



Department of Planning & Community & Economic Development

Planning Division

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

January 23, 2025

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

RE: LNDCSM-2024-00045; ID 86423 – Certified Survey Map – 1007 Hillside Avenue (Terry and Mary Kelly)

Dear Paul,

The Certified Survey Map (CSM) to divide property located at 1007 Hillside Avenue, Section 18, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin into two lots is hereby **conditionally approved**. The property is zoned TR-R (Traditional Residential–Rustic District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following three (3) items:

1. A note shall be added to the face of the CSM indicating that the public sanitary sewer main will need to be extended at the cost of the future homeowner to provide sewer to serve this lot. Sewer is available on S Highlands Avenue, which will need to be extended to serve the lot being created (Lot 2).
2. 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 (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
3. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 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).

Please contact Julius Smith of the City Engineering Division–Mapping Section at (608) 264-9276 if you have questions regarding the following fifteen (15) items:

4. The title report indicates ownership out to the centerline of both Hillside Avenue and S Highlands Avenue. If this is accurate, the applicant shall dedicate any rights contained within the limits of those roads currently being maintained by the City of Madison.

The plat Highlands indicates that these roads were private and clearly states "No Roads are intended to be dedicated to the Public. Those shown on the plat are merely private rights of way for the use and benefit of property owners." The title work provided did not include any document showing these roads have been formally dedicated to the public to either the Towns of Middleton or Madison prior to annexation nor to the City of Madison after.

It is also not fully clear if ownership of each lot was clearly defined to the centerline of the road with the note on the plat that reads "All lot areas computed to the center of the road & lanes." Further title work will need to be supplied and researched. Document No. 368851 was found that made statements about private roads being required to be dedicated to the public, but the lands in this CSM were not included as part of the lands in this document. However, the City was unable to find any other document that resulted in either Town accepting the lands in a formal dedication. Ownership of the roadway will need to be fully determined, and a full title search will be needed to confirm if any prior dedications were performed and by the proper parties.

5. The right-of-way as shown found as monumented at the corner of Hillside Avenue and S Highlands Avenue does not appear to be representative of the that shown on the Plat of Highlands. It is not fully understood how the right of way was established this way in the survey performed by David Chaney in 1989 placed an 851.47-foot radius compound curve at the end of S Highlands Avenue in lieu of a curve that was an offset of the computed centerline. Additionally, the points of compound and reverse curvature shown along the centerline of Hillside Avenue have central angles that do not match well with those as platted, and the curves would have a more tangent configuration. Both of these right of way boundaries should be re-determined from the information shown on the plat.
6. In accordance with Wisconsin Statutes Chapter 236, the applicant shall show the type, location, and width of any and all easements on a plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division.
7. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final CSM.
8. Add Document No. 6002686 for the Second Amendment to the Declaration to Note 2 recently recorded.
9. Note that the lands are subject to Document No. 887590. Confirm that the parcel is not subject to any easements as mentioned in Documents Nos. 931554, 913455, 922116, 930662, or the release of the

driveway portion of as noted in Document No. 4382899. Provide a full and complete Title report that display any of these facts that may appear.

10. A note shall be added under all of the street names labeled and to be dedicated on the CSM/plat, "Dedicated to the Public" as required by Wis. Stats. Sec. 236.20(4)(b).
11. 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 Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).
12. 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 Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
13. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jule Smith (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.
14. The centerline of S Highlands Avenue shall be properly shown per the plat. It does not have point of reverse curve at L 10 the C1 Curve continues on to a point of Compound Curve to the Right near the West side of Hillside Avenue. It would also be helpful to show the location of the platted PCC on the computed and record from the section line located east of Lot 2 on the centerline of S Highlands Avenue. Also show the assumed return radius for the centerline on both sides of the Hillside Avenue intersection.
15. Per A-E 7.05(4), the map shall describe by bearing and distance the corner monuments used in determining the location of the parcel boundary. Show the rest of the curve information to the found rebar along CSM 12445 on Hillside Avenue.
16. Show the recorded-as delta angles for C2 and C3, if the CSM will require dedication to the Centerline additionally show central angles here along with the computed curve length from the stationing given as recorded-as along the centerline.
17. This 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.
18. The applicant shall submit to Jule 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 which occur subsequent to any submittal.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following item:

19. Provide the lot coverage for proposed Lot 1. The lot coverage maximum in the TR-R district is 15%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.

Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following two (2) items:

20. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 24061 when contacting Parks Division staff about this project.
21. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign off on this CSM.

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

22. 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.

Please contact Heidi Radlinger of the Office of Real Estate Services at (608) 266-6558 if you have any questions regarding the following six (6) items:

23. Prior to final 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 Office of Real Estate Services (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.

24. 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.
25. 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 executed prior to CSM sign-off.
26. Per 236.21(3) Wis. Stats. and MGO Section 16.23(4)(f), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording.
27. All known special assessments are due and payable prior to CSM approval sign-off pursuant to MGO Section 16.23(4)(f).
28. Pursuant to MGO Section 16.23(4)(f), the owner shall furnish an updated title report to the ORES 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

Note: The Office of Real Estate Services is still reviewing the CSM and title report and may have additional comments to be addressed prior to final sign-off and recording of the CSM.

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

A resolution approving the Certified Survey Map and authorizing the City to sign it and any other documents related to the CSM will be reviewed by the Common Council at its January 28, 2025 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, the Planning Division will make the City Clerk's Office aware that the Common Council certificate may be executed.

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: Tim Troester, City Engineering Division
Julius Smith, City Engineering Division—Mapping Section
Jenny Kirchgatter, Assistant Zoning Administrator
Kathleen Kane, Parks Division
Jeff Belshaw, Madison Water Utility
Heidi Radlinger, Office of Real Estate Services