



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

February 14, 2023

Mark Pynnonen
Birrenkott Surveying, Inc.
1677 N Bristol Street
Sun Prairie, Wisconsin 53590

RE: Approval of a Certified Survey Map (CSM) to divide 0711-311-8000-1 in the Town of Cottage Grove (adjacent to 2862 Siggelkow Road) in the Town of Cottage Grove into one residential lot and lot for farmland preservation, in the City of Madison's Extraterritorial Jurisdiction (Don Viney, Viney Acres, LLC) (LNDCSM-2023-00001; ID 75401).

Dear Mark;

The City of Madison Plan Commission, meeting in regular session on February 13, 2023, **conditionally approved** the above-referenced extraterritorial Certified Survey Map subject to the conditions of approval from reviewing agencies in the following sections, which shall be satisfied before final City approval and recording:

Please contact Julius Smith of the City Engineering Division—Mapping Section at (608) 264-9276 if you have questions regarding the following seven (7) conditions:

1. Provide 60-year title report per CSM application requirements. Some support documents were provided; however no actual report was provided. Edits for additional new documents found from the title report may have to be made, if any.
2. A note shall be added under all of the street names labeled and to be dedicated on the CSM, "Dedicated to the Public" as required by ss 236.20(4)(b); the current note is missing "quotes".
3. 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 Jeff Quamme (jrquamme@cityofmadison.com), City Engineering.
4. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Julius Smith, City Engineering (jsmith4@cityofmadison.com), for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.

5. Show right-of-way widths of Siggelkow Road at all points of change per ss 236.20(2)(f): at northeast corner of the section, easterly line of Lot 1, and both ends of new dedication.
6. Confirm sheet numbering; as presented, it goes 1, 3, 2.
7. The applicant shall submit to Julius Smith, 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 that occur subsequent to any submittal.

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

8. Note: The subject parcels are located beyond Madison Water Utility's existing service area. Note that future annexation to the City may require connection to the City water system, if/when water service becomes available per MGO Section 13.07.

Please Melissa Hermann of the City's Office of Real Estate Services at mhermann@cityofmadison.com if you have questions regarding the following nine (9) conditions:

9. 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.
10. 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).
11. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
12. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language "...surveyed, divided, mapped and dedicated..."

13. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
14. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
15. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Melissa Hermann (mhermann@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
16. The owner shall email the document number of the recorded CSM to Melissa Hermann in the City's Office of Real Estate Services as soon as the recording information is available.
17. The following revisions shall be made to the CSM prior to final approval and recording:
 - a) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
 - b) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
 - c) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
 - d) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
 - e) Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
 - f) If all parties of interest agree that certain easements from prior plats or CSMs of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.
 - g) Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.
 - h) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."

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

18. The subdivider shall record a deed restriction prohibiting non-farm development over proposed Lot 1 of the Certified Survey Map in a form acceptable to the City of Madison Planning Division, Dane County, and Town of Cottage Grove. Modification or release of the deed restriction shall require written approval by the City's Plan Commission, its Secretary, or their designee.

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

Note: This property is currently outside the Madison Water Utility service area. Note that future attachment to the City may require connection to the City water system, if/when water service becomes available per MGO Section 13.07.

In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail PDFs of 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 all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

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

Sincerely,



Timothy M. Parks
Planner

cc: Julius Smith, City Engineering Division – Mapping Section
Jeff Belshaw, Madison Water Utility
Melissa Hermann, Office of Real Estate Services