



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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February 23, 2022

Michael Marty  
Vierbicher & Associates, Inc.  
999 Fourier Drive, Suite 201  
Madison, Wisconsin 53717

RE: LNDCSM-2022-00005; ID 69320 – Certified Survey Map – 3005 University Avenue (John Flad, Flad Development & Investment Corp.

Dear Mike;

The one-lot Certified Survey Map of property located at 3005 University Avenue, Section 21, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is zoned CC-T (Commercial Corridor–Transitional District) and is developed with a one-story restaurant-tavern, which was approved for demolition by the Plan Commission on February 21, 2022. 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 four (4) items:**

1. This site currently accepts drainage from the south onto this property. This discharge will continue to be accepted and accommodated.
2. The developer shall enter into a City/Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
3. Construct the following to a plan approved by the City Engineer:
  - a) Sidewalk and terrace on University Avenue: University Avenue will be reconstructed in 2022-2023. Coordinate construction with Street contractor. Some elements may be able to be completed by Street contractor and assessed back to the developer.
  - b) Sidewalk, terrace, curb and gutter, and four (4) feet of pavement on Schmitt Place. City may elect to reconstruct Schmidt place; coordinate construction with City Engineering. Some elements may be able to be completed by street contractor and assessed back to the developer.
4. A minimum of two (2) working days prior to requesting City Engineering Division sign-off on the CSM contact either Tim Troester (West) at (608) 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at (608) 261-9127 ([bstanley@cityofmadison.com](mailto: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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have questions regarding the following eleven (11) items:**

5. The applicant shall dedicate right of way or grant a public sidewalk easement(s) to the City of Madison on the face of this Certified Survey Map along the west side of Schmitt Place and the south side of University Avenue as required by City Engineering and Traffic Engineering staff.
6. Label the Easement for Line and Pole extensions per Document No. 1265166 and the Underground Electric Easement per Document No. 2278157 as to be released by separate instrument.
7. Prior to final City Engineering Division sign-off by main office for Certified Survey Maps (CSM), the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.
8. Graphically show and label the areas acquired for public right of way per Document Nos. 538259 and 1280353. Also show reference line "EB" of University Avenue per WisDOT Project SU 1114(14) being 47 feet north of the current right of way.
9. Show "recorded as" information along the southern and western boundaries and for the 132.17 feet long tie from the west.
10. Label the building(s) within this CSM as "To Be Demolished."
11. Correct Schmitt Road in the legal description to read Schmitt Place. Also, correct the Secretary of the Plan Commission to Matthew Wachter.
12. Correct the spelling of Schmitt Pl to Schmitt PI in all instances.
13. The Owner's Certificate does not reflect the owner per the current Title Report. The final CSM title report and CSM shall indicate identical ownership prior to final sign off.
14. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or early start permit.
15. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, 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. The line work shall be void of gaps and overlaps and match 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).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following two (2) items:**

16. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of an eight (8)-foot wide sidewalk, six (6)-foot terrace, and additional one (1) foot for maintenance along University Avenue.
17. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for construction resulting in a 32-foot wide street (face to face) for Schmitt Place, and a five (5)-foot wide sidewalk, an eight (8)-foot terrace, and additional one (1) foot for maintenance along the west side of Schmitt Place.

**Please note that the City's 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 separately. If you have any questions, please contact Heidi Radlinger at (608) 266-6558 for more information.**

Prior to approval sign-off by the Office of Real Estate Services, the Owner's Certificate on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a).

Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that may become due prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Any special assessments shall also be paid in full pursuant to MGO Section 16.23(5)(g)1.

Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger ([hradlinger@cityofmadison.com](mailto: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 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.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Approval of this Certified Survey Map does not include any approval to demolish existing buildings or construct new buildings on the subject site. A letter with the conditions of approval for the demolition related to the redevelopment of the site will be sent separately.**

**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 March 1, 2022 meeting.**

In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will make the City Clerk's Office aware that the Common Council certificate may be executed.

Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 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.**

If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or by e-mail.

Sincerely,



Timothy M. Parks  
Planner

cc: Tim Troester, City Engineering Division  
Jeff Quamme, City Engineering Division—Mapping Section  
Sean Malloy, Traffic Engineering Division  
Heidi Radlinger, Office of Real Estate Services