



Department of Planning & Community & Economic Development
Planning Division

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July 21, 2009

Hans Justeson
JSD Professional Services, Inc.
161 Horizon Drive, Suite 101
Verona, Wisconsin 53593

RE: File No. LD 0921 – Consideration of a three-lot Certified Survey Map of approximately 12 acres of property generally located at 4246 Daentl Road, Town of Burke, Dane County, Wisconsin in the City of Madison's Extraterritorial Jurisdiction (Vetesnik Enterprises, LLC).

Dear Mr. Justeson:

The Plan Commission, meeting in regular session on July 20, 2009, **conditionally approved** your client's three-lot Certified Survey Map of property generally located at 4246 Daentl Road, Town of Burke. The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following nine conditions:

1. The dimension shown along the south line of proposed Lot 3 appears to be in error. Revise as necessary.
2. This property is subject to future attachment to the City of Madison per the Burke-DeForest-Sun Prairie-Madison Cooperative Plan. Therefore the City requests the surveyor add the Dane County of Register of Deeds recording information to this CSM for all I-39/90/94 highway acquisitions affecting this CSM boundary per the corresponding WisDOT Highway Right-of-Way Project reference as shown.
3. Confirm with Wisconsin Department of Administration and include the appropriate statutory "public interest" land/water rights for existing Token Creek.
4. Fully dimension and monument as necessary to memorialize both the 2001 and 2009 wetland boundary field delineations contained within this site.
5. A 75-foot wetland setback from all delineated wetlands shall be shown on the CSM.
6. Dane County may require right of way dedication along Daentl Road. If Dane County does not, the City of Madison will require this CSM to create a 15-foot wide permanent limited easement for sloping and grading parallel with, and easterly of, the existing east right of way line of Daentl Road.
7. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Daentl Road.
8. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
 - a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer.

Elevations given are for property corners at ground level and shall be maintained by the lot owner.

- b.) All lots within this survey are subject to a public easement for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.

Note: In the event of the City of Madison Plan Commission and/or Common Council approve 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.

9. 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.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following item:

10. There will be access restrictions for CSM, which shall be noted on the face of the survey as follows: "No access shall be granted along the easterly right of way line of Interstate 39-90-94." The applicant shall graphically show the "No Vehicular Access Restriction" on the face of the CSM.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions about the following three items:

11. As per Section 11 B (2) the Intergovernmental Agreement with the Town of Burke: "In the BAA-M territory which will eventually be attached to Madison, all new or replacement signs, billboards or street graphics ("signs") not part of any development shall comply with the restrictions of the Madison Street Graphics Ordinance, Chapter 31, Madison General Ordinances and with the applicable Dane County sign regulations. In the event of a conflict between the Madison and Dane County sign regulations, the more restrictive regulatory provision shall apply. The Town agrees to adopt an ordinance to condition any electrical or other permits that it issues for new signs or related property improvements upon Madison approval that the proposed sign complies with the Madison Street Graphics Ordinance."
12. Provide a 75-foot protective buffer from the wetlands pursuant to Madison General Ordinance 37.09(3)(h) and the Wisconsin Administrative code (NR 103.04).
13. Parcels are subject to Waterfront Development Section 28.04 (19) of the MGO.

Please contact my office at 261-9632 if you have questions about the following two Planning Division conditions of approval:

14. That Lot 3 of the proposed Certified Survey Map be revised to include a note that states that the lot is undevelopable due to the presence of delineated wetlands. Any use or development of that parcel for other than open space shall require the approval of the City of Madison.
15. That the applicant executes a restrictive covenant as part of the recording of this CSM in a form approved by the Planning Division, which states the following:

- a.) that no permanent or temporary structures shall be constructed on the portion of Lot 1 located north of Token Creek unless the lot is both further subdivided and the proposed use approved by the City of Madison;
- b.) that no permanent or temporary structures shall be constructed on the portion of Lot 1 located south of Token Creek and that use of that portion of the property shall be restricted to open space and agriculture. Any use or development of that parcel for other than open space or agriculture shall require the approval of the City of Madison;
- c.) that Lot 3 is undevelopable due to the presence of delineated wetlands. Any use or development of that parcel for other than open space shall require the approval of the City of Madison.

The above restrictions shall also be noted on the face of the Certified Survey Map.

Please note that the City Office of Real Estate Services is reviewing the report of title provided with this survey and may have comments. That office will send any comments to you by fax or e-mail. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (enclosed), 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.

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 thirty (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 this approval. 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 Dailey, City Engineering Division
John Leach, Traffic Engineering Division
Pat Anderson, Assistant Zoning Administrator
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations