



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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

January 13, 2022

Bryan Stueck
Birrenkott Surveying, Inc.
1677 N Bristol Street
Sun Prairie, Wisconsin 53590

RE: Approval of a Certified Survey Map (CSM) to re-divide three parcels into two lots from land addressed as 3440 CTH N and 3475 North Star Road, Town of Cottage Grove, in the City of Madison's Extraterritorial Jurisdiction (LNDCSM-2021-00041; ID 68443).

Dear Bryan;

The City of Madison Plan Commission, meeting in regular session on January 10, 2022, **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 my office at (608) 261-9632 if you have questions about the following condition:

1. Revise the CSM to reflect the improvements located on proposed Lot 2 (Lot 1, CSM 15099), including the warehouse and open-air storage yard.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have questions regarding the following six (6) conditions:

2. 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.
3. Include reference to previously recorded bearing (S00°47'38"W) for the west right of way line of North Star Road per prior Birrenkott CSM 15099. Include all other existing recorded and measured bearings (i.e. prior recorded bearings along the south line of Lot 1, CSM 15099) in previous title/land records/CSM/subdivision plats.
4. Correct what appears to be typographical error in 12900.00 feet call in the legal description on sheet 2 of 4 to indicate the correct distance of 1290.00 feet.

5. Remove Natalie Erdman from City of Madison Approval Certificate (found on sheet 4 of 4) as she is former Plan Commission Secretary. Include reference to current secretary, Matthew Wachter.
6. Update road name spelling to N. Star Road. North is a prefix and shall be abbreviated.
7. 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 Andy Miller of the City's Office of Real Estate Services at 261-9983 if you have questions regarding the following eleven (11) conditions:

8. Signature block certifications 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 at the time of execution. The title of each certificate shall be consistent with the ownership interest 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.
9. If applicable, a certificate of consent for all mortgagees shall be included following the Owner's Certificate and executed prior to CSM approval sign-off.
10. 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..."
11. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest include a Certificate of Consent for the option holder.
12. 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.
13. In the City of Madison Approval Certificate on Sheet 4, update the Secretary of the Plan Commission to Matthew Wachter.
14. As of December 30, 2021, the 2021 real estate taxes are not paid for the subject property. Per 236.21(3) Wis. Stats., 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.

15. As of December 30, 2021, "specials" are included in the real estate taxes currently due. 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 prior to CSM sign-off.
16. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Andy Miller in City's Office of Real Estate Services (acmiller@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 (September 17 and 20, 2021) 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.
17. The owner shall email the document number of the recorded CSM to Andy Miller in the City's Office of Real Estate Services as soon as the recording information is available.
18. The following revisions shall be made to the CSM prior to final approval and recording:
 - a) Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record.
 - 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.

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

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.

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Once all of the necessary City signatures have been affixed to the Certified Survey Map electronically, the instrument will be returned electronically to the applicant by the Planning Division for printing and recording at the Dane County Register of Deeds Office. In lieu of an electronic signature on the CSM, the applicant may arrange a time to have the CSM signed by the secretary or designee following current safety protocols.

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 you 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: Brent Conwell, Capitol Underground
Jeff Quamme, City Engineering Division – Mapping Section
Andy Miller, Office of Real Estate Services