



Department of Planning & Community & Economic Development

Planning Division

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August 28, 2014

Adam Gross
Snyder & Associates, Inc.
5010 Voges Road
Madison, Wisconsin 53718

RE: File No. LD 1427 – Certified Survey Map – 3757 Marsh Road (Fallen Oak, LLC)

Dear Mr. Gross;

The two-lot certified survey of property located at 3757 Marsh Road, Section 26, Township 7N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is zoned IL (Industrial–Limited District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following fourteen (14) items:

1. Provide the floodplain 1% chance elevation and graphic representation of its location and provide a description of the benchmark and datum (NAVD 1988) utilized for the floodplain delineation on the Certified Survey Map (CSM) for reference.
2. Place a restriction on the face of the CSM restricting Lot 1 and Outlot 1 to have the same identical ownership. **Outlot 1 and Lot 1 shall be prohibited from being conveyed separately to different owners.**
3. The applicant shall be aware that the public easement for drainage purposes noted on the CSM restricts driveways from being installed within the easement areas. The proposed site plan has a driveway that will encroach into this easement. Revise Note 1 as follows: “This CSM is subject to public easements for drainage purposes which shall be a minimum of twelve (12) feet in width along 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.”
4. Add a note that per Document No. 3661189 this CSM shall comply with MGO Sec. 16.23(3)(d) – Highway Noise Land Use Provisions.

5. Provide a dimension from the south Lot line to the north line of the MMSD Easement per Document No. 1184159. Document No. 1184158 does not encumber this CSM. It does not include lands within the SW 1/4 of the NW 1/4 of Section 26-7-10.
6. Add the subsoil note from the plat of Marsh Road Industrial Subdivision to the CSM.
7. Provide the City of Madison record coordinates for the section corners noted on the CSM.
8. Fallen Oak, LLC is the current owner of the lands within this CSM. Modify the Owner's Certificate of Dedication as required.
9. Modify the Consent of Corporate Mortgagee Certificate to include McFarland State Bank as noted in the title report.
10. The total platted area does not match the sum of the areas shown for Lot 1 and Outlot 1. Modify the areas as necessary.
11. The width of Marsh Road shall be noted.
12. Add language that the survey is in compliance with the City's Land Subdivision Regulations to the Surveyor's Certificate.
13. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or 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. Note: Land tie to two PLS corners required.
14. 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 which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.

Please contact Matt Tucker, Zoning Administrator, at 266-4569 if you have any questions regarding the following two (2) items:

15. A significant portion of this property appears to be located within the current regulatory floodplain area, as shown on the City's official floodplain maps. Prior to any building or site grading permit issuance, all floodplain zoning-related requirements must be satisfied.
16. Show the boundaries of the mapped floodplain on the subject property or provide approval from the Federal Emergency Management Agency that the limits of the floodplain have been modified and how that affects the lot.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

17. Note: All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility per MGO Sec. 13.21.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following five (5) items:

18. Prior to requesting final sign-off, executed signature block certifications shall be included for all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The owner's name shall be added to the certificate to reflect ownership reported in the most recent title report. Please inform City staff if future conveyance of the property shall occur prior to final CSM signoff.

19. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off. Include the mortgagee's name in the certificate.

20. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to CSM recording. As of August 12, 2014, the 2013 real estate taxes are paid for the subject property and there are no special assessments owed.

21. Prior to final CSM sign-off, please verify with Janet Schmidt of the City Engineering Division (261-9688) or Sharon Pounders at the Water Utility (266-4641) that stormwater management fees are paid in full.

22. Revise the CSM prior to final sign-off as follows:

- a.) Reconcile the depiction of the MMSD easements on the proposed CSM with the depiction of said easements on the prior plat and prior recorded easement Document Nos. 1184158 and 1184159. Label all easement leaders separately by document number.
- b.) Consider adding a separate detail area depicting the easement areas along the southerly property line.
- c.) Carry over all applicable notes from the prior plat or CSM.
- d.) Depict and label the restricted access along Marsh Road, per the prior plat.
- e.) Define the purpose and ownership (whether public or private) of all Outlots dedicated to the public with a label that states "Dedicated to the public for _____ purposes."

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 is scheduled for review by the Common Council on September 2, 2014.

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 jrquamme@cityofmadison.com.

The owner shall furnish to the Office of Real Estate Services and the survey firm preparing the CSM an updated title report covering the period between the date of the initial title report and the date when final signoff is requested. The surveyor shall update the CSM with the most recent information reported in the title update.

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 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: Janet Schmidt, City Engineering Division
Dennis Cawley, Madison Water Utility
Matt Tucker, Zoning Administrator
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations