

RESOLUTION

Use black ink



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Tx:8413779

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
4943306

12/18/2012 10:01 AM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 31

At the (City) / Village / Town) of Madison

Circle one

official meeting held on December 11, 2012, the following resolution was adopted concerning land in Dane County described as: See Attached.

(Give the legal description of the affected property or, if attached, say "see attached.")

Vacation/Discontinuance of of River Birch Court.

File #: 28094

Resolution #: RES-12-00928

A copy of the resolution is attached.

Recording area

Madison City Clerk's Office  
210 MARTIN LUTHER KING, JR. BLVD  
RM. 103  
MADISON, WI 53703

PARCEL IDENTIFICATION NUMBER\*  
(\*Not required for road right of ways)

*Maribeth Witzel-Behl*

December 13, 2012

Signature of City/Village/Town official

Date

Maribeth Witzel-Behl

Name printed

City Clerk of Madison

Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on December 13, 2012 by the above named person(s).

Signature of notary or other person authorized to administer an oath

*Eric Christ*

This document was drafted by:  
(print or type name below)  
Eric A. Christianson

(as per s. 706.06, 706.07)

Print or type name: Eric A Christianson

Title Municipal Clerk 2

Date commission expires: 6-29-14

Names of persons signing in any capacity must be typed or printed below their signature.  
DCROD 3/1/2002

31



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Certified Copy

Resolution: RES-12-00928

**File Number: 28094**

**Enactment Number: RES-12-00928**

Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, being located in part of the Southwest one-quarter (1/4), of the Southwest one-quarter (1/4) of Section 16, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

**WHEREAS**, River Birch Court was dedicated to the public per the approved subdivision plat of Eighth Addition to Blackhawk Subdivision which was recorded August 11, 2006 in Volume 59-017B, Pages 91 and 92, as Document No. 4224175 Dane County Registry; and

**WHEREAS**, the Developer, McKenzie 300 Corporation has submitted a Letter of Intent dated October 16, 2012 as well as proposed site plans to the City Planning Division to redevelop portions of Eighth Addition to Blackhawk Subdivision by consolidating seven (7) existing platted R1 single family lots and vacated River Birch Court into two (2) lots by Certified Survey Map that are stated to remain zoned as R1 in the Developer Letter of Intent; and

**WHEREAS**, Mead & Hunt, the Civil Engineering / Surveying consultant for the Developer, has prepared the necessary map and legal description exhibits, "River Birch Court Vacation Exhibit" and "River Birch Court Vacation Description", which are attached hereto and made part of this resolution; and

**WHEREAS**, if the concurrent redevelopment proposal submitted by the Developer is approved by the Common Council, City Engineering supports the vacation of River Birch Court as submitted; and

**WHEREAS**, if the concurrent redevelopment proposal and the vacation of River Birch Court are both approved by the Common Council, the Developer shall then proceed to gain all necessary approvals to record the proposed consolidation by Certified Survey Map; and

**WHEREAS**, the Developer shall also enter into a Private Development Agreement with the City of Madison (administered by the Engineering Division) to properly reconstruct any public street and utility infrastructure as a result from their River Birch Court street vacation request and redevelopment proposal.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, under WI Ss 66.1003(2); and

**NOW THEREFORE BE IT RESOLVED**, the Mead & Hunt prepared exhibits attached hereto and made part of this resolution which depict the vacation area, upon adoption of this resolution, shall be recorded by the City Clerk with a certified copy of the resolution with the Dane County Register of Deeds; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing recorded public easements or incidental rights within the vacated street areas are perpetuated as part of this vacation, together with permanent access, construction and

maintenance easements retained over the entire vacated street areas for perpetual public infrastructure rights relative, but not limited to, existing public storm sewer and drainage, sanitary sewer, water main and any potential future need for re-establishment of public street; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of vacated River Birch Court public right-of-way will attach entirely to the adjacent properties, all owned by McKenzie 300 Corporation, which will then be re-platted by Certified Survey Map; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to abutting properties, the City of Madison Assessor's Office will include the vacated lands with the adjacent properties; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, upon appropriate City approvals and Common Council adoption of both the proposed redevelopment plan and street vacation resolutions, all supplemental exhibits made part of this street vacation resolution shall be attached by the City Clerk to the final resolution and recorded with the Dane County Register of Deeds.

**NOW THEREFORE BE IT FINALLY RESOLVED**, if the concurrent redevelopment proposal and Certified Survey Map are not approved by the City and the final legal binding affect of recording the Certified Survey Map with the Dane County Register of Deeds, this street vacation resolution shall then be placed on file without prejudice and considered void; and

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 12-00928, Adopted by the Common Council on December 11, 2012.

Maribeth Witzel-Behl

12-13-2012

Date Certified



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 28094**

**File ID:** 28094

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** BOARD OF  
PUBLIC WORKS

**File Created Date :** 10/22/2012

**File Name:** Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision.

**Final Action:** 12/11/2012

**Title:** Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, being located in part of the Southwest one-quarter (1/4), of the Southwest one-quarter (1/4) of Section 16, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

**Notes:** Eric P.

**CC Agenda Date:** 12/11/2012

**Agenda Number:** 42.

**Sponsors:** Paul E. Skidmore

**Effective Date:**

**Attachments:** Letter of Intent.pdf, River Birch Court Vacation Exhibit .pdf, River Birch Court Vacation Description.pdf, LOT CONSOLIDATION CSM Sheet 1.pdf, LOT CONSOLIDATION CSM Sheet 2.pdf, LOT CONSOLIDATION CSM Sheet 3.pdf, SITE PLAN.pdf, Maps.pdf, Staff Comments.pdf, Link CSM File 28467, PC Registrations 120312.pdf

**Enactment Number:** RES-12-00928

**Author:** Rob Phillips, City Engineer

**Hearing Date:**

**Entered by:** mhacker@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	10/22/2012	Referred for Introduction				
	<b>Action Text:</b>		This Resolution was Referred for Introduction				
	<b>Notes:</b>		Board of Public Works, Plan Commission				
1	COMMON COUNCIL	10/30/2012	Referred	BOARD OF PUBLIC WORKS		11/07/2012	Pass
	<b>Action Text:</b>		A motion was made by Bidar-Sielaff, seconded by Schmidt, to Referred to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.				
	<b>Notes:</b>		Additional Referral: Plan Commission				

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1	BOARD OF PUBLIC WORKS	11/04/2012	Referred	PLAN COMMISSION	12/03/2012	
	<b>Action Text:</b>	This Resolution was Referred to the PLAN COMMISSION				
	<b>Notes:</b>					
1	BOARD OF PUBLIC WORKS	11/07/2012	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
	<b>Action Text:</b>	A motion was made by Weier, seconded by Branson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.				
	<b>Notes:</b>					
1	PLAN COMMISSION	12/03/2012	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS		Pass
	<b>Action Text:</b>	A motion was made by Cantrell, seconded by Schmidt, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.				
	<b>Notes:</b>	The Plan Commission approved the related Certified Survey Map (ID 28467) subject to the comments and conditions contained in the Plan Commission materials. The motions to recommend approval of the vacation and approve the CSM both passed by voice vote/ other.				
1	COMMON COUNCIL	12/11/2012	Adopt			Pass
	<b>Action Text:</b>	A motion was made by Bidar-Sielaff, seconded by Schmidt, to Adopt. The motion passed by voice vote/other.				
	<b>Notes:</b>					

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**Text of Legislative File 28094**

**Fiscal Note**

No expenditure of City funds required. Any costs and work relating to public infrastructure reconstruction and/or required public street signage changes as a result of the proposed redevelopment plan and street vacation shall be the sole responsibility of the Owner/Developer and administered under Private Contract between the Owner/Developer and the City.

**Title**

Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, being located in part of the Southwest one-quarter (1/4), of the Southwest one-quarter (1/4) of Section 16, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

**Body**

**WHEREAS**, River Birch Court was dedicated to the public per the approved subdivision plat of Eighth Addition to Blackhawk Subdivision which was recorded August 11, 2006 in Volume 59-017B, Pages 91 and 92, as Document No. 4224175 Dane County Registry; and

**WHEREAS**, the Developer, McKenzie 300 Corporation has submitted a Letter of Intent dated October 16, 2012 as well as proposed site plans to the City Planning Division to redevelop portions of Eighth Addition to Blackhawk Subdivision by consolidating seven (7) existing platted R1 single family lots and vacated River Birch Court into two (2) lots by Certified Survey Map that are stated to remain zoned as R1 in the Developer Letter of Intent; and

**WHEREAS**, Mead & Hunt, the Civil Engineering / Surveying consultant for the Developer, has prepared the necessary map and legal description exhibits, "River Birch Court Vacation Exhibit" and "River Birch Court Vacation Description", which are attached hereto and made part of this resolution; and

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**NOW THEREFORE BE IT RESOLVED**, the Mead & Hunt prepared exhibits attached hereto and made part of this resolution which depict the vacation area, upon adoption of this resolution, shall be recorded by the City Clerk with a certified copy of the resolution with the Dane County Register of Deeds; and

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**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to abutting properties, the City of Madison Assessor's Office will include the vacated lands with the adjacent properties; and

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**NOW THEREFORE BE IT FINALLY RESOLVED**, if the concurrent redevelopment proposal and Certified Survey Map are not approved by the City and the final legal binding affect of recording the Certified Survey Map with the Dane County Register of Deeds, this street vacation resolution shall then be placed on file without prejudice and considered void; and





Mead & Hunt, Inc.  
M & H Architecture, Inc.  
6501 Watts Road  
Madison, Wisconsin 53719  
608-273-6380  
meadhunt.com

October 16, 2012

City of Madison Planning Division  
215 Martin Luther King Jr. Boulevard  
Madison, WI 53701

**Subject: Letter of Intent**

Consolidation and re-division of lots 466-472 and Vacated River Birch Court, Eighth Addition to Blackhawk Subdivision, City of Madison.

McKenzie 300 Corporation is the owner of the subject property located in the southwest quarter of section 16, Township 7 North, Range 8 East, City of Madison

McKenzie 300 Corporation wishes to consolidate seven (7) lots and one cul-de-sac street identified as River Birch Court, located in the Eighth Addition to Blackhawk Subdivision for the purpose of re-dividing into two (2) lots by Certified Survey Map. The proposed re-configuration consists of combining Lots 466-472 and the right-of-way of River Birch Court into two (2) lots for sale and residential development. The new parcels will be approximately 1.4 acres and 2.4 acres in size. The parcels are currently zoned R1 and there is no proposal to change the zoning.

Mead & Hunt, Inc., along with personnel from McKenzie Corporation and Alderman Paul Skidmore, have met with the City of Madison Planning Division personnel to present the concept of the proposal. During the conceptual meeting, critical elements were discussed, and preliminary proposals reviewed and commented on by the Planning Department staff. Alderman Skidmore has indicated his support for the proposal and willingness to sponsor through the review process. In addition to the CSM submittal, a petition for the vacation of River Birch Court will be developed through Mr. Eric Pederson with City Engineering based upon exhibit and description provided by Mead & Hunt, Inc.

If the land division is not approved by the City Plan Commission or the Common Council, the owners wish to have the Street Vacation Petition withdrawn.

Mead & Hunt, Inc., on behalf of McKenzie 300 Corporation, hereby submits the following items along with the City of Madison Land Division Application:

- City of Madison Land Division Application and review fees.
- Site Plan delineating existing conditions including topography and utilities as marked by Diggers Hotline.



City of Madison Planning Division

October 16, 2012

Page 2

- Title Report by Dane County Title Company based upon the 60-year search criteria as required by the City of Madison Land Division Ordinance.
- Certified Survey Map consisting of two proposed lots.

If you have any questions, please contact me.

Sincerely,

MEAD & HUNT, Inc.



Sean Walsh

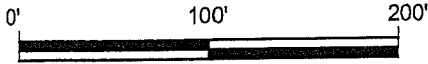
RLS

Attachments

cc: Mr. John McKenzie, McKenzie 300 Corporation  
Mr. Paul Berns  
Mr. Aris Gialamis

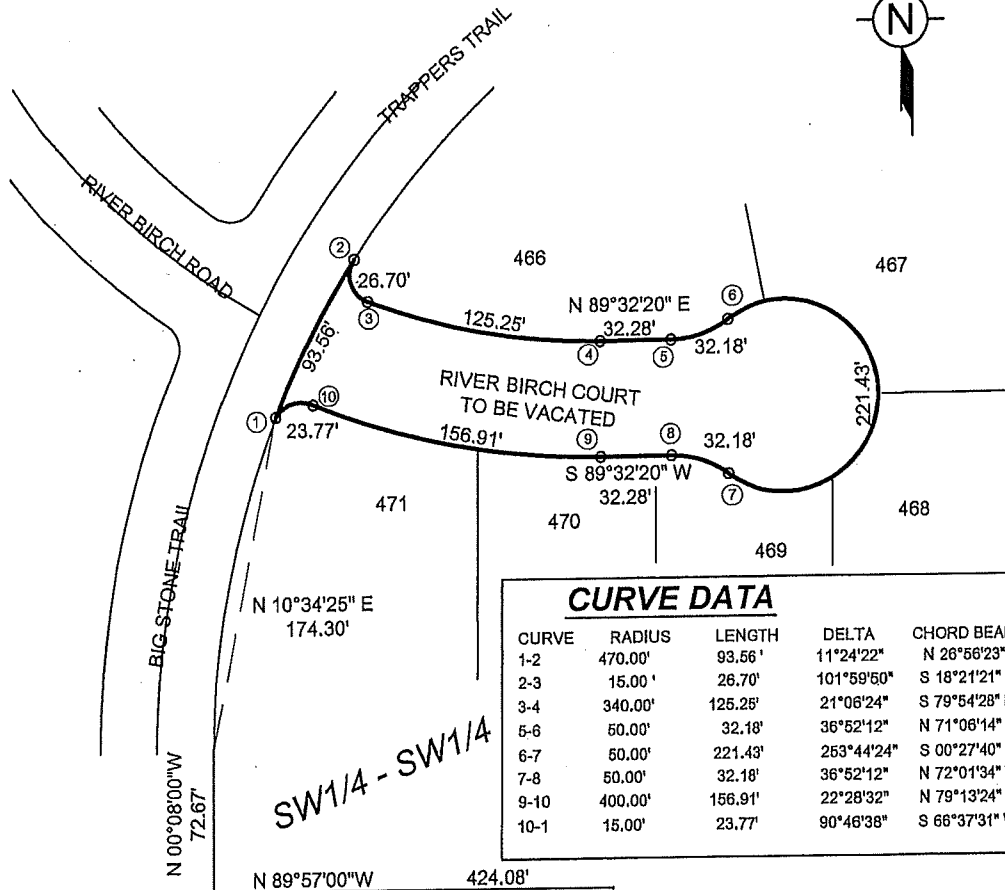
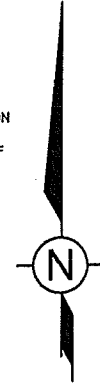
# RIVER BIRCH COURT VACATION EXHIBIT

VACATION OF THE RIGHT OF WAY OF RIVER BIRCH COURT AS PLATTED BY  
THE EIGHTH ADDITION TO BLACKHAWK SUBDIVISION  
LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.



