



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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October 2, 2018

Bryan Schilling
Birrenkott Surveying, Inc.
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590

RE: LNDSCM-2018-00029 – Certified Survey Map – 118-126 State Street (Ascendant Holdings) [ID 48794]

Dear Mr. Schilling;

The one-lot Certified Survey Map of property located at 118-126 State Street, Section 14, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property was rezoned PD (Planned Development District) at the September 25, 2018 Common Council meeting. 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 267-1995 if you have questions regarding the following five (5) items:

1. Proposed sewer lateral connection (8-inch diameter) will require being connected to a manhole. It should be noted that the City extended 6-inch diameter sewer laterals with the State Street reconstruction project.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
3. Prior to 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.
4. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM the applicant shall contact either 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).

5. The following note shall be placed on the Certified Survey Map: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of Madison General Ordinances in regard to storm water management at the time they develop."

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have questions regarding the following fifteen (15) items:

6. This pending Certified Survey Map application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
7. Correct the point of commencement of the legal description to be Section 14 and not Section 34.
8. The encroachment note (Document Nos. 2024487 and 4825670) along N. Carroll Street shall also include additional text to the additional permitted encroachments of a false building facing at the roof line.
9. The approximate limits of the subterranean encroachments shall be shown on the CSM.
10. A note shall be added to the Certified Survey Map as follows: The Encroachment Agreements per Document Nos. 2024487, 4758109 and 4825670 and the Air Space Lease per Document No. 3931894 shall be terminated by separate instruments upon the demolition of the existing buildings within this Certified Survey Map and the demolition of the subterranean and sky walk improvements that encroach into the public right of ways. Also, add text to each of the labeled lease and encroachment references on the map to correlate the information: "see note _____ on sheet _____."
11. Differentiate the line type for the 20- by 60-foot easement area per Document No. 3174039. Also, add text and labeling better defining the land area that benefits from the easement agreement. In Lieu of this, considering this easement area and benefitting parcel area will be part of the same development project and to address possible title issues, it is recommended the agreement be terminated by a separate recorded document prior to CSM recording.
12. If possible, it is preferred that the lands included within this Certified Survey Map be in identical ownership prior to final sign off and recording of this Certified Survey Map to avoid having divided interests within the same parcel when creating the new tax parcel.
13. Termination of the wall agreement per Document No. 1535345 should be considered to clear title from an encumbrance that is not needed for the proposed project within this Certified Survey Map and avoid an unnecessary reference on a new Certified Survey Map.
14. The location and coordinates for the meander corner for the Southeast Corner of Section 14 shall be shown and noted on the Certified Survey Map. Monumentation at each end of the line is required. Also, provide the coordinates for the computed position of the same corner.

15. Add labels to appropriate locations along W. Dayton and State Streets referencing the Encroachment Agreement Document No. 4758109 for Decorative Cornices, Bay Windows, Balcony and Fire Escapes.
16. Correct the adjoiners on the south side of State Street. Currently Certified Survey Maps 13444 and 12032 are the correct adjoiners.
17. The recorded as distance of 80 feet along W. Dayton Street appears to be incorrect. It appears per the deeds that recorded as distance would be 77.33 feet.
18. The Air Rights Agreement per Document No. 2924932 encumbers and benefits parcel areas that will be part of the same development project. To address possible title issues it is recommended the agreement be terminated by a separate recorded document prior to CSM recording.
19. The plans for this redevelopment require the removal of the skywalk over W. Dayton Street, demolition of the existing buildings and the removal of underground vault areas under W. Dayton Street and N. Carroll Street. Label these items as "To Be Removed" on the CSM. The applicant shall coordinate a Real Estate project with Jeff Quamme (jrquamme@cityofmadison.com - 266-4097) for the termination of the Encroachment agreement and amendment per Document Nos. 2024487 and 4825670, Real Estate Project No. 527. Also, the Air Space Lease per Document No. 3931894, existing Real Estate Project No. 499 for the skywalk improvements shall be terminated.
20. The applicant shall coordinate a Real Estate project with Jeff Quamme (jrquamme@cityofmadison.com - 266-4097) for the termination of the Encroachment agreement for 126 State Street per Document No. 4758109, Real Estate Project No. 9539.

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:

21. A certificate of consent for all mortgagees shall be included following the Owner's Certificates and executed prior to CSM approval sign-off. 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 final sign-off.
22. A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
23. The 2017 real estate taxes are owed for the 122 State Street parcel. 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. This includes property tax bills for the prior year that are distributed at the beginning of the year.

24. As of the date of this letter there are no special assessments reported. If special assessments are levied against the property before CSM signoff they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.
25. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services (hradlinger@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 (June 20, 2017) 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.
26. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.
27. Revise the CSM prior to final approval and recording as follows: Depict encroachments and note which encroachment agreements will be terminated when building is razed.

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 September 25, 2018 meeting.

Note: The approval of this CSM does not grant permission to demolish any existing building or construct a new building; such approvals have been granted separately.

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 [jqumme@cityofmadison.com](mailto:jrqumme@cityofmadison.com).

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.**

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
Heidi Radlinger, Office of Real Estate Services