



Department of Planning & Community & Economic Development
Planning Division

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October 1, 2012

Michelle L. Burse
Burse Surveying & Engineering, Inc.
1400 E. Washington Avenue, Suite 158
Madison, Wisconsin 53703

RE: File No. LD 1227 – Certified Survey Map – 2300 S. Park Street (Community Development Authority of the City of Madison)

Dear Ms. Burse;

The two-lot certified survey of your client's property generally located at 2300 S. Park Street, Section 35, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The subject site is zoned C2 (General Commercial District). 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 seven (7) conditions:

1. A minor bearing typographical error in Surveyor's Certificate legal description and lot dimension omissions for proposed Lots 1 and 2 along Ridgewood Way were communicated verbally to the surveyor and shall be reconciled on final CSM.
2. Place the following note on the CSM: "Proposed Lot 1 shall install a new sanitary sewer lateral to serve the lot."
3. Provide a copy of the Phase 2 Environmental Site Assessment (ESA) conducted on proposed Lot 1 to Brynn Bemis of the City Engineering Division at bbemis@cityofmadison.com. She may be reached at 267-1986.
4. The lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the Certified Survey Map, and recorded at the Dane County Register of Deeds.
5. 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).
6. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division signoff, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
7. 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 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 Wellhead Protection District WP-18. The applicant shall determine if any hazardous chemicals, as defined by the Environmental Protection Agency, are proposed to be stored or used on this site. If such chemicals are identified the applicant shall provide a report on the magnitude and/or frequency of these chemicals, as well as a plan for the storage or containment of these chemicals.
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 Bill Sullivan of the Madison Water Utility at 261-9658 if you have questions about the following item:

10. New property lines shall not create any Building Code violations including Fire Department access requirements. Site plans shall clearly identify all fire access lanes and any easements necessary to maintain fire lane requirements.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following six (6) items:

11. Prior to requesting approval signoff, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). Please update the ownership certificate signature blocks to reflect the correct representatives for the Community Development Authority, per the example certificate that was emailed on September 11, 2012.
12. Although the title report does not report any mortgages, please verify that the mortgage with WCDLF SUB DCE I, LLC Document Nos. 4005182 and 4005183 do not affect the lands within the CSM. If so, a certificate of consent from all mortgagees/vendors shall be included following the Owner(s) Certificate.
13. Normally, State statutes and City ordinances require consent of lessee or possessor certificates for any lessee that has a lease that is in excess of one year or any person in possession of the land. Given the possible difficulty of accomplishing this for a CSM approval involving all the tenancies and leasehold mortgages in a retail mall, this requirement can be satisfied by providing the City Office of Real Estate Services evidence that the proposed CSM will not have an adverse affect on any of the leasehold or possessory interests located within the limits of this proposed CSM, and a statement by the owners to this effect on the CSM.
14. Please reconcile the resolution information on Sheet 6 and Sheet 8 to be consistent with the correct authorizing resolution: CDA Resolution No. 3057, Legistar File ID 24775, adopted by the CDA December 8, 2011. It might be appropriate to eliminate the note on Sheet 6 that discusses the resolution authorization, as it is addressed on Sheet 8.
15. As of August 6, 2012, the real estate tax bills are paid for the subject property. There are no special assessments and no outstanding stormwater fees.
16. The following CSM revisions shall be made:
 - a.) Include on Sheet 6 of the proposed CSM a complete and accurate legal description that is reconciled with the legal description of said lands in title.
 - b.) The two billboards on the property have been removed and their depiction can therefore be removed from the CSM.

- c.) Please also describe the Affidavit of Correction Document No. 4591782 when describing the 10-foot MG&E underground electrical easement Document No. 4587297.
- d.) Please use the full description given in title for the 5-foot Wisconsin Telephone Company easements (Document Nos. 1136983 & 1136984), similar to how the 7-foot easement is described.
- e.) Per note on Sheet 2 on CSM 12790, the 30-foot No-Build Easement, Document No. 4538078, was to be re-recorded to reflect new CSM boundaries for Lot 2. This was never accomplished following CSM 12790. The Office of Real Estate Services (ORES) will prepare a 1st amendment to the Declaration of Easement to be recorded prior to approval of this proposed CSM. Please provide an updated sketch and legal description exhibit to ORES that reflects the current boundaries for Lot 2 and the amended 30-foot easement area, to be included with the prepared document. Please also update the description on Sheet 2 of the CSM to replace Document No. 4538078 with the recording information for the 1st Amendment.
- f.) Per the Purchase and Sale Agreement for the property, a Perpetual Subsurface Parking Easement Area will need to be depicted on the CSM. The location and dimension of said easement is still being determined. Please coordinate with City staff to include this easement, once these details have been finalized.
- g.) Please include a Note that resembles Note #10 on Sheet 4 for CSM 12790 doc #4605498, amended by Document No. 4623128, as seen in the title report item #3S.
- h.) 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.
- i.) Easement Document Nos. 5024 and 4587297 may need to be released and/or relocated to facilitate development on the property. This issue is still being discussed with City staff and comments will be updated as the situation is resolved.
- j.) Record satisfactions or releases for all mortgages, liens, judgments, or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled or resolved.

Please contact my office at 261-9632 if you have questions about the following item:

- 22. The land division and future development of proposed Lot 1 will create a Planned Commercial Site as defined in the City's Zoning Code and Subdivision Regulations. Prior to final staff approval of the land division for recording, the applicant shall receive approval of a zoning site plan showing existing and known future improvements (buildings, parking lots, landscaping, etc.), and reciprocal land use agreements, reciprocal access easements and shared parking agreements sufficient to govern future development of the proposed lots. The site plan(s) shall be stamped approved by the Zoning Administrator following review by various City agencies. The agreement(s) and easement(s) shall be recorded with the Dane County Register of Deeds following approval by the City Engineer, Traffic Engineer, and Director of the Department of Planning and Community & Economic Development.

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 October 2, 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.

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 six (6) 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 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Pat Anderson, Asst. Zoning Administrator
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations