PLANNING DIVISION STAFF REPORT

November 27, 2023

PREPARED FOR THE PLAN COMMISSION

Project Address:	**7501-7625 Luds Lane and 8603-8901 & 8902 Femrite Drive**
Application Type:	Zoning Map Amendment and Certified Survey Map (CSM) Referral
Legistar File ID #	80638 and 80235
Prepared By:	Timothy M. Parks, Planning Division Report includes comments from other City agencies, as noted

Summary

Applicant& Property Owner: Dane County Dept. of Public Works; 1919 Alliant Energy Center Way: Madison.

Contact Person: Matt Bickel, Wold Architects and Engineers; 220 N Smith Street, Suite 310; Palatine, Illinois.

Surveyor: Brett Karns, JSD Professional Services, Inc.; 507 W Verona Avenue; Verona.

Requested Actions:

- ID 80638 – Consideration of a request to rezone 7501-7625 Luds Lane and 8603-8901 and 8902 Femrite Drive from Temporary A (Agricultural District) to SE (Suburban Employment District) and [Permanent] A zoning; and
- ID 80003 – Consideration of a Certified Survey Map (CSM) of 8603-8901 Femrite Drive to create one lot in SE zoning and one lot/outlot in A zoning.

Proposal Summary: Dane County is requesting that approximately 26.44 acres of land recently annexed from the Town of Cottage Grove be zoned SE to provide permanent zoning for the Dane County Medical Examiner's Office and Dane County Public Works, Highway and Transportation Department East District Campus highway maintenance facility located on the south side of Luds Lane at CTH AB. The land to be zoned SE will include a lot to be created by the related CSM, which Dane County proposes to develop with a new emergency communications facility. The remaining approximately 175.6 acres of land will be zoned A (i.e. the 'Temporary' designation will be removed). The proposed CSM will also create a lot or outlot for future development in A zoning and dedicate right of way for a new east-west public street that will extend between Luds Lane and Femrite Drive.

The CSM will be recorded as soon as all regulatory approvals have been granted. Development of the emergency communications facility is scheduled to commence in 2024.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. The Medical Examiner's Office, highway facility, and proposed emergency communications facility are classified as 'public safety and service facilities' by the Zoning Code. Table 28-F1 in Section 28.082(1) of the Zoning Code identifies public safety and service facilities as a permitted use in all Employment zoning districts, including the proposed SE (Suburban Employment District) zoning.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. Ch. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken

within 90 days and no extension granted, the CSM is deemed approved. The application was accepted for review on October 2, 2023. Therefore, the 90-day review period for this CSM will end circa January 1, 2024.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00658 and ID 28.022–00659, rezoning 7501-7625 Luds Lane and 8603-8901 and 8902 Femrite Drive from Temporary A to Permanent A and SE, and the Certified Survey Map of 8603-8901 Femrite Drive to the Common Council with recommendations of **approval** subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 6 of this report.

Background Information

Parcel Location: The subject site is comprised of approximately 215 acres located on both sides of Femrite Drive, bounded on the north by Hope Road, and with CTH AB and Luds Lane forming a portion of the western boundary; Alder District 16 (Currie); McFarland School District and Monona Grove Area School District.

Existing Conditions and Land Use: The subject site includes undeveloped agricultural land, land developed with a County-owned 20 megawatt solar facility, the Dane County Medical Examiner's Office, and Dane County's Public Works, Highway and Transportation Department East District Campus highway maintenance facility, all zoned Temp. A (Agricultural District).

Surrounding Land Uses: The area to be rezoned is expansive and is generally surrounded on the north by single-family residences and agricultural land north of Hope Road in the Town of Cottage Grove, by undeveloped lands and Door Creek to the east in the Town, by Copart Auto and US Highways 12 and 18 to the south in the Town, and by Dane County's Rodefeld Landfill to the west across CTH AB in the City of Madison (zoned PD). The existing County facilities south of Luds Lane are surrounded by a personal indoor storage facility and single-family residence on the north side of Luds in the Town, while the solar facility is bounded by single-family residences, Hope Lutheran Church and cemetery located on the east side of CTH AB in the Town.

Adopted Land Use Plans: The 2018 Comprehensive Plan and 2017/2022 Yahara Hills Neighborhood Development Plan recommend the Medical Examiner's Office and highway facility for Special Institutional (SI). Most of the remaining subject lands are recommended for Employment (E), with the exception of the land closest to Door Creek, which is recommended for Park and Open Space (P).

Zoning Summary: Proposed Lot 1 will be zoned SE (Suburban Employment District):

	Required	Proposed
Lot Area (Sq. Ft.)	20,000 sq. ft. per lot	Proposed lot will exceed
Lot Width	65'	Will comply along Luds Lane
Front Yard Setback	0' or 5'	To be determined at permitting
Side Yard Setback	0' or 5'	To be determined at permitting
Rear Yard	30'	To be determined at permitting
Maximum Lot Coverage	75%	To be determined at permitting
Minimum Height	22', measured to cornice	To be determined at permitting
Maximum Building Height	5 stories/68'	To be determined at permitting

Other Critical Zoning Items	
Yes:	Utility Easements, Wetlands, Floodplain
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Parkland
	Prepared by: Planning and Zoning Staff

Environmental Corridor Status: Door Creek forms the easternmost edge of the subject property. The creek an associated area of wetlands to the west are located in a mapped environmental corridor. The floodway for Door Creek and adjacent floodplain are mapped over portions of proposed Lot 2.

Public Utilities and Services: Approximately half of the overall site is located in the Central Urban Service Area, and the Medical Examiner's Office, highway facility, and proposed emergency communications facility can be served by City of Madison water and sanitary sewer. Planning for urban services further to the east is ongoing and will need to be completed before additional development of that portion of the subject site may proceed. Metro Transit service does not serve the area of the City east of Interstate 39/90, including the subject site.

Previous Approvals

On January 3, 2023, the Common Council approved an ordinance to annex approximately 33.75 acres of land owned by Dane County located on the east side of CTH AB between Luds Lane and US Highways 12 and 18 to the City from the Town of Cottage Grove. The ordinance assigned Temp. A zoning to the annexed lands. The annexation took effect on January 9, 2023.

On August 1, 2023, the Common Council approved an ordinance to annex 182 acres of land owned by the County located on both sides of Femrite Drive south of Hope Road to the City from the Town of Cottage Grove. The ordinance assigned Temp. A zoning to the annexed lands. The annexation took effect on October 1, 2023.

Project Description

Dane County is requesting approval of permanent City of Madison zoning for approximately 215.75 acres of land recently annexed from the Town of Cottage Grove. The land to be permanently zoned is comprised of six parcels of varying size, which range in use from undeveloped agricultural land, to land developed with a County-owned 20 megawatt solar facility, to the parcels developed with the Dane County Medical Examiner's Office, and Dane County's Public Works, Highway and Transportation Department East District Campus highway maintenance facility. All of the land was assigned Temporary A–Agricultural zoning upon annexation.

Approximately 26.44 acres of the recently annexed land is proposed to be zoned SE (Suburban Employment District) to provide permanent zoning for the Dane County Medical Examiner's Office at 7501 Luds Lane and the highway maintenance facility located at 7625 Luds on the south side of Luds Lane east of CTH AB. Historically, Luds Lane extended as an east-west town road approximately 1,100 feet east from CTH AB before ending in a dead-end at the northeastern corner of the highway facility property. However, the Wisconsin Department of Transportation (WisDOT) recently extended Luds Lane to the south to provide access to Town of Cottage Grove properties that previously had access to US Highways 12 and 18. The access was removed by WisDOT as part of its recent conversion of the portion of the highway between Interstate 39/90 and Door Creek to a freeway, including the construction of a grade-separated interchange at CTH AB.

East of the new north-section of Luds Lane, Dane County is proposing to create a 6.35-acre lot by Certified Survey Map (CSM). Lot 1 will also be zoned SE with the current zoning request. The County has submitted preliminary plans for a one-story, 34,000 square-foot Dane County Public Safety Communications Center, which will occupy proposed Lot 1.

The remaining approximately 175.6 acres of County-owned land will be zoned A with the current rezoning request. The practical effect of the A zoning request is to remove the 'Temporary' designation from the 175.6 acres and to provide conforming zoning for the remainder of the recently annexed land, including the 20-megawatt solar facility, which occupies most of three parcels that abut Femrite Drive.

In addition to the lot to be developed with the new communications facility, the CSM will create an approximately 36.77-acre lot for future development in A zoning, which will extend between Lot 1 and Femrite Drive south of a new east-west 66-foot wide street right of way. The new street will provide access to future development envisioned for the County land and is consistent with a local street planned for this portion of the Yahara Hills Neighborhood Development Plan. It is anticipated that the new public street will be built in phases from west to east as the land on the south side of the street is developed.

As shown on Sheet 1 of the proposed CSM, the remaining land extending northerly from the new east-west street and Luds Lane to Femrite Drive will comprise approximately 78.77 acres of land. The Subdivision Regulations apply to the creation of lots and outlots under 40 acres in area from contiguous land owned by a subdivider. For remaining land in excess of 40 acres, the ordinance requires that the excluded lands be shown on the final CSM as a scaled map based on recorded information with perimeter dimensions.

Analysis & Conclusion

The 20-megawatt solar facility is characterized as an Electric Power Production Plant by the Zoning Code. An electric power production plant is defined as a facility "that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electric distribution system." Electric power production plants for which solar is the energy source are permitted uses in the A zoning district.

The Medical Examiner's Office, highway facility, and proposed emergency communications facility are classified as 'public safety and service facilities' by the Zoning Code. Public safety or service facilit[ies] are defined as "a government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services." The Zoning Code allows public safety and service facilities as a permitted use in all Employment zoning districts, including the proposed SE zoning district.

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

The subject site is located within the boundaries of the Yahara Hills Neighborhood Development Plan, which was adopted in 2017 and amended in 2022. The Yahara Hills plan designates most of the County-owned lands for future employment uses and development with the exception of the land developed with the Medical Examiner's Office and East District Campus highway maintenance facility, which is recommended for civic and institutional

uses, and the easternmost edge of the subject lands adjacent to Door Creek, which is recommended for open space and stormwater management. The recommended land uses in the neighborhood development plan are reflected on the 2018 Comprehensive Plan generalized future land use maps, which show the County lands as Employment (E), Special Institutional (SI), and Parks and Open Space (P), respectively.

The Planning Division believes that the standards for approval for zoning map amendments can be met with these requests. The SE zoning requested for the existing Medical Examiner and highway maintenance facilities and for the future emergency communications facility immediately to the east is an appropriate district to implement the civic/institutional and employment land uses recommended for this portion of the 215.75-acre overall site.

Meanwhile, staff feels that the rezoning the remainder of the land to the A–Agricultural district is appropriate at this time given that most of that land is improved with the existing County's solar electric production facility, which is anticipated to remain for the foreseeable future. Planning for urban services (water, sanitary sewer, etc.) for that portion of the site is also ongoing, which further supports zoning the site to the A district. As noted earlier in this report, zoning the property to A simply removes the 'Temporary' designation. Temporary zoning would not allow the proposed land division to proceed, so the rezoning of the 175.6 acres out of the 'Temporary' zoning classification assigned at the time of annexation allows for the land division to proceed while also providing conforming zoning for the solar facility. It is not intended that the 175.6 acres being zoned A with the current map amendment will be used in perpetuity only for uses in the A zoning district. Dane County staff have indicated that they envision that the land east of the new emergency communications facility on the south side of the new east-west street may be used in the future for other County uses, though no specific plans for those uses has been discussed recently.

At such time as additional uses for the A-zoned land come forward, subsequent land use applications will be submitted to the City for approval, which may include the creation of additional lots and/or the rezoning of some or all of the property to another zoning district. Those future applications will be reviewed for consistency with the adopted plans in effect at that time, as well as for how urban services will be provided for any additional development. In the meantime, staff feels that Agricultural zoning is an appropriate holding district until more details plans come forward.

Finally, staff believes that the proposed land division can meet the criteria for approval in the Subdivision Regulations. Dedication of the full length of the proposed east-west street and creation of the SE-zoned lot are consistent with the development recommendations in the Yahara Hills Neighborhood Development Plan. However, staff recommends that proposed Lot 2 instead be designated as an outlot for future development until that land is zoned to a district other than A and more information on how City water and sewer will serve additional development closer to Femrite Drive is available.

Recommendation

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00658 and ID 28.022–00659, rezoning 7501-7625 Luds Lane and 8603-8901 and 8902 Femrite Drive from Temporary A to Permanent A and SE, and the Certified Survey Map of 8603-8901 Femrite Drive to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions from reviewing agencies:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Tim Parks, (608) 261-9632)

1. Revise the Certified Survey Map (CSM) to designate proposed Lot 2 as an outlot (1) for future development.

2. Revise the CSM to show the location of Door Creek, the location of any wetlands located within the boundaries of Lot 1 and the above outlot, and the limits of any FEMA-designated floodway and floodplains.

3. Revise the CSM prior to final approval and recording to show dedication of the proposed east-west street on Sheet 1 instead of 'Parcel A' and show the approved street name as approved by the City Engineer on all sheets.

4. Revise the CSM to provide approximate perimeter dimensions for the excluded land north of the proposed east-west street.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

5. The developer shall enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall 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.

6. The developer shall construct Madison Standard street, multi-use path, and sidewalk improvements for all streets within the CSM. This may include a future phase agreement for Lot 2 [Outlot 1], and specific improvements required for Lot 1.

7. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.

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 sign-off.

9. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM contact eitherTim Troester (West) at 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).

10. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

11. The applicant shall construct a temporary turn around on Luds Lane near east lot line of Lot 1.

12. Add the following note to the CSM: "Each lot shall be individually responsible for compliance with Madison General Ordinance Chapter 37 requirements."

13. Add the following note to the CSM: "No change in grades shall be allowed without the approval of the City Engineer."

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

14. Provide necessary public storm water management and drainage easements that are planned within this CSM to treat and convey the stormwater from the public streets that will be constructed in the first phase.

15. The proposed road to be dedicated along the north side of this CSM shall be named other than Luds Ln. Provide the proposed street name to Lori Zenchenko (lzenchenko@cityofmadison.com) for review and approval.

16. Provide additional right of way along Femrite Drive as required by the Traffic Engineering Division.

17. Show a temporary limited easement for a temporary cul-de-sac planned east of the east line of Lot 1. The radius shall be determined upon the design of the future road. The easement text is as follows: "Temporary Limited Easement benefitting the City of Madison for temporary turnaround improvement purposes. Said Easement shall terminate without notice upon the extension of ____Street improvements east of this easement and the removal of the public temporary turnaround improvements within the easement area." Any required easement north of the north line of this CSM shall be provided by separate instrument. Coordinate any additional offsite easement with Jeff Quamme. (jrquamme@cityofmadison.com)

18. The preliminary development plan contemplates a shared sanitary lateral through Lot 1 to be shared with Lot 2. Provide a private Sanitary Sewer Easement with terms and conditions for the construction and maintenance of the shared lateral.

19. Portions of the area proposed for road dedication are subject to a Construction Mortgage per Doc 5866704 and a Restated Land Lease for Solar Array per Document No 5859972 and Notice of Assignment and Assumption of Agreement per Doc 5856232. Title shall be cleared within and area dedicated prior to final Certified Survey Map sign off.

20. There is a no access restriction to CTH AB along the west side of this CSM per Transportation Project Plat 3080-01-25-4.02 and Document No. 5837544. This shall be noted on the CSM.

21. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the Surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith (JSmith4@cityofmadison.com) of City Engineering, Land Information.

22. Prior to Engineering Division final sign-off by main office for Certified Survey Maps, the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme

(jrquamme@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.

23. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.

24. Door Creek, a navigable water way, runs along the easterly boundary of this CSM and shall be duly noted. Also, the CSM shall be revised to show the required information per Chapter 236 of the Wisconsin Statutes including but not limited to approximate the Ordinary High Water Mark and elevations, a meander line monumented at least 20 feet from the ordinary high water mark and the standard note regarding the public trust per s. 236.20 (6).

25. The Door Creek Business Park Condo has been removed by Document No 5530643. Correct the reference on the CSM and remove references in the legal description.

26. Correctly show on the map as required the monuments found and set on this CSM.

27. At all road intersections, the right of way intersections shall be rounded with a 15-foot radius as required by MGO Section 16.23.

28. The north-south section of the cul-de-sac adjacent to the west side of this CSM is Luds Lane and shall be labeled as such.

29. Remove the reference to the road dedication as a "parcel". The street name shall be noted and a note included "Dedicated to the Public for street right of way purposes".

30. Show the East Quarter Corner of Section 30 with a tie as the south line of the CSM follows the South Quarter line of the NE 1/4 of Section 30.

31. Fix the readability in several locations of this map with overlapping and masked entities.

32. CTH AB is known as E Buckeye Road within the City limits. Label ‘E Buckeye Road’ alongside of CTH AB.

33. 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.

34. 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.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

35. The applicant shall provide a temporary turnaround area to be approved by the Traffic Engineering Division.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

This agency has reviewed this request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw (608) 261-9835)

36. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right of way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

37. Note: Regarding the proposed building on Lot 1, verify / update exiting from the flex space and executive office per online meeting on October 13, 2023.

38. All portions of the fire lanes for newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least **two** fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO Section 34.507 for additional information. Hose lay routes cannot run across multiple parking spaces.

Parking Division (Contact Trent W. Schultz, 608-246-5806)

This agency has reviewed this request and recommended no conditions of approval.

Office of Real Estate Services (Contact Andy Miller, (608) 261-9983)

39. 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.

40. 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). 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.

41. 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 and have it executed prior to CSM sign-off if said ownership interest meets the criteria set forth by Wis. Stats. Sec. 236.34 and Sec. 236.21(2)(a).

42. 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.

43. Per 236.21(3) Wis. Stats. and MGO Section 16.23, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.

44. 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.

45. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to Andy Miller in the ORES (acmiller@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the initial title report, dated September 25, 2023, submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A copy of the vesting deed shall be included with the updated 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

46. The CSM shall be revised prior to final approval and recording as follows:

    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. If documents included in the title report do not apply to the area within the proposed CSM, have them removed from 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.