MAP SCALE: 1" = 100'

BEARINGS ARE BASED UPON  
THE PLAT OF THE EIGHTH ADDITION  
TO BLACKHAWK SUBDIVISION AND  
THE SOUTH LINE OF THE SW 1/4 OF  
SECTION 16 BEARING N88°38'04"E



CURVE DATA				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING & LENGTH
1-2	470.00'	93.56'	11°24'22"	N 26°56'23" E 93.41'
2-3	15.00'	26.70'	101°59'50"	S 18°21'21" E 23.31'
3-4	340.00'	125.25'	21°06'24"	S 79°54'28" E 124.54'
5-6	50.00'	32.18'	36°52'12"	N 71°06'14" E 31.62'
6-7	50.00'	221.43'	263°44'24"	S 00°27'40" E 80.00'
7-8	50.00'	32.18'	36°52'12"	N 72°01'34" W 31.62'
9-10	400.00'	156.91'	22°28'32"	N 78°13'24" W 155.90'
10-1	15.00'	23.77'	90°46'38"	S 68°37'31" W 21.36'

SOUTHWEST CORNER  
SECTION 16, T7N, R8E  
ALUMINUM MONUMENT FOUND

SOUTH 1/4 CORNER  
SECTION 16, T7N, R8E  
ALUMINUM MONUMENT FOUND



Mead & Hunt, Inc.  
6501 Watts Road  
Madison, WI 53719  
608.273.6380  
fax: 608.273.6391  
www.meadhunt.com

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP.  
ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

igned by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: 12/17/2012

ame of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

## RIVER BIRCH COURT VACATION DESCRIPTION

All that part of the Southwest quarter of the Southwest quarter of section 16, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, bounded and described as follows:

Commencing at the southwest corner of said section 16;

Thence North 89°38'04" East, along the south line of said southwest quarter, 1324.02 feet;

Thence North 00°06'56" West, 907.89 feet to the southeast corner of lot 467 of the Eighth Addition to Blackhawk Subdivision;

Thence North 89°57'00" West, 424.08 feet to a point on the easterly right-of-way of Big Stone Trail;

Thence North 00°08'00" West, along said right-of-way line, 72.67 feet to the point of curvature of a curve to the right;

Thence North 10°34'25" East, along the chord of said curve, 174.30 feet to a point on the east right-of-way line of Big Stone Trail and the South right-of-way line of River Birch Court and the point of beginning of the vacation hereinafter described;

Thence northerly, 93.56 feet along said east right-of-way line and the arc of a 470.00 foot radius curve to the right having a central angle of 11°24'22" and a chord bearing North 26°56'23" East, 93.41 feet to a point of curvature a 15.00 foot radius curve to the left on the north right-of-way line of River Birch Court;

Thence southeasterly, 26.70 feet along the arc of said curve having a central angle of 101°59'50" and a chord bearing South 18°21'21" East, 23.31 feet to a point of compound curvature with a 340.00 foot radius curve the left;

Thence easterly, 125.25 feet along the arc of said curve having a central angle of 21°06'24" and a chord bearing South 79°54'28" East, 124.54 feet to the point of tangency of said curve;

Thence North 89°32'20" East, 32.28 feet to the point of curvature of a 50.00 foot radius curve the left;

Thence easterly, 32.18 feet along the arc of said curve having a central angle of 36°52'12" and a chord bearing North 71°06'14" East, 31.62 feet to a point of reverse curvature with a 50.00 foot radius curve to the right;

Thence 221.43 feet along the arc of said curve having a central angle of 253°44'24" and a chord bearing South 00°27'40" East, 80.00 feet to a point of reverse curvature with a 50.00 foot radius curve to the left;

Thence westerly, 32.18 feet along the arc of said curve having a central angle of 36°52'12" and a chord bearing North 72°01'34" West, 31.62 feet to the point of tangency of said curve;

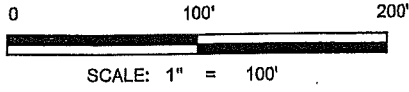
Thence South 89°32'20" West, 32.28 feet to the point of curvature of a 400.00 foot radius curve to the right;

Thence westerly, 156.91 feet along the arc of said curve having a central angle of 22°28'32" and a chord bearing North 79°13'24" West, 155.90 feet to a point of reverse curvature with a 15.00 foot radius curve to the left;

Thence southwesterly, 23.77 feet along the arc of said curve having a central angle of 90°46'38" and a chord bearing South 66°37'31" West, 21.36 feet to the point of beginning.

BEING LOTS 466, 467, 468, 469, 470, 471 AND 472 AND VACATED RIVER BIRCH COURT, OF THE EIGHTH ADDITION TO BLACKHAWK SUBDIVISION, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SURVEY FOR:  
MR. PAUL BERNS  
9906 FALLEN LEAF  
MIDDLETON, WI 53562



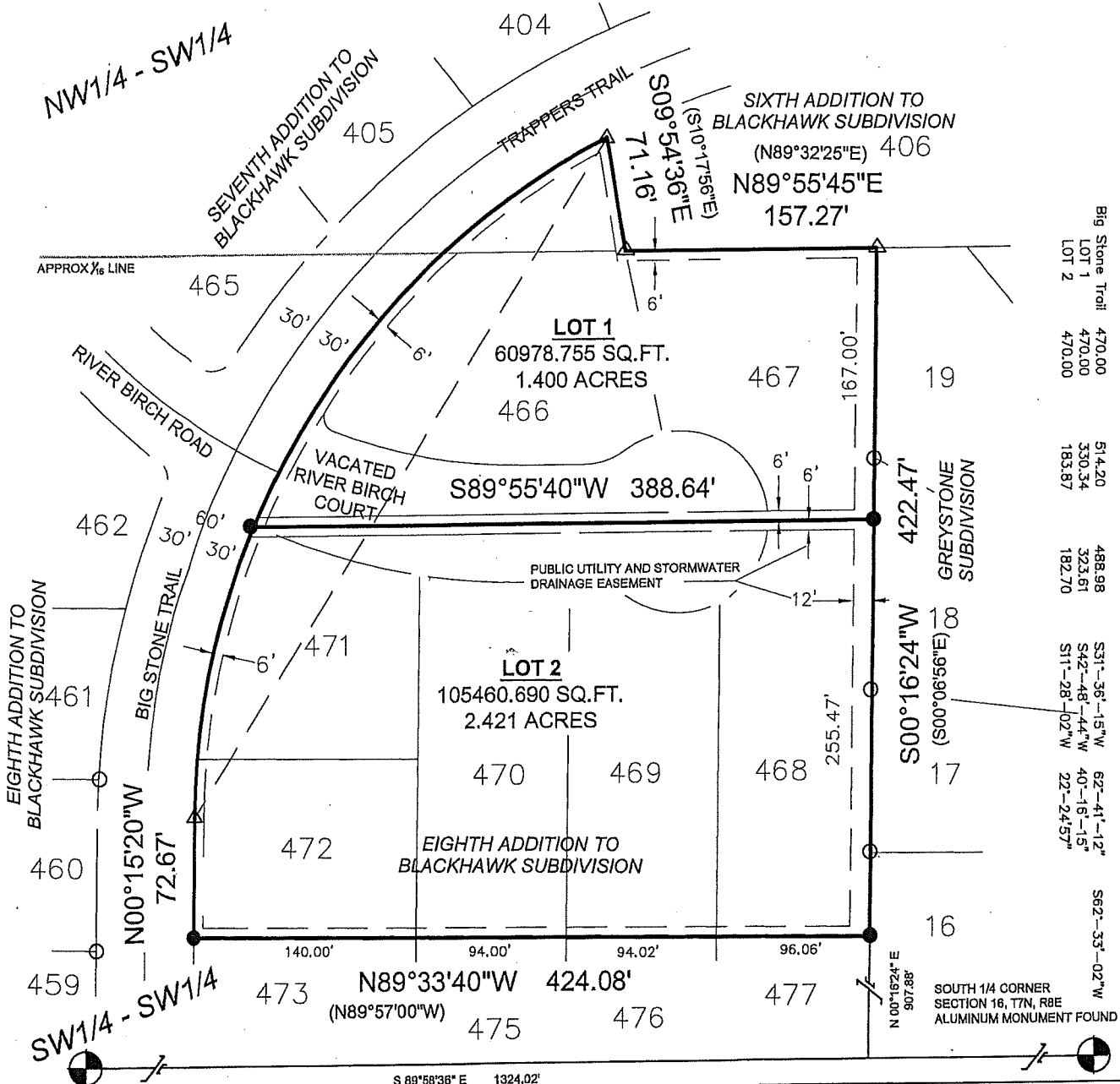
BASIS OF BEARINGS:  
SOUTH LINE OF THE SW 1/4  
SECTION 16, T7N, R8E, DANE COUNTY  
S 89°58'36"E PER DAVID COUNTY  
COORDINATES NAD 83 (2011)



**LEGEND**

- INDICATES 3/4" X 24" REBAR PLACED 1.5 LBS/FT.
- INDICATES 3/4" DIA. REBAR LOCATED
- △ INDICATES 1-1/4" DIA. REBAR LOCATED
- (00.00) INDICATES DIMENSION AS PREVIOUSLY RECORDED

NOTES: SEE SHEET 3 OF 3 FOR NOTES PERTAINING TO THE LANDS LYING WITHIN THIS CSM.



Curve	Radius Length	Arc Length	Chord Length	Chord Bearing	Central Angle	Tangent Bearing
Big Stone Trail	470.00	514.20	488.98	S31°36'15"W	62°41'12"	S62°33'02"W
LOT 1	470.00	330.34	323.61	S42°48'44"W	40°16'15"	
LOT 2	470.00	183.87	182.70	S11°28'02"W	22°24'57"	

SOUTHWEST CORNER SECTION 16, T7N, R8E ALUMINUM MONUMENT FOUND

OFFICE OF THE REGISTER OF DEEDS  
DANE COUNTY, WISCONSIN

RECEIVED FOR RECORDING

2012 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.  
Recorded by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: 12/17/2012  
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING LOTS 466, 467, 468, 469, 470, 471 AND 472 AND VACATED RIVER BIRCH COURT, OF THE EIGHTH ADDITION TO BLACKHAWK SUBDIVISION, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SURVEY FOR:  
MR. PAUL BERNS  
9906 FALLEN LEAF  
MIDDLETON, WI 53562

SURVEYOR'S CERTIFICATE

I, SEAN M. WALSH, REGISTERED WISCONSIN LAND SURVEYOR, DO HEREBY CERTIFY: THAT IN FULL COMPLIANCE WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE LAND DIVISION REGULATIONS OF THE CITY OF MADISON, AND UNDER THE DIRECTION OF THE OWNERS OF SAID LAND, I HAVE SURVEYED, DIVIDED AND MAPPED THE LANDS SHOWN HEREON; THAT SUCH MAP CORRECTLY REPRESENTS ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF; THAT SAID LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16;  
THENCE SOUTH 89°58'36" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1324.02 FEET;  
THENCE NORTH 00°16'24" EAST, 907.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 468 AND THE POINT OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED;  
THENCE NORTH 89°33'40" WEST, 424.08 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BIG STONE TRAIL;  
THENCE NORTH 00°15'20" WEST, ALONG SAID EAST RIGHT -OF-WAY LINE, 72.67 FEET TO THE POINT OF CURVATURE OF A 470.00 FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST;  
THENCE NORTHEASTERLY, 514.20 FEET ALONG SAID EAST RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 62°41'12" AND A CHORD BEARING NORTH 31°36'15" EAST TO THE END OF SAID CURVE;  
THENCE SOUTH 10°54'36" EAST, 71.16 FEET;  
THENCE NORTH 89°55'45" EAST, 157.27 FEET;  
THENCE SOUTH 00°16'24" WEST, 422.47 FEET TO THE POINT OF BEGINNING.  
THE ABOVE DESCRIBED LANDS CONTAIN 166,440 SQUARE FEET OR 3.821 ACRES.

CITY OF MADISON PLAN COMMISSION CERTIFICATE

APPROVED FOR RECORDING PER THE SECRETARY OF THE CITY OF MADISON PLAN COMMISSION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
STEVEN R. COVER, SECRETARY PLAN COMMISSION

CITY OF MADISON COMMON COUNCIL CERTIFICATE

RESOLVED THAT THIS CERTIFIED SURVEY MAP LOCATED IN THE CITY OF MADISON, WAS HEREBY APPROVED BY ENACTMENT NUMBER \_\_\_\_\_, FILE ID NUMBER \_\_\_\_\_, ADOPTED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 AND THAT SAID ENACTMENT FURTHER PROVIDED FOR THE ACCEPTANCE OF THOSE LANDS DEDICATED AND RIGHTS CONVEYED BY SAID CERTIFIED SURVEY MAP TO THE CITY OF MADISON FOR PUBLIC USE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
MARIBETH L. WITZEL-BEHL, CITY CLERK  
CITY OF MADISON, DANE COUNTY WISCONSIN

CORPORATE OWNER'S CERTIFICATE

MCKENZIE 300 CORPORATION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT.

MCKENZIE CORPORATION DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED TO BE SUBMITTED TO THE CITY OF MADISON FOR APPROVAL OR OBJECTION:

IN WITNESS WHEREOF, THE SAID MCKENZIE 300 CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY RICHARD MCKENZIE, IT'S PRESIDENT AND COUNTERSIGNED BY JOHN MCKENZIE, IT'S SECRETARY, AT MADISON WISCONSIN, AND IT'S CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

IN PRESENCE OF:

MCKENZIE 300 CORPORATION \_\_\_\_\_  
(print name)  
\_\_\_\_\_  
PRESIDENT

COUNTERSIGNED: \_\_\_\_\_  
(print name)

\_\_\_\_\_  
SECRETARY

STATE OF WISCONSIN ) ss  
DANE COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, THE ABOVE NAMED

# DANE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING LOTS 466, 467, 468, 469, 470, 471 AND 472 AND VACATED RIVER BIRCH COURT, OF THE EIGHTH ADDITION TO BLACKHAWK SUBDIVISION, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SURVEY FOR:  
MR. PAUL BERNS  
9906 FALLEN LEAF  
MIDDLETON, WI 53562

## NOTES

LOTS/BUILDINGS WITHIN THIS CSM ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMITS ARE ISSUED.

ALL LOTS CREATED BY THIS CERTIFIED SURVEY MAP ARE INDIVIDUALLY RESPONSIBLE FOR COMPLIANCE WITH CHAPTER 37 OF THE MADISON GENERAL ORDINANCES IN REGARD TO STORM WATER MANAGEMENT AT THE TIME THEY DEVELOP.

ALL LOTS WITHIN THIS CSM ARE SUBJECT TO PUBLIC EASEMENTS 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 EASEMENTS SHALL BE 12 FEET IN WIDTH ON THE PERIMETER OF THE CSM. FOR PURPOSES OF TWO (2) OR MORE LOTS COMBINED FOR A SINGLE DEVELOPMENT SITE, OR WHERE TWO (2) OR MORE LOTS HAVE A SHARED DRIVEWAY AGREEMENT, THE PUBLIC EASEMENT FOR DRAINAGE PURPOSES SHALL BE A MINIMUM OF SIX (6) FEET IN WIDTH AND SHALL BE MEASURED ONLY FROM THE EXTERIOR PROPERTY LINES OF THE COMBINED LOTS THAT CREATE A SINGLE DEVELOPMENT SITE, OR HAVE A SHARED DRIVEWAY AGREEMENT, EXCEPT THAT THE EASEMENT SHALL BE TWELVE (12) FEET IN WIDTH ALONG THE PERIMETER OF THE PLAT. EASEMENTS SHALL NOT BE REQUIRED ON PROPERTY LINES SHARED WITH GREENWAYS OR PUBLIC STREETS. NO BUILDINGS, DRIVEWAYS, OR RETAINING WALLS SHALL BE PLACED IN ANY EASEMENT FOR DRAINAGE PURPOSES. FENCES MAY BE PLACED IN THE EASEMENT ONLY IF THEY DO NOT IMPEDE THE ANTICIPATED FLOW OF WATER.

IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND OR COMMON COUNCIL APPROVED REDIVISION 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.

THE INTRA-BLOCK DRAINAGE EASEMENTS SHALL BE GRADED WITH THE CONSTRUCTION OF EACH PRINCIPLE STRUCTURE IN ACCORDANCE WITH THE APPROVED STORM WATER DRAINAGE PLAN ON FILE WITH THE CITY ENGINEER AND THE ZONING ADMINISTRATOR, AS AMENDED IN ACCORDANCE WITH THE MADISON GENERAL ORDINANCES.

