



Department of Planning & Community & Economic Development
Planning Division

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November 12, 2010

Al Kaukl
Badger Surveying & Mapping Service, LLC
525 W. Prairie Street
Columbus, Wisconsin 53925

RE: File No. LD 1023 – Certified survey map – 1634 Baker Avenue (Day)

Dear Mr. Kaukl:

The one-lot certified survey combining your client's property located at 1634 Baker Avenue, Section 16, Township 7N, Range 9, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned R2 (Single-Family Residence District). The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

Please contact my office if you have questions about the following item:

1. The configuration of the proposed lot deviates from current City parcel records. It appears that the northwestern portion of proposed Lot 12 (1634 Baker Avenue) is comprised of lands (Lots 25 and 26, Mendota Beach Heights) the City shows as being part of the adjacent parcel at 1626 Baker Avenue, which is owned by the applicants for this CSM, Richard & Barbara Day. MGO Section 16.23(3)(f)3 allows for the "sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the Zoning Code, or other applicable laws or ordinances." The City has interpreted this provision to apply to *separate* ownership entities. In this case, the subject properties are generally listed under the same ownership entity, which the Planning Division has determined disallows the application of this exemption for this CSM.

In order to correct this situation, the applicant has two means of recourse:

- The CSM may be amended to a **two**-lot survey that re-divides 1626 and 1634 Baker Avenue to reflect the desired inclusion of Lots 25 and 26, Mendota Beach Heights and the adjacent portion of vacated Adelia Street right of way (being part of 1626 Baker) with Lots 21 and 22, Mendota Beach Heights and the adjacent portion of vacated right of way that currently comprises 1634 Baker. The revised CSM will require submittal of an amended Subdivision Application to reflect the additional lot, which City staff will need to review prior to approval and recording, or
- The existing one-lot CSM may remain unaltered only if a lot line adjustment meeting the exemption provisions in MGO 16.23(3)(f)3 is properly completed. Such a lot line adjustment would require the deeding of one of the affected parcels to a separate ownership entity followed by the conveyance of Lots 25 and 26, Mendota Beach Heights and the adjacent portion of vacated Adelia Street right of way to the new separate ownership of Lots 21 and 22, Mendota Beach Heights and the adjacent portion of vacated right of way. The second deed transferring Lots 25 and 26 to the new owner of Lots 21 and 22 should note that the

purpose of the transfer is for the purposes of combining Lots 25 and 26 with Lots 21 and 22 and the associated vacated right of way. The applicant would be require to revise the one-lot CSM and supporting report of title to reflect the new ownership of the CSM lot and the deeds of conveyance outlined in this section.

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following eight (8) conditions:

2. Revise the CSM to show the existing "Public Sanitary Sewer Easement" retained and created by the Adelia Street Vacation Resolution per Document No. 1833897. Revise the CSM to include the surveyed location of the existing sanitary facilities and dimension the 20-foot wide easement centered on the same. Include easement location dimensions relative to the property lines in accordance with Wis. Stats.236.34(1)(c) and ss.236.20(2)(c)&(f).
3. City Engineering anticipates either a two-lot CSM application to the City by the applicant OR additional property sales prior to approval and recording of this one-lot CSM. If a two-lot CSM application is made, that CSM shall create a joint driveway easement benefitting both lots. If the one-lot CSM application is the preferred option, a separate joint driveway easement document benefitting both properties shall be prepared and recorded prior to the CSM, with the recording information for that easement reflected on the final CSM.
4. It appears that the "Lot 12" reference on the CSM is a typographical error. Please correct accordingly on final CSM.
5. A minimum of two working days prior to requesting City Engineering Division signoff on the CSM, 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 land division (and subsequent obsolesces of the existing parcel).
6. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering Division sign-off unless otherwise collected with a Developer's/ Subdivision Contract. Please contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
7. 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 Division. 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.
8. In accordance with Section s.236.34(1)(c), which says a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements that are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.

9. 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. Electronic mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions about the following note:

10. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

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 to you by fax or e-mail. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division was approved by the Common Council on November 9, 2010.

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.

Upon acceptance and recording of the certified survey map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in two years from the date of the approving resolution.** If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Maureen Richards, City Assessor's Office
Jeff Ekola, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations