



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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Madison, Wisconsin 53703
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****BY E-MAIL ONLY****

February 1, 2023

Amended: January 26, 2024

Amended: February 6, 2024

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

RE: LNDCSM-2022-00042; ID 73801 – Certified Survey Map – 4205 Portage Road (Nick Patterson, T. Wall Enterprises Development, LLC)

Dear Mike;

At its January 23, 2023 meeting, the Plan Commission found the standards met and **approved** the four-lot Certified Survey Map of property located at 4205 Portage Road subject to conditions. 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 at its February 7, 2023 meeting. The conditions of approval in the original letter dated February 1, 2023 shall be satisfied, the 2023 CSM signed by the City and recorded with the Dane County Register of Deeds by February 7, 2024 in accordance with Wis. Stats. Section 236.34(2).

In the event that the four-lot CSM is not approved per the above, the CSM is hereby re-approved subject to the following amended conditions of approval from reviewing agencies, which shall be satisfied prior to final approval and recording of the CSM. A resolution approving the CSM subject to the following conditions will be reviewed by the Common Council at its February 13, 2024 meeting. [For clarity, the notable revised conditions are indicated in **bold** type.]

Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following ten (10) items:

- 1. Remove the multi-purpose path and easement along the northern and eastern limits of the CSM.**
2. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com).
3. The CSM shall be revised to provide an outlot to treat stormwater from future West Creekwood Lane.

4. Enter into a City / Developer agreement for 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.
5. Construct Madison standard street, multi-use path, and/ or sidewalk improvements for all streets within the CSM according to a plan approved by City Engineer.
6. Construct sidewalk, terrace, and up to 10 feet of pavement along Portage Road to a plan approved by the City Engineer. Construct pavement and utility patching as required by the City Engineer.
7. Make improvements to Portage Road in order to facilitate ingress and egress to the development as required by the City Traffic Engineer.
8. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
9. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Portage Ave. Interceptor District \$13.30/1000 square feet (2022 rate) and the Portage Ave Interceptor Section 22 (rate \$81.36/1000 square feet of lot area)(2022 rate)
10. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

Please contact Julius Smith of the City Engineering Division–Mapping Section at (608) 264-9276 if you have questions regarding the following fourteen (14) items:

~~Revise internal land divisions to provide an outlet to be dedicated to the public for stormwater management purposes. The size and location of the outlet shall be approved by City Engineering.~~

11. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering–Mapping (jsmith4@cityofmadison.com, 608-264 9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. Prepare exhibit and description to release the remainder the PLE for public street along Di Loreto Avenue.

12. The street name of West Creekwood Lane is not acceptable. Provide an alternative street name suggestion to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.
13. Remove the call for temporary public access easement and show a temporary limited easement for a temporary cul-de-sac on West Creekwood Lane. The easement text shall be as follows: "Temporary Limited Easement benefitting the City of Madison for temporary turnaround improvement purposes. Said Easement shall terminate upon the extension of West Creekwood Lane north of this CSM along with the removal of the public temporary turnaround improvements within the easement area." Also note that this easement overlaps the Public Sidewalk Bike Path Easement.
14. 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 monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).
15. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
16. Add the following note to the CSM: "All buildings and outdoor Recreational areas shall comply with MGO Chapter 16.23(3)(d)-Highway Noise Land Use Provisions policies and ordinance."
17. Provide 15-foot radius intersection curves at both corners of DiLoreto Avenue and West Creekwood Lane or as required by City engineering and Traffic Engineering.

~~**The final location and size of public bike path easement to be confirmed by City Engineering and Traffic Engineering.**~~
18. The final location and size of public right of way dedication along Di Loreto Avenue shall be confirmed by City Engineering and Traffic Engineering.
19. The final location and size of temporary limited easement for the temporary cul-de-sac of West Creekwood Lane to be confirmed by City Engineering and Traffic Engineering.
20. The final location and size of any public water easements shall be confirmed by Madison Water Utility.
21. Provide draft of private access and private sanitary sewer easement agreement language prior to sign-off.
22. Change notes calling out access sewer and water easements to read: "Angled hatching depicts limits of Private Access and Private Sanitary Sewer Easement, and it also depicts limits of a coincidental Public Water Main Easement. See notes for additional information regarding use of this easement."

23. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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.

24. 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 five (5) items:

25. The applicant shall dedicate an additional 22 feet of right of way for Di Loreto Avenue for a total of 69 feet to allow for a minimum six-foot terrace, eight-foot sidewalk and one additional foot for maintenance.

26. The applicant shall work with the Traffic Engineering Division to dedicate right of way for the Di Loreto Avenue cul-de-sac to allow for a minimum three-foot terrace, five-foot sidewalk and one additional foot for maintenance.

27. The applicant shall construct Portage Road improvements according to plan approved by the City Engineer.

28. The applicant shall construct DiLoreto Avenue improvements according to plan approved by the City Engineer.

29. The applicant shall dedicate and construct proposed north-south street (West Creekwood Lane) according to plan approved by the City Engineer.

Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following three (3) items:

30. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 20045.1 when contacting Parks Division staff about this project.

31. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
32. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees. The Parks Division shall be required to sign off on this CSM.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following item:

33. There is no need for a public water main easement within the site as all the water main, services and appurtenances located within the property will be considered private.

Please contact Lance Vest of the Office of Real Estate Services at (608) 245-5794 if you have any questions regarding the following five (5) items:

34. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) 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). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
35. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
36. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
37. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.
38. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Lance Vest (lvest@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 (August 1, 2022) 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. 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.

Please contact my office at (608) 261-9632 if you have questions about the following item:

39. The following note shall be placed on the CSM: "The lots of this land division may experience noise at levels exceeding the levels in Wisconsin Administrative Code Trans 405.04, Table I. These levels are based on federal standards. The Wisconsin Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."

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 construct new buildings on the subject site. A letter with the conditions of approval for the related development of the site was sent separately.

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.

The applicant may appeal a condition of approval on this administrative CSM re-approval to the Plan Commission as outlined in MGO Section 16.23(4)(f)7. Afterward, any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the final decision on this application. **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 tparks@cityofmadison.com.

Sincerely,



Timothy M. Parks
Planner

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cc: Brenda Stanley, City Engineering Division
Chris Petykowski, City Engineering Division
Julius Smith, City Engineering Division—Mapping Section
Sean Malloy, Traffic Engineering Division
Kathleen Kane, Parks Division
Jeff Belshaw, Madison Water Utility
Lance Vest, Office of Real Estate Services