THE PUBLIC STORM SEWER EASEMENTS DEDICATED TO THE CITY OF MADISON ON THE FACE OF THIS CERTIFIED SURVEY MAP ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- A) THE PROPERTY OWNER RESERVES THE RIGHT TO USE AND OCCUPY THE PUBLIC STORM SEWER EASEMENT AREAS IN A MANNER CONSISTENT WITH THE RIGHTS HEREIN CONVEYED, PROVIDED THAT SUCH USE AND OCCUPANCY SHALL NOT INTERFERE WITH OR DISTURB THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND/OR MODIFICATION OF THE PUBLIC STORM SEWER FACILITIES.
  - B) NO ABOVE-GROUND IMPROVEMENTS SHALL BE LOCATED IN THE PUBLIC STORM SEWER EASEMENT AREAS BY THE CITY OR THE PROPERTY OWNER, WITH THE EXCEPTION THAT GRATES, SEWER ACCESS STRUCTURE COVERS AND OTHER ACCESS POINTS TO THE PUBLIC STORM SEWER FACILITIES SHALL BE PERMITTED AT GRADE LEVEL, AND WITH THE EXCEPTION THAT PAVEMENT AND/OR CONCRETE FOR DRIVEWAY PURPOSES SHALL BE PERMITTED.
  - C) PLANTINGS AND LANDSCAPING WITHIN THE PUBLIC STORM SEWER EASEMENT AREAS SHALL NOT OBSTRUCT ROUTINE MAINTENANCE BY THE CITY. IN THE EVENT OF REPAIR OR RECONSTRUCTION, PLANTINGS AND LANDSCAPING MAY BE REMOVED BY THE CITY WITHOUT REPLACEMENT OR COMPENSATION TO THE PROPERTY OWNER.
  - D) THE PROPERTY OWNER SHALL NOT CHANGE THE GRADE OF THE PUBLIC STORM SEWER EASEMENT AREAS WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY'S ENGINEERING DIVISION.
- THE PUBLIC STORM SEWER EASEMENTS MAY NOT BE AMENDED, MODIFIED, TERMINATED OR RELEASED WITHOUT THE WRITTEN CONSENT OF ALL PARTIES HERETO, OR THEIR RESPECTIVE SUCCESSORS-IN-INTEREST.

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR THE PLAT OF BLACKHAWK SUBDIVISION RECORDED IN DOCUMENTS NUMBER 2676316 AND 2711619.

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF CONDITIONS AND COVENANTS FOR THE PLAT OF SEVENTH ADDITION TO BLACKHAWK SUBDIVISION RECORDED IN DOCUMENTS NUMBER 3867638 AND 3867639

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF CONDITIONS, COVENANTS AND CONDITIONS FOR THE PLAT OF EIGHTH ADDITION TO BLACKHAWK SUBDIVISION RECORDED IN DOCUMENT NUMBER 4266849.

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF CONDITIONS AND COVENANTS FOR THE PLAT OF EIGHTH ADDITION TO BLACKHAWK SUBDIVISION RECORDED IN DOCUMENTS NUMBER 4266850, 4281340 AND 4281341

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP.

ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: 12/17/2012

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Date: 12-17-2012

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



# City of Madison

# Proposed Certified Survey Map

CSM Name  
McKenzie CSM

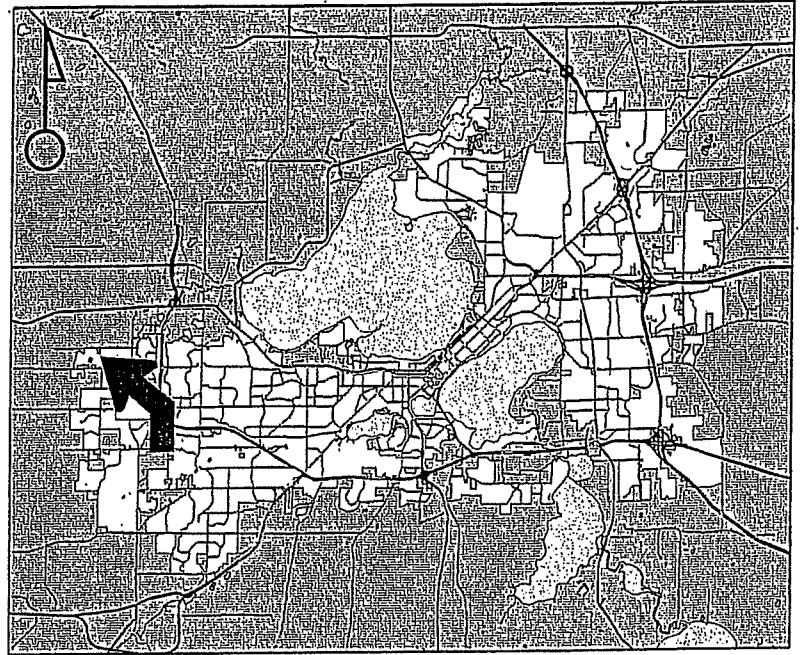
Location  
1-15 & 2-8 River Birch Court and  
809 Big Stone Trail

Applicant  
John McKenzie - McKenzie 300 Corp./  
Sean Walsh - Mead & Hunt, Inc.

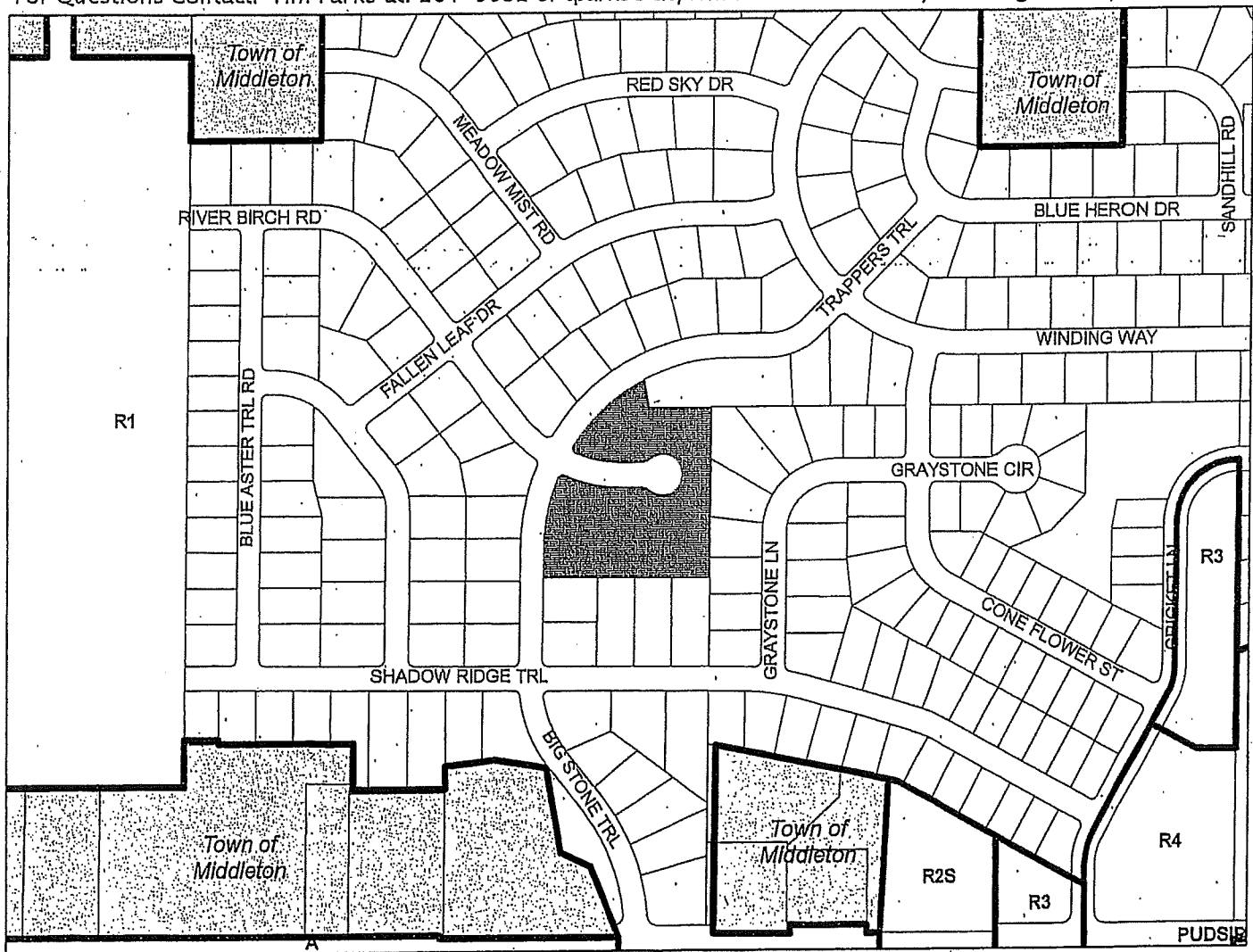
Within City     Outside City

Proposed Use  
Combine 7 platted single-family lots and  
(proposed) vacated right of way into 2 lots

Public Hearing Dates  
Plan Commission  
03 December 2012  
Common Council  
11 December 2012



For Questions Contact: Tim Parks at: 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com) or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : RPJ : Date : 15 November 2012

16-7





# City of Madison

1-15 & 2-8 River Birch Court and  
809 Big Stone Trail



Viewers are advised to ignore the illegible text on this map. It is presented to show spatial relationships only.

Authorized by: *Jim Clark* FOR CLERK

Date of Aerial Photography : Spring 2010

6-7





## Report to the Plan Commission

December 3, 2012

**Legistar I.D. #28094 & 28467**  
**1-15 and 2-8 River Birch Court**  
**and 809 Big Stone Trail**  
**CSM Referral & Street Vacation**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

### Requested Actions:

- ID 28094 – Vacation/ discontinuance of River Birch Court from Trappers Trail/ Big Stone Trail to its eastern terminus as platted in the Eighth Addition to Blackhawk subdivision, and;
- ID 28467 – Consideration of a Certified Survey Map (CSM) of property owned by John McKenzie, McKenzie 300 Corporation located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail combining 7 existing single-family lots and the proposed vacated right of way of River Birch Court into 2 single-family residential lots.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.

Section 16.01 of MGO generally states that the Common Council shall refer any question concerning the location of any public building, the location, extension or widening of any street, park or other public grounds within the City to the Plan Commission for its consideration and report before final action is taken thereon by the Council. Further, the Plan Commission is required to provide a recommendation to the Council on the acquisition of public land for the establishment or enlarging of streets, parks, playgrounds, sites for public buildings, and reservations pertaining to the same, and the conveyance of any surplus real estate not needed for these purposes with reservations concerning the future use and occupation of such real estate, so as to protect the public works of the City, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare as recommended in adopted plans and policies.

As the CSM and street vacation are related to one another, staff feels that it is best that the two items be considered together.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of the vacation of River Birch Court and find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail, subject to input at the hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

**Applicant & Property Owner:** John McKenzie, McKenzie 300 Corporation; 9201 Waterside Street; Middleton.

**Surveyor:** Sean Walsh, Mead & Hunt; 6501 Watts Road; Madison.

**Proposal:** The applicant proposes to create 2 large single-family lots from 7 existing single-family lots that generally surround River Birch Court, which is proposed to be vacated. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on October 17, 2012. Therefore, the 90-day review period for this CSM will end circa January 17, 2013.

**Parcel Location:** An approximately 3.8-acre parcel surrounding River Birch Court located on the east side of Big Stone Trail and Trappers Trail in the Eighth Addition to Blackhawk subdivision generally north of Old Sauk Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

**Existing Conditions:** The site is undeveloped in R1 (Single-Family Residence District) zoning.

**Surrounding Land Use and Zoning:** The subject site is generally surrounded by a combination of developed and undeveloped single-family residential lots located in the Blackhawk and Greystone subdivisions, all zoned R1 (Single-Family Residence District).

**Adopted Land Use Plan:** The Blackhawk Neighborhood Development Plan identifies the subject site and surrounding properties for low-density residential uses.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The subject property is served by a full range of urban services.

**Zoning Summary:** Existing R1 (Single-Family Residence District).

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	Both proposed lots will exceed
Lot width	65'	Both proposed lots will exceed
Usable open space	1,300 sq. ft. per lot	To be determined prior to const.
Front yard	30'	To be determined prior to const.
Side yards	6' – 1-story   7' - 2-story res.	To be determined prior to const.
Rear yard	35' generally	To be determined prior to const.
Floor area ratio	N/A	---
Building height	2 stories, 35'	To be determined prior to const.
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection; Landmark; Adjacent to Park, Barrier Free	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

## Previous Approvals

On February 19, 2004, the Common Council approved the final plat of Eighth Addition to Blackhawk, creating 61 single-family lots. The final plat was recorded on August 11, 2006. Implementation of the larger Blackhawk subdivision, which extends east to N. Pleasant View Road, commenced in 1995.

## **Project Review, Analysis & Conclusion**

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The applicant is requesting approval of a Certified Survey Map (CSM) to re-divide an approximately 3.8-acre parcel comprised of 7 single-family lots platted in the Eighth Addition to Blackhawk subdivision into 2 large lots for future single-family residential development.

The 7 lots to be combined with this proposal generally surround River Birch Court, a 275-foot long platted but unconstructed right of way created with the same final plat. The subject site is currently undeveloped. Nearby properties to the north, west and east of the subject site are generally developed with single-family residences in the Blackhawk and Greystone subdivisions, while land to the south is platted for additional single-family construction but is currently undeveloped. The subject site and surrounding properties are zoned R1 (Single-Family Residence District). The site of the 2 proposed lots slopes from east to west from a modest, tree-covered ridge that extends along the eastern edge of the property. Most of the remaining site is devoid of significant tree cover.

Lot 1 of the proposed CSM will be a 1.4-acre parcel comprised of Lots 466 and 467 of the Eighth Addition final plat and the northern half of the right of way proposed for vacation, while Lot 2 is proposed as an approximately 2.4-acre parcel that will be comprised of the southern half of the right of way to be vacated and platted Lots 468-472.

The existing lots to be combined with the proposed CSM range in size from 15,282 square feet (Lot 472) to 27,836 square feet (Lot 466), which is consistent with the predominant development pattern present in the Blackhawk and Greystone subdivisions. Both developments are comprised of lots that greatly exceed the 8,000 square-foot minimum lot area required in R1 zoning.

While the two proposed lots will be significantly larger than the predominant development pattern present in the surrounding area, the Planning Division believes that the proposed lots can meet the design standards in Section 16.23(8)(d) of the Subdivision Regulations, which generally recommend that the size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated and be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The proposed lots are located in the western portion of the Blackhawk subdivision in a manner that staff believes will not adversely impact the orderly implementation of the rest of the subdivision as it was originally platted.

Staff further believes that the proposed re-division is consistent with the low-density residential land use recommendations recommended for the site in the Blackhawk Neighborhood Development Plan. The introduction of the larger lots proposed is also generally consistent with a recommendation in the Comprehensive Plan that areas designated for Low-Density Residential development such as the site and larger Blackhawk subdivision include different housing types and tenancies, and that single-family housing include a variety of lot sizes in order to provide a range of housing choices for households of different sizes, ages, incomes and lifestyles (Volume II, page 2-80). While it is unusual to have lots of this size in a new City subdivision, staff points to the established Highlands community west of Old Middleton Road as an example of an area with many larger lots and homes like the lots proposed. Staff believes that it is important for the City to be able to accommodate homes of all sizes and to retain households of all income levels and lifestyles within the City limits.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission recommend **approval** of the vacation of River Birch Court and find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail, subject to input at the hearing and the following conditions:

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

1. The CSM shall provide a 20-foot wide sanitary sewer easement where the City's existing sanitary sewer extends into the two-lot CSM. If the developer wishes to remove the public facilities from proposed Lot 2, modifications to the public sanitary sewer may be required at the developer's expense.
  2. Madison Metropolitan Sewerage District fees shall be due for any unpaid areas including the vacated right of way converted to developable lands.
  3. The developer shall be required to amend the original subdivision contract (City Contract Number 2187) to accommodate the modifications that are proposed for the public infrastructure related to the vacation of River Birch Court. Additional deposits and surety may be required. This work includes street, curb, and sidewalk modifications to Big Stone Trail and Trappers Trail, reconfiguration of the storm sewer and water main and hydrant on existing River Birch Court and potential modifications to the existing sanitary sewer. The amended subdivision contract shall be completed prior to the approval of the CSM and related site plans.
  4. The pending city of Madison Resolution ID 28094 pertaining to the proposed vacation/discontinuance of River Birch Court shall be adopted by the Common Council, recorded with the Register of Deeds and referenced on the final CSM prior to final approval and recording of the CSM.
- 
5. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this CSM without the agreement executed by the developer.
  6. The following notes shall be included on the final CSM:
    - a.) All lots within this CSM are subject to public easements 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 easements shall be 12 feet in width on the perimeter of the CSM. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
    - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City

Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

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

Note: In addition to notes such as this, State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

7. The following note shall be placed on the CSM: "No changes in drainage patterns associated with development on any or all lots within this CSM shall be allowed without prior approval of the City Engineer."
8. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For the purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master storm water drainage plan: "For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows." No building permits shall be issued prior to the City Engineering Division's approval of this plan.

9. Prior to recording the CSM, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with NR-151. (MGO 37.09)
10. A minimum of 2 working days prior to requesting City Engineering Division signoff on the final plat, 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 subdivision (and subsequent obsolesces of the existing parcel).
11. 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.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency did not submit a response for this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

This agency did not submit a response for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

Park fees were paid for the 7 existing lots prior to the recording of the final plat of the Eighth Addition to Blackhawk and no additional fees are due for the proposed lots on the CSM.

**Fire Department** (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

12. The existing public water main in River Birch Court shall be abandoned in accordance with plans prepared by the Madison Water Utility. New water service laterals shall be installed with a standard City of Madison subdivision contract.
13. In accordance with MGO 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

**Office of Real Estate Services** (Contact Jenny Frese, 267-8719)

14. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. Please update the notary acknowledgement under the owner's certificate to say "persons".
15. A certificate of consent by the mortgagee/vendor shall be included following the Owner's Certificate(s) for each of the mortgagees/vendors listed in the most recent title report.
16. As of November 14, 2012, the 2011 real estate taxes are paid, there are no special assessments owed and the stormwater fees have been paid. Note: Once 2012 real estate taxes are levied, those taxes will need to be paid in full prior to requesting final approval of this CSM for recording.
17. The following CSM revisions shall be made:



- a.) Await approval of Resolution ID 28094 prior to CSM recording, so the vacation of River Birch Court has been accomplished and consistent with the legal description on the proposed CSM.
- b.) Update the note on Sheet 3 to "Declaration of Conditions, Covenants and Restrictions", with regard to Document No. 4266849.
- c.) Add a note to Sheet 3 addressing Document No. 4232451.
- d.) Add notes to Sheet 3 that define and address Annexation Document Nos. 2622713, 2648319 and 3514998.

PLAN COMMISSION  
REGISTRATION FORM

67  
28467

CSM McKEWIC

AGENDA ITEM NO. 28094 SUBJECT/ADDRESS/TOPIC COL-DE-SAC VALATION

YOUR NAME RON GUTRIK DATE 12-3-2012

YOUR ADDRESS 6501 WATTS RD. MEAD & HUNT, INE

Please check the appropriate boxes:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Support                       | <input type="checkbox"/> Oppose                        | <input type="checkbox"/> Neither Support Nor Oppose    |
| <input type="checkbox"/> Wish to speak (3 min. limit)             | <input type="checkbox"/> Wish to speak (3 min. limit)  | <input type="checkbox"/> Wish to speak (3 min. limit)  |
| <input type="checkbox"/> Do not wish to speak                     | <input type="checkbox"/> Do not wish to speak          | <input type="checkbox"/> Do not wish to speak          |
| <input checked="" type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions |

At this meeting are you representing an organization or a person other than yourself:  Yes  No  
(If you answered "no," STOP; you need not complete the rest of this form. If you answered "yes," go on to the next questions.)

Name, address and telephone number of each person or organization you are representing:

McKEWIC 300 CORPORATION  
MIDDLETON WI - 53567

Are you being paid for your representation?  Yes  No

Are you appearing as part of your other paid duties for this person or organization?  
(If you answered "no" to both these questions, STOP. You need not complete the rest of this form. If you answered "yes," please continue.)  Yes  No

Are you an elected official or employee who is appearing solely on behalf of your office or for your municipality or other governmental body?  
(If you answered "yes" to the question, STOP. You need not complete the rest of this form except that you must sign this form. If you answered "no" to the question, go on to the next questions.)  Yes  No

If you are being paid for your representation, or if your appearance is part of other paid duties, please be advised that:

1. Before you engage in lobbying as a lobbyist, you or your principal must file an authorization with the City Clerk.
2. Your principal is not permitted to authorize you to lobby unless the principal is registered with the City Clerk.
3. If your principal spends or will owe more than \$1,000 for lobbying services in any reporting period (calendar six months), the principal must file expense statements with the City Clerk for the remaining quarters of the calendar year.

(Please go to the City Clerk's website [www.cityofmadison.com/clerk/index.html](http://www.cityofmadison.com/clerk/index.html) or go to the Clerk's Office at Room 103 of the City-County Building, Madison, for more information.)

Date 12-3-2012 Signature Ron Gutrik

**PLAN COMMISSION PUBLIC HEARING GENERAL INFORMATION**  
(Public Hearings normally begin at 6:00 p.m. or shortly thereafter)

1. Applicants or their agents are requested to register, appear, and explain their proposal. Applicants are also requested to remain for questions until their item is voted on.  
Members of the Commission may have questions of the speakers when they are finished. However, speakers are not required to answer any questions. The Commission will not engage in discussion or debate with the speakers. All questions directed to the Commission shall be addressed to the Chair.
2. Public Hearing items may be called at any time after the beginning of the public hearing. The Plan Commission uses a consent agenda, which means that the Commission can consider any item at 6:00 p.m. where there are no registrants wishing to speak in opposition regardless of its placement on the agenda.
3. The most effective statements are brief, well organized, and avoid repetition. If you agree with the statement of a prior speaker, please so indicate rather than repeating those statements.
4. The Commission is appointed to represent not only those present at the hearing but all citizens. The Plan Commission is advisory to the Common Council on rezoning and subdivision plat matters. On conditional use permits and demolition permits, the Commission makes the final decision after holding a public hearing to consider all facts applicable to the application.

PLAN COMMISSION  
REGISTRATION FORM

6+7

AGENDA ITEM NO. 28467 SUBJECT/ADDRESS/TOPIC CSM MCKENZIE 300

YOUR NAME SEAN WALSH DATE 12/3/12

YOUR ADDRESS 7220 BIRCHWOOD DRIVE SAUK CITY

Please check the appropriate boxes:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Support                       | <input type="checkbox"/> Oppose                        | <input type="checkbox"/> Neither Support Nor Oppose    |
| <input type="checkbox"/> Wish to speak (3 min. limit)             | <input type="checkbox"/> Wish to speak (3 min. limit)  | <input type="checkbox"/> Wish to speak (3 min. limit)  |
| <input type="checkbox"/> Do not wish to speak                     | <input type="checkbox"/> Do not wish to speak          | <input type="checkbox"/> Do not wish to speak          |
| <input checked="" type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions |

At this meeting are you representing an organization or a person other than yourself:  Yes  No  
(If you answered "no," STOP; you need not complete the rest of this form. If you answered "yes," go on to the next questions.)

