



Department of Planning & Community & Economic Development
Planning Division

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May 6, 2013

Michael S. Marty
Vierbicher Associates, Inc.
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717

RE: File No. LD 1313 – Certified Survey Map – 619-625 N. Henry Street, 150 Langdon Street, and 140 & 145 Iota Court (Houden/ Palisades Properties)

Dear Mr. Marty;

The three-lot certified survey dividing your client's property located at 619-625 N. Henry Street, 150 Langdon Street, and 140 & 145 Iota Court, Section 14, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned [unrecorded] PD (Planned Development District). The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

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

1. **The applicant shall revise the Certified Survey Map (CSM) to include Owner's Certificates and Consent of Mortgagee certificates for all parties having an interest in the Common Driveway and Walk Agreement recorded as Document No. 441969 on December 11, 1924. The Owner's Certificates and Consent of Mortgagee certificates shall be fully executed prior to final approval of the CSM for recording.**

In the alternative, the applicant shall revise the easterly boundary of the CSM, including the easterly boundary of proposed Lot 2 and the proposed dedication of right of way for Iota Court, to remove the 9.96-foot deep projection onto the lands owned by Kappa Chapter Alpha Chi Omega, which has multiple ownerships pursuant to the above-mentioned 1924 Common Driveway and Walk Agreement.

2. Note 6 on page 6 shall be revised to reflect joint ownership in the Common Driveway and Walk Agreement recorded as Document No. 441969 on December 11, 1924 instead of easement ownership as currently indicated.
3. The applicant shall receive approval of the reciprocal land use agreements, reciprocal access easements and shared parking agreements necessary to govern the planned multi-use site created by this CSM. The agreement(s) and easement(s) shall be recorded with the Dane County Register of Deeds following approval by the City Engineer, Traffic Engineer, and Director of the Department of Planning and Community and Economic Development prior to final approval of the CSM for recording. Approval of the CSM shall be conditioned upon the granting of the easements necessary to maintain the private fire lane/ pedestrian path contained in the proposed PD that will be shared by the 3 lots per the condition of the PD rezoning approval.

4. That the applicant shall work with the Planning Division to dedicate a permanent public easement for the lakefront pedestrian/ bicycle path along the northern edge of 140 Iota Court adjacent to Lake Mendota per the condition of the PD rezoning of this property. The final easement shall be reflected on the final PD plans and dedicated on the final CSM.

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following thirteen (13) conditions:

5. Add "N. Henry Street" text to all maps, as the street is not currently labeled on draft CSM.
6. Coordinate land record title/ownership issues as well as recently recorded public sanitary sewer easements on the final CSM with Office of Real Estate Services and other City agencies. More title work may be required as well as additional City agency review prior to final City sign-off of this CSM.
7. The applicant shall dedicate a sanitary sewer easement up to 1-foot off the proposed building face on lot 1 of the CSM.
8. The applicant shall coordinate the proposed right of way on Iota Court with City Engineering. The proposed street layout will vary from the right of way proposed on the CSM. In addition, the Applicant may be required to dedicate a Permanent Limited Easement (PLE) for public sidewalk purposes if the proposed building footings extend under the proposed public sidewalk.
9. The applicant shall work with City Engineering, Traffic Engineering, Planning and Real Estate to determine the means for potential future dedication of right of way from the end of the proposed Iota Court south to the southerly CSM boundary.
10. Remove Note 1 on page 6.
11. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this CSM without the agreement executed by the developer.
12. 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."
13. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
14. Prior to final approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect.

15. 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.
16. 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 shall show the type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.
17. City of Madison Environmental Projects staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide one digital and two hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for further review.

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

18. The new property lines for Lot 1 and Lot 3 shall not create a Building Code violation for the existing buildings at 140 Iota Court & 150 Langdon Street. Verify compliance with IBC Table 602 and Table 705.8.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have questions regarding the following item:

19. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

20. Note: In accordance with MGO Section 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following seven (7) items:

21. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. It appears that the CSM boundary includes lands owned by Kappa Chapter Alpha Chi Omega, which has several ownership interests. Coordinate with City staff regarding the CSM boundary and the potential for additional ownership interests.

- 22. Prior to requesting final CSM sign-off, executed consents shall be included for all mortgagees/vendors that have an interest in the property.
- 23. Because of the public right of way dedication, an Environmental Site Assessment is required.
- 24. As of April 15, 2013, the 2012 real estate taxes are partially paid for the subject property, with the second installment due. All outstanding taxes shall be paid in full prior to final approval of the CSM for recording, with receipts for payment to be provided as follows:

Parcel Address	Tax Parcel No.	Second Installment Due
140 Iota Court	251-0709-144-1002-5	\$19,056.27
145 Iota Court	251-0709-144-1003-3	\$14,530.76
625 N. Henry Street	251-0709-144-1004-1	\$13,744.24
619 N. Henry Street	251-0709-144-1005-9	\$20,750.31
150 Langdon Street	251-0709-144-1009-1	\$6,447.76
148 Langdon Street	251-0709-144-1010-8	\$2,333.66
Total		\$76,863.00

- 25. As of April 15, 2013, the special assessments listed below are owed. All outstanding special assessments shall be paid in full prior to final approval of the CSM for recording, with receipts for payment to be provided as follows:

Parcel Address	Tax Parcel No.	Special Assessments		
		Sewer Lateral	Street Improvement	Storm Sewer
140 Iota Court	251-0709-144-1002-5	\$616.15	\$6,576.58	None
145 Iota Court	251-0709-144-1003-3	\$1,038.35	\$4,553.36	\$1,800.00
625 N. Henry Street	251-0709-144-1004-1	\$700.59	\$11,595.40	\$1,800.00
619 N. Henry Street	251-0709-144-1005-9	\$1,038.35	\$6,736.40	\$1,800.00
150 Langdon Street	251-0709-144-1009-1	None	None	None
148 Langdon Street	251-0709-144-1010-8	None	None	None
Sub Total		\$3,393.44	\$29,461.74	\$5,400.00
Total		\$38,255.18		

- 26. Prior to final CSM sign-off, please verify with Janet Dailey at City Engineering (261-9688) or Sharon Pounders at the Water Utility (266-4641) that stormwater management fees are paid in full.
- 27. The following CSM revisions shall be made:
 - a. Include on the proposed CSM a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title. It is possible that an additional tax parcel and legal description is included within the CSM boundary.
 - b. Update Sheet 3 to depict and dimension all existing improvements, encroachments, etc. associated with the lands described for the proposed CSM. (Well abandonment: ref. NR 141). In particular, please show

drives, parking areas, 12-foot joint access lane, and turnaround bulb in relation to property lines and buildings.

- c. Include a label for underlying Lot 6 of prior plat within the CSM boundary, where appropriate.
- d. Update the labels on Sheet 2 for the 4-foot access strip, as well as the turnaround bulb to reference Doc. No. 441969. Add a label for the 12-foot driveway and walk easement per Doc. No. 441969.
- e. Update the label for the turnaround bulb to say 20 feet in diameter, as stated in the recorded document.
- f. Update Note 6 and Sheet 6 to mention the 20-foot turnaround bulb included in Doc. No. 441969.
- g. For clarity, please add a label and depiction to Sheet 2 for the easements discussed in Note 6 on Sheet 6: the 12-foot Grant of Easement to Wisconsin Telephone Company per Doc. No. 824564, the 12-foot Grant of Easement to MGE per Doc. No. 1794933, and the 12-foot Grant of Easement 451457. It would be helpful to see all the easements on one sheet instead of as a note.
- h. Update an easement note on Sheet 2 to state "See Note 6 on Sheet 6 for description of easements within this 12' area". Or, add another detail area or sheet to specifically depict all easements in this small area, if their legal descriptions don't overlap exactly.
- i. There are two PLE documents for Public Road Right of Way that will be recorded after council approval on April 30, 2013. Please include the document numbers for each PLE next to their respective dedication areas along Iota Court, after said documents have been recorded (Reference Real Estate projects 10143 and 10144).
- j. A portion of one of the PLE to be recorded lies north of the dedication area on proposed Lot 1. Please depict and label this easement remnant area on the CSM (Reference Real Estate project 10144).
- k. If the PLE for right of way documents have not been recorded prior to CSM signoff, please update the CSM to accurately depict these areas as existing. In this case, the depiction of the Madison Gas & Electric Grant of Easement per Doc. No. 1794939, as well as the Street Lighting Easement Doc. No. 1506793 would also be necessary.
- l. Add drainage arrows, as referenced on Sheet 4 and 6.
- m. Depict and label the Temporary Limited Easement (TLE) area included in the PLE document for Public Sanitary Sewer Main across proposed Lot 1, recorded as Doc. No. 4975119 on April 3, 2013. We have this document in-house if you need a copy and do not want to wait for the title update to obtain it. Reference Real Estate project 10053.
- n. Create and/or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
- o. Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off. In particular, there are three judgments reported in the title report that will need to be satisfied prior to CSM approval.

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 will be sent to the Common Council for approval prior to final City approval of the CSM for recording. Please allow sufficient time prior to signoff for this resolution to be scheduled for approval.

Final approval of the CSM shall be granted prior to final approval and recording of the PUD and the issuance of demolition or building permits. The CSM shall be recorded prior to issuance of any permits.

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 epederson@cityofmadison.com.

The owner shall furnish to the Office of Real Estate Services and the survey firm preparing the CSM an updated title report covering the period between the date of the initial title report and the date when final signoff is requested. The surveyor shall update the CSM with the most recent information reported in the title update.

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 six (6) months 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 & Eric Pederson, City Engineering Division
Maureen Richards, City Assessor's Office
Maureen O'Brien & Doran Viste, City Attorney's Office
Bill Sullivan, Madison Fire Department
Kay Rutledge, Parks Division
Dennis Cawley, Madison Water Utility
Jennifer Frese & Heidi Fischer, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations