



Department of Planning & Community & Economic Development

Planning Division

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October 23, 2014

Michael Ziehr
Vierbicher, Inc.
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717

RE: File No. LD 1436 – Certified Survey Map – 501-517 Commerce Drive (All Saints Cottages and Condominiums, Inc.)

Dear Mr. Ziehr;

Your two-lot certified survey of property located at 501-517 Commerce Drive, Section 26, Township 7N, Range 8E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is zoned PD (Planned Development District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-two (22) items:

1. The proposed document “GRANT OF EASEMENTS, TERMINATION OF PRIVATE EASEMENTS, RELOCATION OF BIKE PATH EASEMENT, CONDOMINIUM REMOVAL INSTRUMENT AND AMENDMENT TO DECLARATION OF CONDOMINIUM”, condominium plat addendum and Quit Claim deeds removing title interests of those unit owners within the condominium shall be recorded prior to final signoff. Also, the title report shall be updated removing all of the references to the condominium and a copy provided prior to final sign off.
2. The proposed parking lot easement to remain between this proposed CSM and the portion of the Hillside Estates at All Saints Condominium, shall be recorded and referenced on the CSM. The updated title report shall add this document and a copy provided prior to final sign off.
3. Include appropriate notes addressing the documents that encumber the proposed CSM. The documents per the title commitment include Document Nos. 3618895, 3621290 (over portion of CSM that is currently part of Lot 4 of Ganser Heights), 3646766, 3995831, 4029855, 4098542, 4245320, 4239024, 4327701, 3867620, 3867621, 386900, 4111669, and 4111670.
4. Include notes (modify as appropriate) 1, 2, 3, 5, 6, 7, 8 and 9. See below regarding note 10.
5. Add “recorded as” data on the CSM boundary as required by State Statute.

6. The portion of the Public Pedestrian/Bike Easement per Document No. 4038324 within this Certified Survey Map and within the Hillside Estates at All Saints Condominium shall be released by a separate document prepared by City Office of Real Estate Services. Applicant must prepare a metes and bounds legal description and scale map exhibit for the portion to be released and provide to Engineering Land Records Coordinator, Jeff Quamme, for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, 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.
7. Modify the note for the Bike/Ped Easement Doc. No. 4038324 to be released. Revise the last sentence to read "This easement to be released by the City of Madison by separate document."
8. The developer and the City have mutually agreed to relocate the public bike path easement currently located on the south side of the All Saints property. The new easement shall be in the location as mutually agreed to facilitate the construction of the bike path by the City of Madison. The developer shall not change the grade of the easement or create any changes in grade adjacent to the easement that would create a safety problem for users of the path without the written permission of the City Engineer. The easement shall extend from Watts Road to the west line of Lot 1 of the existing All Saints Plat and shall include a walkway connection to Highland Dr. Additionally, the Developer shall coordinate and acquire any new public bike path easements off-site within the Diocese property and an easement for storm sewer off-site at Commerce Drive and Highland Drive and convey them to the City of Madison at no cost. If the Developer is unable to acquire the necessary off-site easements the City may elect to condemn any required easement with all real estate, land, and administrative costs and any other costs related to the condemnation of the easement to be paid for solely by the developer. The City shall not release the existing easement until the new easement is in place.
9. The applicant shall coordinate with engineering staff the configuration of the Public Sidewalk and Bike Path Easement. The revised Public Sidewalk and Bike Path Easement shall be shown on the face of the Certified Survey Map along with the required area for the re-aligned Easement. Contact Jeff Quamme at jrquamme@cityofmadison.com for required language for the easement.
10. Add the following drainage easement note on the CSM. This standard language releases all previous drainage easements set forth on previous land divisions: "In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision."
11. It is recommended that the applicant review and possibly record a document revising the Conservancy Easement that affects the southeasterly 35 feet of the proposed CSM.
12. The applicant shall amend the Private Utility Easement per Document Nos. 4098542 and 4245320. This easement was required by Note 10 on the All Saints plat and is specific to the lot configuration of the All Saints plat that is now being revised by this CSM.
13. Complete the Owner's Certificate with the correct owner information.

14. Complete the Consent of Mortgagee Certificate with correct mortgagee information.
15. Show and label the monument location for the Northwest Corner of Section 26, T7N, R8E on sheet 1. Add City of Madison published coordinate values at the section corners on sheet 3.
16. 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.
17. The lots within this CSM 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 CSM and recorded at the Dane County Register of Deeds.
18. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Schmidt (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).
19. 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 Janet Schmidt (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
20. 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.
21. In accordance with Section 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. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office ([online](#)) for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
22. In accordance with Section s.236.34(1m)(c), which states a CSM shall be prepared in accordance with the plat requirements stated per s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show the type, location and width of any and all easements on the CSM. Clearly identify the

difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by the CSM.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following two (2) items:

23. Proposed Lot 2 will require a separate water service lateral connected to a public water main.
24. Note: All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility per MGO Sec. 13.21.

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

25. The following note shall be added to the CSM: "Lots/ buildings within this subdivision / development are subject to impact fees that are due and payable at the time building permit(s) are issued."

Please contact Heidi Radlinger of the Office of Real Estate Services at 266-6558 if you have any questions regarding the following six (6) items:

26. Prior to requesting approval sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
27. If any mortgages are recorded prior to final CSM signoff, a certificate of consent shall be included following the Owner's Certificate and executed.
28. Include names of City Clerk, Plan Commission Secretary, and the Register of Deeds in their respective signature blocks.
29. 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 the subject property prior to CSM recording.
30. Prior to final CSM sign-off, please verify with Janet Schmidt of the City Engineering Division (261-9688) or Sharon Pounders at the Water Utility (266-4641) that stormwater management fees are paid in full.
31. The following revisions shall be made to the CSM prior to final sign-off:
 - a.) Real Estate reserves comments regarding technical CSM review until after title update has been provided.
 - b.) Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated interim report.

- c.) 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.
- d.) 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.

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 reviewed by the Common Council on November 18, 2014.

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 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 twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

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501-517 Commerce Dr.
October 23, 2014
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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: Janet Schmidt, City Engineering Division
Dennis Cawley, Madison Water Utility
Sally Sweeney, City Assessor's Office
Heidi Radlinger, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations