



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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September 5, 2023

Zachary Reynolds  
Wyser Engineering, LLC  
300 E Front Street  
Mount Horeb, Wisconsin 53572

RE: LNDCSM-2023-00021; Legistar ID [79048](#) – Certified Survey Map – 925-995 Applegate Road (Duggan Land Interests II, LLC)

Dear Zachary;

Your client's one-lot certified survey of property located at 925-995 Applegate Road, Section 35, Township 07N, Range 09E, 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 Timothy Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following four (4) items:**

1. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
2. Construct sidewalk, terrace, curb & gutter and pavement as needed to a plan as approved by City Engineer
3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering 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. (MGO 16.23(9)(d)(4))
4. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto: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). (POLICY)

**Please contact Jule Smith of the City Engineering Division–Mapping Section, at (608) 264-9276 if you have questions regarding the following twelve (12) items:**

5. Grant a Public Sidewalk to the City on the face of this Certified Survey Map for expanded terraces. The location and width of this easement shall be approved by City Engineering and Traffic Engineering. Contact Jule Smith with Engineering Mapping ([Jsmith4@cityofmadison.com](mailto:Jsmith4@cityofmadison.com)) for final easement language to be included on the face of the map.
6. Consider entering into an agreement for the encroachments shown along the easterly line of the Parcel.
7. Consider granting the replacement cross access easement via separate document after the CSM has been recorded or include declaration of the easement to be recorded Via the CSM listing its terms and conditions. Whichever method is determined it drafts of either shall be supplied prior to sign off and recorded immediately after CSM is recorded.
8. Provide 60 year report of title per MGO and Application requirements. Title work provided was a title commitment for insurance. Note: further comments may be needed as proper title search is provided.
9. 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 Jule Smith, City Engineering ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com))
10. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison. Show Coordinates to City control. City (Sandsnes) Tie Sheet Coordinates
11. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith ([jsmith4@cityofmadison.com](mailto: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.
12. Call out the R/L of the Highway Via the R/W plat and show the 100' to Applegate.
13. Note size of iron pipe found on south side of lot 20 and 21
14. Revise note on sheet 2 of 6 about document 3263758 to reference sheet 3 of 6 not 3 of 5
15. Remove proposed conditions from the CSM on Sheet 3 of 6.

16. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
  - a) Right-of-Way lines (public and private)
  - b) Lot lines
  - c) Lot numbers
  - d) Lot/Plat dimensions
  - e) Street names
  - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

**Please contact Sean Malloy of Traffic Engineering at (608) 266-5987 if you have questions regarding the following item:**

17. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Applegate Road.

**Please contact Heidi Radlinger of the Office of Real Estate Services at (608) 266-6558 if you have any questions regarding the following nine (9) items:**

18. 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). The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

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.

19. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgages/vendors shall be included following the Owner's Certificate(s).
20. 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.

21. 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).
22. 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.
23. 2022 real estate taxes are paid for the subject properties.

Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, 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.

24. As of the date of this letter there are no special assessments reported on either parcel. 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 Madison General Ordinance Section 16.23(5)(g)1.
25. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Heidi Radlinger 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. 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.

26. The owner shall email the document number of the recorded CSM to ORES via email to Heidi Radlinger when the recording information is available.

**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 will be reviewed by the Common Council at its September 5, 2023 meeting.**

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 (digitally), the Planning Division will email the signed digital copy to

the City Clerk's Office and inform them that the Common Council certificate may be executed. They will digitally sign to and email it to the applicant. At that point, the instrument may be printed out on the necessary card stock and recorded 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 [cwells@cityofmadison.com](mailto:cwells@cityofmadison.com) or (608) 261-9135.

Sincerely,



Chris Wells  
Planner

cc: Timothy Troester, City Engineering Division  
Jule Smith, City Engineering Division–Mapping Section  
Sean Malloy, Traffic Engineering  
Heidi Radlinger, Office of Real Estate Services