



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

---

126 S. Hamilton Street  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
Phone: (608) 266-4635  
Fax (608) 267-8739  
[www.cityofmadison.com](http://www.cityofmadison.com)

January 18, 2018

Adam Gross  
Snyder & Associates  
5010 Voges Road  
Madison, WI 53718

RE: File No. LNDCSM-2017-00050 – Certified Survey Map – 5533 University Avenue

Dear Mr. Gross:

The one-lot certified survey of property located at 5533 University Avenue, Section 18, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is zoned Neighborhood Mixed-Use (NMX) 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, City Engineering, at (608) 267-1995 if you have questions related to these ten (10) items:**

1. All outstanding 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))
2. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact either Tim Troester at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley 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. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)
3. 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. Proposed lot 1 will continue to accept drainage from the lot to the west.
4. 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)

5. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. (MGO 16.23(9)(d)(6))
6. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
7. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
8. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
9. All damage to the pavement on Capitol Dr & University Ave, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:  
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
10. Applicant shall construct bus pull out as determined by City Engineer.

**Please contact Jeff Quamme of the Mapping Section of the City Engineering Division at (608) 266-4097 if you have questions regarding the following twelve (12) items.**

11. This pending Certified Survey Map 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 GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
12. Applicant shall work with City Zoning staff to release the Restriction Agreement per Document No.990548 prior to final sign off. Note 5 shall be removed as well on sheet 2.
13. The header on each sheet and preamble for the description shall add that the SE 1/4 of the NW 1/4 is also part of Government Lot 2
14. Provide recorded as bearings for lines L1 and L2 and curve C2 on sheet 2. Also the recorded as distance along the southwest line of existing Lot 1 should be 123.12 and not 133.65)
15. Remove the "condo association" from note 2 on sheet 2. Also replace the word plat with CSM in note 1 on sheet 2.
16. The parking lot easement per note 4 shall be recorded and referenced on this CSM prior to final sign off.

17. Remove Note 6 on sheet 2. This does not apply to lands within this CSM, it applies to the lands conveyed to the City of Madison at the corner of Capital Ave and University Avenue.
  18. The revised submittal of the CSM denotes an agreed upon dedication for the Bus Pullout area along University Avenue to accommodate the movement of public street improvements. Confirm the final configuration of the dedication with Engineering staff prior to final sign off.
  19. 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](mailto:jrquamme@cityofmadison.com)). 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 and shall be attached to a signed and sealed monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
  20. The Applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing and one (1) signed copy of the final plat/CSM 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:
    - 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. 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 from the required 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.
21. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or 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 signoff. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred. Transmit to [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)
  22. Street name is Capital Avenue. Correct map and legal description to reflect official street name.

**Please contact Janet Schmidt, Parks/Forestry, at (608) 261-9688 if you have any questions regarding the following three (3) items:**

23. 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(6) will be required for all new residential development associated with this project. This development is within the West Park -Infrastructure Impact Fee district. Please reference ID#17159 when contacting Parks about this project.
24. The following note should be included on the subdivision: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
25. Parks Division will be required to sign off on this subdivision.

**Please contact Heidi Radlinger of the Office of Real Estate Services at (608) 266-6558 if you have any questions regarding the following nine (9) items:**

26. MORTGAGEE CERTIFICATION: Create Consent of Mortgagee for William C. Brennan or add Owner/Mortgagee certificate.
27. CERTIFICATE AND CONSENT REQUIREMENTS: A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
28. REAL ESTATE TAXES AND SPECIAL ASSESSMENTS: 2016 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.

As of the date of this letter there are no special assessments reported. If special assessments are levied against the property prior to signoff they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.

29. TITLE REPORT UPDATE: Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in the City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@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 (10/6/2017) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. Surveyor shall update the CSM with the most recent information reported in the title update.
30. COPY OF RECORDED CSM: The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.
31. CSM REVISION REQUIREMENT: Ensure Underground Electric Doc 5048517 is depicted accurately as centerline doesn't match doc's Exhibit.

32. CSM REVISION REQUIREMENT: Doc mentioned in Note 6 not within CSM boundary.
33. CSM REVISION REQUIREMENT: Record parking lot easement in Note 4 prior to CSM signoff.
34. CSM REVISION REQUIREMENT: Right of Entry Doc #3825490 terminated in 2005 and may be removed from title.

**Please contact Tim Sobota, Metro Transit, at (608) 261-4289 if you have questions regarding the following four (4) items.**

35. As identified on the plans submitted for review, Metro Transit recommends the creation of a new combined bus stop zone, with a pullout lane, on the south side of University Avenue east of Capital Avenue - so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously commercial property.

This combined bus stop zone would permit the elimination of the current bus stop zones along eastbound University Avenue (just west of the Capital Avenue intersection traffic signal), and on northbound Capital Avenue (just south of the existing driveway), that occupy the active travel lanes of these streets.

36. The applicant will need to grant appropriate rights to the City of Madison and Metro Transit that would permit access, maintenance and/or installation of certain infrastructure associated with the proposed bus stop zone shown on the plans submitted for review - including the area of the bus pad surface behind the sidewalk immediately east of the pullout lane, that would accommodate the existing passenger waiting shelter that is currently installed at the bus stop zone on University Avenue west of Capital Avenue.
37. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.
38. Comments above parallel the recommendations initially outlined for land use application LNDUSE-2017-00106 (5533 University Avenue-Brennan's Site: 56 units with 5600 SF of commercial space)

**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 January 16, 2018.**

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 sign-off. You or your client may then record the CSM at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at (608) 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 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 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  
Development Project Planner

cc: Timothy Troester, City Engineering Division  
John Sapp, City Engineering Division  
Jeff Quamme, City Engineering Division—Mapping Section  
Heidi Radlinger, Office of Real Estate Services  
Sally Sweeney, City Assessor's Office  
Jenny Kirchgatter, Assistant Zoning Administrator  
Janet Schmidt, Parks/Forestry  
Tim Sobota, Metro Transit