



Department of Planning & Community & Economic Development
Planning Division

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January 10, 2012

Kevin Pape
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: File No. LD 1133 – Certified survey map – 5422 Wayne Terrace (LLS Enterprises, LLC)

Dear Mr. Pape;

The two-lot certified survey of your client's property located at 5422 Wayne Terrace, Section 23, Township 8N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned C3 (Highway Commercial District). The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following six (6) conditions:

1. Coordinate discussions regarding the CSM boundary as drafted with Engineering Mapping Land Records Coordinator Eric Pederson and Office of Real Estate Services Agent Jenny Frese. It appears the title work included with this CSM application is incomplete and did not include prior WisDOT right-of-way acquisition documents (Docs 2249629-2249630). There may also be recorded/ unrecorded WisDOT surplus right-of-way disposal or lease documents that affect the configuration of this property.
2. City Engineering Division utility records indicate an existing public sanitary sewer main along the south side of this property adjacent to the Wayne Terrace right of way. Confirm the location of these facilities relative to the CSM boundary as drafted. If these facilities have not been field located, field survey the 3 sanitary sewer structures to confirm the location of these public sanitary sewer facilities. The underlying CSM 1393 created the public utility easement as shown on this draft CSM, yet it is not standard policy for public sanitary sewer to be located within utility easements, although allowable.
3. The applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along Wayne Terrace in accordance with Section 66.0703(7)(b) Wisconsin Statutes and MGO Section 4.09.
4. The lots within this certified survey map are interdependent upon one another for stormwater 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.

5. 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 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).
6. 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 Division. 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.

Please contact Bryan Walker of the Traffic Engineering Division at 267-8754 if you have questions about the following two (2) items:

7. The applicant shall note on the face of the final CSM reciprocal cross-access easements between Lots 1-2.
8. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

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

9. Provide fire lane access to all buildings in accordance with IFC 503 and MGO Sec. 34.503. A cross-access easement may be incorporated to meet this requirement.

Please contact my office at 261-9632 if you have any questions about the following two (2) items:

10. The subject site is or will create a Planned Commercial Site as defined in the City's Zoning Code and Subdivision Regulations. Prior to final staff approval of the land division for recording, the applicant shall receive approval of a zoning site plan, reciprocal land use agreement and reciprocal access easement to govern the proposed lots. The site plan shall be stamped approved by the Zoning Administrator following review by various City agencies. 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 Planning and Community & Economic Development.
11. Show the existing edge of pavement for the subject site and affirm that any existing pavement or improvements located within the 42-foot highway setback shown are compliant with the Trans 233 note (#2) on page 4 of the CSM.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following six (6) items:

12. The Owner's Certificate on the proposed CSM shall be executed by all parties having an ownership interest in the property. For parties other than sole proprietorships, the signatories shall provide to the City, prior to approval, documentation, which proves that, said signatories have legal authority

to sign the Owner's Certificate. The title report shows the following parties have an ownership interest of record in the property and said parties shall be signatories on the Owner's Certificate:

→ LLS Enterprises, LLC

13. A certificate of consent by the mortgagee/vendor shall be included following the Owner(s) Certificate for each of the mortgagees/vendors listed below:

→ Johnson Bank

14. All real estate taxes, stormwater management charges, and special assessments due against the properties involved in this final plat shall be paid in full (with copies of receipts for recent payments not reflected in City records) prior to final signoff of the survey for recording.

→ As of December 20, 2011, real estate taxes were **due** for this property.

15. Please coordinate with Real Estate and Engineering staff regarding the proposed CSM boundary.

16. 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.

17. Identify, depict and provide a certificate of consent for any tenancy in excess of one year. Said tenancy shall be made evident in record title and the document number shall also be cited on the proposed CSM. A copy of the recorded document giving evidence of the tenancy shall be included with and/or made part of the required title report.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 to confirm water service needs for the proposed lots.

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 3, 2012.

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.

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 two years from the date of the approving resolution or this letter, whichever is later.** 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
Pat Anderson, Assistant Zoning Administrator
Bryan Walker, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Dennis Cawley, Madison Water Utility
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations