



Department of Planning & Community & Economic Development  
**Planning Division**

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April 13, 2012

Paul Spetz  
Isthmus Surveying, LLC  
450 N. Baldwin Street  
Madison, Wisconsin 53703

RE: File No. LD 1204 – Certified Survey Map – 754 E. Washington Avenue & 741 E. Mifflin Street  
(Gebhardt/ Gosch)

Dear Mr. Spetz;

The one-lot certified survey combining property located at 754 E. Washington Avenue & 741 E. Mifflin Street, Section 13, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is currently zoned C3 (Highway Commercial District) and is proposed to be rezoned PUD-GDP-SIP.

The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following five (5) conditions:**

1. The applicant shall dedicate a public sidewalk easement and/or fee title right of way along E. Washington Avenue as determined by the City Engineer and City Traffic Engineer. Site plans shall designate this sidewalk as a Type I public sidewalk. The following easement language shall be added to the Certified Survey Map:

**Public Sidewalk Easement:**

**Creation of Easement Rights:** A permanent easement over, across and within the Easement Area is established, memorialized, reserved by, granted, conveyed, transferred and assigned to the City of Madison for the uses and purposes hereinafter set forth. The Easement Area may be used by the City of Madison for public sidewalk purposes. City of Madison and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the public sidewalk within the Easement Area. City of Madison shall have the further right of ingress and egress to and from the Easement Area in order to exercise its rights and privileges hereunder, and to cut and remove trees, vegetation and other impediments in the Easement Area which may obstruct or interfere with the actual or potential use of the Easement Area for the foregoing purposes.

**Property Restoration:** The City of Madison shall repair any damage caused to the Easement Area and/or the Property as a result of the use of the Easement Area by or on behalf of the City of Madison as provided herein. Following completion of any excavation

work, City of Madison shall promptly restore the area affected by the work to the original grade and vegetation or surface condition, including repair or replacement of fences, pavement and concrete.

**Limitations on Use of Easement Area:** The owner of the Property shall have the right to use the Easement Area for any purpose, provided such use shall not interfere with the easement rights of the City of Madison hereunder. No buildings or structures or fences unrelated to the public use shall be constructed in and no grade change shall be made to the Easement Area without the written consent of the City of Madison's Engineering Division City Engineer.

**Binding Effect:** This Easement shall run with the land described herein and shall be binding upon the owners of the Property, and their successors in interest.

**Release of Rights to Easements Created by Plat:** Any release of rights that were placed on platted land which was required by a public body or which names a public body or public utility as grantee shall be released by recording a separate easement release document with the Dane County Register of Deeds in accordance with ss236.293.

2. The developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this CSM. 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.
3. A minimum of 2 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).
4. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
5. 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.

**Please contact Bryan Walker of the Traffic Engineering Division at 267-8754 if you have questions about the following two (2) items:**

6. The applicant shall note of the face of the Certified Survey Map the public easement for sidewalk along E. Washington Avenue on private property. This easement is necessary to allow for the

proper amount of terrace area between the sidewalk and street, as well as, create enough space for a left turn lane from E. Washington Avenue onto Livingston Street as requested by the developer.

7. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

**Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have questions about the following two (2) items:**

8. Lands in this CSM are included in City of Madison Wellhead Protection District WP-24. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with MGO 13.22 and 28.107.
9. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO Section 13.21. All unused private wells shall be abandoned in accordance with MGO section 13.21.

**Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following three (3) items:**

10. Prior to requesting sign-off by the City's Office of Real Estate Services, the owner shall include and have fully executed the signature block certifications for all parties of interest, pursuant to Madison City Ordinance Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title and narrative of each certificate shall be prepared consistent with the interest involved and consistent with the most updated title report (refer to No. 6 below), e.g. ownership (sole proprietorship, corporate, Limited Liability Company, limited liability partnership, etc.) mortgage, tenancy, public body, etc. The title report shows the following parties have an ownership interest of record in the property and shall be signatories on the Owner's Certificate:

→ City of Madison

11. If there have been any changes to the two affected tax parcels since the title report dated December 29, 2011 (namely, ownership change from the City to Gebhardt Development, LLC), please furnish to the City's Office of Real Estate Services, as well as the survey firm preparing the proposed CSM, an updated title report covering the period between the date of the initial title report and the date when sign off and recording is requested. Surveyor shall update the CSM with the most recent information reported in the title update.
12. The following CSM revisions shall be made:
  - a.) Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated interim report. This includes, but is not limited to an underground electric easement, recorded as Document Number 1994731.
  - b.) Please the following as a Note on the CSM: This CSM is subject to conditions in a resolution recorded on February 20, 2012 as Document Number 4844375.
  - c.) Identify, depict and provide a certificate of consent for any tenancy in excess of one year. Said tenancy shall be made evident in record title and the document number shall also be cited on the proposed CSM. A copy of the recorded document giving evidence of the tenancy shall be included with and/or made part of the required title report.

- d.) Create and record, or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.

**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 approval by the Common Council on April 17, 2012.**

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 [epederson@cityofmadison.com](mailto:epederson@cityofmadison.com).

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 or this letter, whichever is later.** 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  
Bryan Walker, Traffic Engineering Division  
Dennis Cawley, Madison Water Utility  
Jennifer Frese, Office of Real Estate Services  
Dan Everson, Dane County Land Records and Regulations