Name, address and telephone number of each person or organization you are representing:  
MCKENZIE 300 CORP, MIDDLETON WI  
831-5343

Are you being paid for your representation?  Yes  No

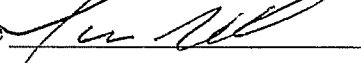
Are you appearing as part of your other paid duties for this person or organization?  Yes  No  
(If you answered "no" to both these questions, STOP. You need not complete the rest of this form. If you answered "yes," please continue.)

Are you an elected official or employee who is appearing solely on behalf of your office or for your municipality or other governmental body?  Yes  No  
(If you answered "yes" to the question, STOP. You need not complete the rest of this form except that you must sign this form. If you answered "no" to the question, go on to the next questions.)

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Date 12/3/12 Signature 

**PLAN COMMISSION PUBLIC HEARING GENERAL INFORMATION**  
(Public Hearings normally begin at 6:00 p.m. or shortly thereafter)

1. Applicants or their agents are requested to register, appear, and explain their proposal. Applicants are also requested to remain for questions until their item is voted on.  
Members of the Commission may have questions of the speakers when they are finished. However, speakers are not required to answer any questions. The Commission will not engage in discussion or debate with the speakers. All questions directed to the Commission shall be addressed to the Chair.
2. Public Hearing items may be called at any time after the beginning of the public hearing. The Plan Commission uses a consent agenda, which means that the Commission can consider any item at 6:00 p.m. where there are no registrants wishing to speak in opposition regardless of its placement on the agenda.
3. The most effective statements are brief, well organized, and avoid repetition. If you agree with the statement of a prior speaker, please so indicate rather than repeating those statements.
4. The Commission is appointed to represent not only those present at the hearing but all citizens. The Plan Commission is advisory to the Common Council on rezoning and subdivision plat matters. On conditional use permits and demolition permits, the Commission makes the final decision after holding a public hearing to consider all facts applicable to the application.

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# PLAN COMMISSION REGISTRATION FORM

AGENDA ITEM NO. 28467 SUBJECT/ADDRESS/TOPIC CSM McKenzie

YOUR NAME John McKenzie DATE 12-3-2012

YOUR ADDRESS ~~5811~~ 902 Hidden Cave Rd Madison

Please check the appropriate boxes:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Support                       | <input type="checkbox"/> Oppose                        | <input type="checkbox"/> Neither Support Nor Oppose    |
| <input checked="" type="checkbox"/> Wish to speak (3 min. limit)  | <input type="checkbox"/> Wish to speak (3 min. limit)  | <input type="checkbox"/> Wish to speak (3 min. limit)  |
| <input type="checkbox"/> Do not wish to speak                     | <input type="checkbox"/> Do not wish to speak          | <input type="checkbox"/> Do not wish to speak          |
| <input checked="" type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions |

At this meeting are you representing an organization or a person other than yourself:  Yes  No  
(If you answered "no," STOP; you need not complete the rest of this form. If you answered "yes," go on to the next questions.)

Name, address and telephone number of each person or organization you are representing:  
McKenzie 300 Corp Developer

Are you being paid for your representation?  Yes  No

Are you appearing as part of your other paid duties for this person or organization?  
(If you answered "no" to both these questions, STOP. You need not complete the rest of this form. If you answered "yes," please continue.)  Yes  No

Are you an elected official or employee who is appearing solely on behalf of your office or for your municipality or other governmental body?  
(If you answered "yes" to the question, STOP. You need not complete the rest of this form except that you must sign this form. If you answered "no" to the question, go on to the next questions.)  Yes  No

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Date 12/3/12 Signature [Signature]

## PLAN COMMISSION PUBLIC HEARING GENERAL INFORMATION (Public Hearings normally begin at 6:00 p.m. or shortly thereafter)

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# PLAN COMMISSION REGISTRATION FORM

AGENDA ITEM NO. 28467 SUBJECT/ADDRESS/TOPIC CSM MCKENZIE

YOUR NAME ~~ARIS~~ ARIS GIALANAS DATE 12-3-2012

YOUR ADDRESS 817 Silver Sage trail

Please check the appropriate boxes:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Support                       | <input type="checkbox"/> Oppose                        | <input type="checkbox"/> Neither Support Nor Oppose    |
| <input type="checkbox"/> Wish to speak (3 min. limit)             | <input type="checkbox"/> Wish to speak (3 min. limit)  | <input type="checkbox"/> Wish to speak (3 min. limit)  |
| <input type="checkbox"/> Do not wish to speak                     | <input type="checkbox"/> Do not wish to speak          | <input type="checkbox"/> Do not wish to speak          |
| <input checked="" type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions |

At this meeting are you representing an organization or a person other than yourself:  Yes  No  
(If you answered "no," STOP; you need not complete the rest of this form. If you answered "yes," go on to the next questions.)

Name, address and telephone number of each person or organization you are representing:

\_\_\_\_\_

Are you being paid for your representation?  Yes  No

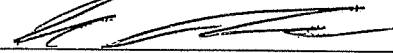
Are you appearing as part of your other paid duties for this person or organization?  
(If you answered "no" to both these questions, STOP. You need not complete the rest of this form. If you answered "yes," please continue.)  Yes  No

Are you an elected official or employee who is appearing solely on behalf of your office or for your municipality or other governmental body?  
(If you answered "yes" to the question, STOP. You need not complete the rest of this form except that you must sign this form. If you answered "no" to the question, go on to the next questions.)  Yes  No

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Date 12/03/12 Signature 

## PLAN COMMISSION PUBLIC HEARING GENERAL INFORMATION (Public Hearings normally begin at 6:00 p.m. or shortly thereafter)

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# PLAN COMMISSION REGISTRATION FORM

CURRICULAR VACATION

AGENDA ITEM NO. 28467 SUBJECT/ADDRESS/TOPIC CSM McKENNA

YOUR NAME Paul Berns DATE 12-3-2012

YOUR ADDRESS 9906 Falten Leaf Dr. Middleton, WI 53562

Please check the appropriate boxes:

Support

Oppose

Neither Support Nor Oppose

Wish to speak (3 min. limit)

Wish to speak (3 min. limit)

Wish to speak (3 min. limit)

Do not wish to speak

Do not wish to speak

Do not wish to speak

Available to answer questions

Available to answer questions

Available to answer questions

At this meeting are you representing an organization or a person other than yourself:  Yes  No

(If you answered "no," STOP; you need not complete the rest of this form. If you answered "yes," go on to the next questions.)

Name, address and telephone number of each person or organization you are representing:

Are you being paid for your representation?

Yes

No

Are you appearing as part of your other paid duties for this person or organization?

Yes

No

(If you answered "no" to both these questions, STOP. You need not complete the rest of this form. If you answered "yes," please continue.)

Are you an elected official or employee who is appearing solely on behalf of your office or for your municipality or other governmental body?

Yes

No

(If you answered "yes" to the question, STOP. You need not complete the rest of this form except that you must sign this form. If you answered "no" to the question, go on to the next questions.)

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Date 12/3/2012

Signature Paul Berns

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# PLAN COMMISSION REGISTRATION FORM

AGENDA ITEM NO. 28467 SUBJECT/ADDRESS/TOPIC McKenzie Corp  
 YOUR NAME Beth An Schultz DATE 12-3-12  
 YOUR ADDRESS 1102 Windingway, Middleton, WI 53562

Please check the appropriate boxes:

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Support              | <input type="checkbox"/> Oppose                        | <input type="checkbox"/> Neither Support Nor Oppose    |
| <input type="checkbox"/> Wish to speak (3 min. limit)    | <input type="checkbox"/> Wish to speak (3 min. limit)  | <input type="checkbox"/> Wish to speak (3 min. limit)  |
| <input checked="" type="checkbox"/> Do not wish to speak | <input type="checkbox"/> Do not wish to speak          | <input type="checkbox"/> Do not wish to speak          |
| <input type="checkbox"/> Available to answer questions   | <input type="checkbox"/> Available to answer questions | <input type="checkbox"/> Available to answer questions |

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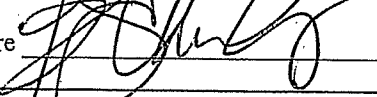
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