional turn lane as required by the City Traffic Engineer.
50. No alterations to the CSM shall negatively impact the approved site plan and/or cause the approved site plan to be in non-compliance.

51. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off of the final plat.

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

52. The developer shall construct the public water distribution system and services required to serve the proposed CSM per MGO 16.23(9)(d)(3).

53. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

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

54. Fire hydrants and fire access shall be provided.

Please contact my office at 261-9632 if you have questions about the following four (4) items:

55. That a “No Vehicular Access” restriction be shown graphically on the CSM along the entire Hoepker Road frontage of Lot 1.

56. Madison Gas & Electric requests that a 12-foot wide public utility easement be dedicated along both sides of Manufacturers Drive with this CSM. This easement shall be shown on the final CSM prior to Planning Division approval for recording.

57. As a condition of the IL zoning approval and in anticipation of the subsequent conditional use application for Lot 2, that a direct pedestrian path be created through the northern parking lot on Lot 1 to provide a more direct connection to the gateway building for users of the future private parking lot on Lot 2. Final details of this pedestrian path shall be approved by the Planning Division prior to issuance of permits for the Lot 1 facility.

58. Note: The parking lot on Lot 2 is considered a “private parking facility” as defined and regulated by the Zoning Code, which are a conditional use in the proposed IL zoning and require Plan Commission approval under a separate application. Approval of this zoning map amendment and Certified Survey Map by the Plan Commission and Common Council does not constitute approval of future development on Lot 2.

Please contact Lance Vest of the Office of Real Estate Services at 245-5794 if you have any questions regarding the following six (6) items:

59. 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). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. The title of each certificate shall be consistent with

the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.

60. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off.
61. 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. In particular, include a Consent of Lessee for the Memorandum of Sign Site Lease recorded as Document No. 4973673, if applicable.
62. Please add "Maribeth L. Witzel-Behl, City Clerk City of Madison, Dane County, Wisconsin" after the signature line on the Common Council certificate.
63. As of February 11, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for all parcels prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. 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 MGO Section 16.23(5)(g)1. Receipts are to be provided on or before sign-off; checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
64. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest in City's Office of Real Estate Services (lvest@cityofmadison.com) as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (November 30, 2018) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
65. For properties not connected to municipal utility services, consider whether well abandonment ref. NR-141 needs to be addressed.
66. If all parties of interest agree that certain easements from prior plats or CSMs 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. In particular, consider whether a Termination for the Well Agreement recorded as Document No. 2382228 is necessary.
67. If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.

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 [jqumme@cityofmadison.com](mailto:jrqumme@cityofmadison.com).

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 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division—Mapping Section
Sean Malloy, Traffic Engineering Division
Jacob Moskowitz, Assistant Zoning Administrator
Bill Sullivan, Madison Fire Department
Adam Wiederhoeft, Madison Water Utility
Lance Vest, Office of Real Estate Services