



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

December 12, 2019

Ned Brickman
Nakoma Plaza Investors, LLC
555 W Brown Deer Road, Unit 220
Milwaukee, Wisconsin 53217

RE: LNDSCM-2019-00046; ID 57986– Certified Survey Map – 4530-4546 Verona Road

Dear Mr. Brickman;

The two-lot Certified Survey Map of property located at 4530-4546 Verona Road, Section 25, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is zoned CC (Commercial Center District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following three (3) items:

1. A minimum of two (2) working days prior to requesting City Engineering signoff on the Certified Survey Map (CSM), the applicant shall contact Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (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).
2. Per Wisconsin Department of Natural Resources (WDNR) BRRTS record #02-13-270996, the property may contain residual soil and groundwater contamination and continuing obligations apply. WDNR approval is required prior to construction activities. If contaminated soil is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
3. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted by the applicant, reviewed and placed on file by the City Engineer, referenced on the CSM, and recorded at the Dane County Register of Deeds.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have questions regarding the following thirteen (13) items:

4. The water main easements per Certified Survey Map 9471 shown on this CSM were not granted. The applicant shall grant a Public Water Main Easements to the City on the face of this Certified Survey Map. The easements shall be based upon the Madison Water Utility (contact David Renaud 608-2661-9833) marking the location of the Public Water Main to confirm the final location of the easements. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) for the final required easement language to be placed on the Certified Survey Map.
5. Provide the draft of the party wall agreement necessary with the proposed new lot line. The agreement shall be recorded immediately after the CSM has been recorded, with a copy of the recorded document provided to Jeff Quamme(jrquamme@cityofmadison.com).
6. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates 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. Visit the Dane County Surveyor's Office (<https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
7. Add a label to the right of way of the West Beltline Hwy Frontage Road that the right of way is per Document No. 4999151 and Transportation Project Plat 1206-07-26-4.03, Document No. 4877397
8. Add Note 5 from CSM 9471 to sheet one and reference the origin of the note accordingly.
9. Show the fire escape premises per Doc No. 3202604 (page 6) on the CSM.
10. Provide a draft of the amendment to Declaration of Easements, Covenants and Restrictions (per Document No 3202604, amended by Document Nos. 3203849, 3220079 and 5380049) necessary to acknowledge the division of Lot 1.
11. Revise the access note on sheet 1: "Lots 1 and 2 shall be subject to the amendment to the existing Declaration of Easements, Covenants and Restrictions (per Document No. 3202604, amended by Document Nos. 3203849, 3220079 and 5380049), including reciprocal cross access and ingress-egress easements."
12. Prior to Engineering final sign-off by main office for a CSM, the final CSM must be submitted to City 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 City Engineering Division sign-off. Electronic mail submittal of the **final** CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
13. 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 Division (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.

14. Provide "recorded as" information along the boundary of this CSM as required by State Statute.
15. Provide an offset monument for the corner that falls into the building.
16. Submit to Jeff Quamme, prior to Engineering Division sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. 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 CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*NOTE: This transmittal is a separate requirement from the required Engineering Division Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat/CSM, electronic data for any changes subsequent to any submittal.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

17. The "Party Wall on Line" shall comply with IBC 706.1.1.

Please contact my office at (608) 261-9632 if you have questions regarding the following two (2) items:

18. Please remove the note on Sheet 7 of 10 regarding demolition approvals for existing structures.
19. Prior to final approval and recording of this CSM, the applicant shall submit a plan and reciprocal land use agreement for approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development per Section 28.137 of the Zoning Code. The approved plan and agreement(s) shall be recorded in the office of the Dane County Register of Deeds concurrent with the recording of the final CSM.

Please contact Lance Vest of the Office of Real Estate Services at (608) 245-5794 if you have any questions regarding the following twelve (12) items:

20. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary at the time of execution. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.

21. In the Owner's Certificate after "signed by", consider replacing Nakoma Plaza Investors, LLC with the name of the person signing the Owner's Certificate.
22. In the notary block, replace "corporation" with "company".
23. Include a certificate of consent for Johnson Bank for the mortgage recorded as Document No. 5380048. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off.
24. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
25. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
26. Pursuant to MGO Section 16.23(7)(d)3 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____
Nan Fey, Interim Secretary of the Plan Commission

Date: _____

27. Please include a space for the Register of Deeds Certificate to hand write the recording info on the date of recording, to appear similar to the following:

Office of the Register of Deeds
Dane County, Wisconsin
Received for recording on _____, 20__ at ____ o'clock __M, and
recorded in Vol. ____ of CSMs on page(s) _____, Document No. _____.

Kristi Chlebowski, Register of Deeds

28. The lands within the CSM boundary are partially located within TID 29, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the CSM if a TIF application is required or if a TIF Loan has been authorized for the project. Mr. Gromacki can be reached at jgromacki@cityofmadison.com or (608) 267-8724.
29. As of November 27, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.

30. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Lance Vest in City's Office of Real Estate Services (lvest@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 (October 18, 2019) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
31. Please revise the CSM prior to final approval and recording as follows:
- a.) Depict and identify the 10-foot wide Easement for Public Walk and Terrace Purposes recorded as Document No. 1229088 and depicted in CSM No. 9471.
 - b.) 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.
 - c.) Modify the reference to Document No. 3202604 to make it legible in the depiction of the Service Drive on Sheet 4.
 - d.) Ensure that all of the existing easements described in Document No. 3202604, as amended by Document Nos. 3203849, 3220079 and 5380049, are depicted and/or referenced on the 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 at its January 7, 2020 meeting.

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.

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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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: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division–Mapping Section
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Assistant Zoning Administrator
Bill Sullivan, Madison Fire Department
Lance Vest, Office of Real Estate Services