

## PLANNING DIVISION STAFF REPORT

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JULY 13, 2016 URBAN DESIGN COMMISSION

JULY 25, 2016 PLAN COMMISSION



**Project Address:** 1507 Burning Wood Way  
**Application Type:** Certified Survey Map Referral and Zoning Map Amendment  
**Legistar File ID #** [42989](#) and [42752](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

### Summary

**Applicant & Property Owner:** Dennis Tiziani, Cherokee Park, Inc.; 5000 N. Sherman Avenue; Madison.

**Surveyor:** Scott Anderson, Snyder & Associates, Inc.; 5010 Voges Road; Madison.

**Requested Actions:** Approval of a request to rezone 1507 Burning Wood Way from Planned Development (GDP (General Development Plan) – SIP (Specific Implementation Plan)) to Amended PD (GDP–SIP), and approving an amended General Development Plan, Specific Implementation Plan, and Certified Survey Map to create 4 single-family lots.

**Proposal Summary:** The applicant proposes to construct single-family residences on the 4 proposed lots, which will be served from a private easement driveway that will extend northeasterly from the current end of Burning Wood Way. The applicant proposes to commence construction of the remaining site improvements and residences as soon as all regulatory approvals have been granted, with completion of the project dependent upon market demand for the home sites.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. The approval process and standards for Planned Development districts is outlined in Section 28.098 of the Zoning Code. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Urban Design Commission, Plan Commission and Common Council.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. 236, requires that a CSM be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The CSM application was submitted to the City on May 25, 2016. Therefore, the 90-day review period for this CSM is scheduled to expire circa August 25, 2016.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00237 and 28.022–00238, rezoning 1507 Burning Wood Way from PD(GDP-SIP) to Amended PD(GDP-SIP), and the related four-lot Certified Survey Map of the property to the Common Council with recommendations of **approval** following a recommendation by the Urban Design Commission on the Planned Development and subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** The subject site is an approximately 2.03-acre parcel of land located adjacent to the northern end of Burning Wood Way; Aldermanic District 18 (Kemble); Waunakee Area School District.

**Existing Conditions and Land Use:** The subject site is undeveloped, zoned [expired] PD. Water and sewer lines extended to serve earlier approved development proposals for the property are located below a partial gravel path across a portion of the property.

### Surrounding Land Uses and Zoning:

North: Cherokee Marsh Conservation Park, zoned CN (Conservancy District);

South: Single-family residences in the Fourth Addition to Cherokee Park subdivision, zoned SR-C1 (Suburban Residential-Consistent 1 District);

West: Cherokee Marsh Conservation Park, zoned CN; Yahara River (Cherokee Lake);

East: Cherokee Country Club in the Town of Westport.

**Adopted Land Use Plans:** The Comprehensive Plan identifies the subject site and properties to the south for Low-Density Residential uses. Lands to the north and east are recommended for Park and Open Space.

The Cherokee Special Area Plan identifies the subject site as part of the “Fifth Addition” planning sub-area with future low-density residential uses up to 8 dwelling units per acre, and park, open space and stormwater management uses.

**Zoning Summary:** The site will be zoned PD with this request. The project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning), Utility Easements, Adjacent to Parkland
No:	Barrier Free, Wellhead Protection, Floodplain, Waterfront Development, Landmarks
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>	

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor. The surrounding public parklands and adjacent golf course are located in a mapped environmental corridor due to the presence of wetlands and floodplain on those parcels.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Previous Approvals

On August 7, 2007, the Common Council approved a request to rezone the 7.4-acres consisting of the subject site and adjacent future City parkland from Temporary A (Agriculture District) to Planned Unit Development, General Development, Specific Implementation Plan (PUD-GDP-SIP) [1966 Zoning Code] to allow construction of 3 two-family condominium buildings. A Certified Survey Map dividing the 7.4-acre site into two lots to facilitate the residential development and the creation of the parkland parcel was also approved.

On June 17, 2008, the Common Council approved a request to rezone 1507 Burning Wood Way from PUD-GDP-SIP to Amended PUD-GDP-SIP and approved the final plat of "Burning Wood Estates," creating 3 lots for the construction of 3 single-family residences and 1 outlot for private stormwater management in place of the 3 previously approved two-family residences.

On August 13, 2009, a CSM was administratively approved to refine and revise the boundaries of lands owned by the City and by Cherokee Park, Inc. The recorded 4-lot CSM created 2 outlots for City as parkland (Outlots 1 and 2), and 2 outlots for Cherokee Park (Outlots 3 and 4). Outlot 3 was reserved for future development and is the subject of the requests reviewed in this report. CSM 12879 was recorded on March 29, 2010.

## **Project Description**

The applicant, Cherokee Park, Inc., is seeking approval of an Amended Planned Development and four-lot Certified Survey Map for a 2.03-acre parcel of land located adjacent to the northern end of Burning Wood Way, approximately 200 feet north of Comanche Way. Following approval, the four proposed lots will be developed with individual single-family residences to be accessed by a 20-foot wide private easement driveway that will extend from the public end of Burning Wood Way. The layout of the 4 proposed lots is similar to the layout of 3 two-family condominium buildings approved for the subject site in 2007 and 3 fee-simple single-family lots approved for the site in 2008, which were also to be served by a private access drive from the existing dead-end of Burning Wood Way.

The revised plan and CSM for the subject site calls for 4 lots of varying width (minimum 75 feet) to sit roughly perpendicular to the prolongation of Burning Wood Way and the eastern shoreline of the Yahara River. A site plan included with the PD materials shows a conceptual layout of the future residences and the private shared drive, which will end in a small turnaround on proposed Lot 4. Setbacks for the future single-family residences will vary.

All of the single-family residences will be located outside of the 75-foot setback for the wetlands located on the adjacent Cherokee Country Club property and City-owned parkland. A 45-foot deep private stormwater management easement is proposed at the rear of Lots 1-3, with an additional stormwater management area shown over the northernmost portion of Lot 4. The City Engineer will require that four lots record a stormwater maintenance agreement and provide a stormwater management plan to the City Engineering Division for review and approval at the time of development, which will address sediment control and infiltration.

The application materials submitted also include a prototypical design for the single-family residences proposed, which calls for single-story structures with exposed lower levels and attached two-car garages. However, the zoning text submitted with the application indicates that the final design of the homes will be submitted for approval by the Secretary of the Urban Design Commission prior to the issuance of building permits in order to provide the development with a "reasonable degree of flexibility." The residences will have a variety of exterior themes and colors in an effort to create overall variety, and will be required to have window and door openings and designs distributed across all building facades. Any garages facing the private shared driveway shall be limited to no more than 50% of the area of that façade in a manner consistent with a conventionally zoned single-family lot. Final plans for each lot shall specify the proposed dwelling type and include a detailed site plan that includes final grading, utility and landscaping information, contextual site information, and detailed floorplans and building elevations with materials and colors.

## Analysis and Conclusion

The Planning Division believes that the Amended PD(GDP-SIP) and CSM to subdivide the site at the northern end of Burning Wood Way into 4 single-family lots can meet the standards for approval for Planned Developments and land divisions. The project conforms substantially to the recommendations of the Cherokee Special Area Plan, which recommends development of this portion of the planning area with low-density residential uses up to 8 units an acre in a combination of single-family residences and attached dwelling units. The proposed development will result in a 0.5-unit per acre density, based on the 4 units occupying 2.03 acres.

Staff continues to believe as it did in 2007 and 2008 that a private drive from the end of Burning Wood Way will provide adequate access to the four proposed homes. While a public street extension and cul-de-sac would customarily be required to serve the proposed lots in a residential subdivision, staff does not believe that such an extension would have public benefit proportionate to the likely impact the extension would have on the natural character of the site due to the minimum width of public right of way (56 feet), pavement (28 feet), and cul-de-sac radius (50 feet on-center) to serve four single-family residences. Given the proposed sprinklering of the future homes, the low traffic volumes anticipated, and the use of private waste hauling instead of City trash collection vehicles (per the letter of intent), staff feels that the 20-foot wide private drive is sufficient.

Finally, staff believes that the project can be approved without the final architectural details for the proposed buildings, which are customarily included in a specific implementation plan when submitted for approval. The Planning Division generally supports the built-to-suit approach proposed and believes that the general design guidelines proposed by the applicant are sufficient to guide approval of the four residences by the Secretary of the Urban Design Commission prior to issuance of building permits. A similar approach has been approved in recent years for similar planned developments located across the City that contain single- or two-family residences on fee-simple lots.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00237 and 28.022–00238, rezoning 1507 Burning Wood Way from PD(GDP-SIP) to Amended PD(GDP-SIP), and the related four-lot Certified Survey Map of the property to the Common Council with recommendations of **approval** following a recommendation by the Urban Design Commission on the Planned Development and subject to input at the public hearing and the following conditions from reviewing agencies:

### Planning Division conditions

1. The developer shall pay the City for the cost of fabricating and installing a sign where the public segment of Burning Wood Way ends adjacent to the property, which states: “Public maintenance ends.” A note shall be placed on the final CSM acknowledging that the drive serving Lots 1-4 is private, and will not be maintained in the future by the City of Madison.
2. Lots 1-4 of the CSM shall be subject to a common private access easement to be approved by the Planning Division and City Engineer, which shall govern the construction and ongoing maintenance of the private drive that serves the lots by the benefitting property owners, and includes a provision for the private

collection of refuse and recycling. The document shall be executed and recorded, and copies provided to the City prior to building permit issuance.

3. As required by the City Engineer and Planning Division, the applicant shall submit an updated wetland delineation for review prior to final approval of the Amended Planned Development and CSM for recording. Any 75-foot setbacks required by the update shall be noted accordingly on the final documents prior to recording.

**The following conditions have been submitted by reviewing agencies:**

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

4. The applicant shall grant a Stormwater Drainage and storm sewer easement over the proposed bioretention basins and the pipes/ drainage swales leading to those basins. Further, the applicant shall sign a maintenance agreement stating maintenance of those devices is the responsibility of the property owners in this development in perpetuity. This agreement shall be recorded against each lot separately and shall be approved by the City Engineer.
5. An access easement to the bioretention systems shall be granted to the City of Madison. Further a gravel access road shall be built in this location as part of the development.
6. The applicant shall add a note to the CSM that states: "All lots shall be required to record a stormwater maintenance agreement and provide a stormwater management plan to the City Engineering Division for review and approval at the time of development. These plans shall address sediment control and infiltration."
7. Construction of the private ingress / egress driveway shall require adjustment of the public sanitary sewer access structures. The developer shall have a prequalified contractor obtain a permit for this necessary work on the public sewer access structures.
8. The developer shall construct the private ingress/ egress driveway to a design capable of supporting the City's sewer maintenance equipment (40-ton sewer vactor).
9. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
10. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
11. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including:

building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted “unplatted lands” if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

12. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
13. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/etc.; and d) sediment loading calculations. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided.
14. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5 x 14” size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff has reviewed the draft document and approved it with any required revisions, submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft SWMA document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict (east) at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com). The final document and fee should be submitted to City Engineering.
15. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
16. This site appears to disturb over 1 acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

17. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates.
18. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls.
19. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of Madison General Ordinances.
20. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of Madison General Ordinances.
21. The construction of this project will require the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
22. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 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. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

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

23. The proposed lots within this development are dependent on one another for overland drainage, subsurface stormwater drainage and stormwater management. A separate private Storm Water Drainage and Management Agreement for all lots within this development shall be drafted, executed and recorded prior to building permit issuance. This agreement shall note that it will be subject to the requirements of the Declaration of Conditions, Covenants and Restrictions for Maintenance of Stormwater Management Measures that will be required as part of this development.
24. Declaration of Private Road Easement per Document Nos. 4367400, 4368866 and 5057709 encumbers this proposed CSM and Outlot 4 of CSM 12879. With the change of the development, this easement needs to be terminated or amended as appropriate. A note shall be added to the CSM acknowledging the recorded document addressing this issue.
25. An access easement to the bioretention systems shall be granted to the City of Madison on the CSM.
26. The proposed lots within this development are dependent on one another for overland drainage, subsurface stormwater drainage and stormwater management. In addition to the easements shown on the CSM and to

further define responsibilities, a separate private Storm Water Drainage and Management Agreement for all lots within this development shall be drafted, executed and recorded immediately after the recording of the CSM and prior to building permit issuance. This agreement shall note that it will be subject to the requirements of the Declaration of Conditions, Covenants and Restrictions for Maintenance of Stormwater Management Measures that will be also be required as part of this development.

27. The proposed lots within this development will be subject to a common private access easement as shown on the pending Certified Survey map. To better define responsibilities and rights, a separate private Common Access Agreement between the lots within this development shall be drafted and provided for review. The document shall then be executed and recorded immediately after the CSM has been recorded and copies provided prior to building permit issuance.

28. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.

29. 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.

30. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing and one (1) signed copy of the final CSM to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WISDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

\*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.



31. In accordance with Section s.236.34(1m)(c), which states a CSM shall be prepared in accordance with the plat requirements stated per s.236.20(2)(c) and (f), Wisconsin Statutes, the applicant must show the type, location and width of any and all easements on the Plat or CSM. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by the plat or CSM record.
32. Add a note that this CSM is subject to Declaration of Conditions, Covenants and Restrictions per Document No. 4762021.
33. Add to the Public Sanitary Sewer, Watermain and Bike Path Easement, the 16-foot wide Public Sidewalk Easement and the 6-foot wide Utility Easement that they are also per Document No. 4367458 (CSM 12293).
34. The lots benefitting from the Private Ingress/Egress Easement, Private Stormwater Management Easement and Private Drainage Easement shall be noted on the CSM as required.
35. Add recorded as data to the boundary courses that are missing this information.
36. Add the utility easement notes from CSM 12879.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

37. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
38. All parking facility design shall conform to the standards in MGO Section 10.08(6).

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

39. Work with Planning and Zoning staff to finalize the zoning text prior to final approval.
40. On the site plan, identify the proposed building envelopes on the individual lots, with dimensions and distances to the lot lines.

**Fire Department** (Contact Bill Sullivan, 261-9658)

41. Due to the lack of Fire Department access to these lots, Cherokee Park, Inc. has committed to installing automatic fire sprinklers in accordance with NFPA 13D in the residences on these lots. The Madison Fire Department supports this approach to protect the community from fire.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

42. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.
43. Each lot shall have a separate water lateral connected to a public water main.

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

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

**Parks Division** (Contact Janet Schmidt, 261-9688)

44. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before sign off on the rezoning. This development is within the Warner impact fee district (SI 21). Please reference ID# 16126 when contacting Parks Division staff about this project.
45. 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."
46. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the park impact fees for this development. This document will be recorded at the Register of Deeds. The applicant shall pay for the recording fees.
47. Stormwater management shall be limited to the private property and shall not be extended onto park lands. No construction or access to the park shall be allowed for construction of any improvements.
48. The applicant shall install a fence along the boundary of the Cherokee park at the sole expense of the applicant. The fence shall be installed on private property to a design that is mutually agreeable to the applicant and Parks Division. The cost of the fence shall not be eligible for park development fee credits. The applicant shall execute a deed restriction that would require the fence to be perpetually maintained by the property owners for any lots that are adjacent to publicly dedicated park lands, including proposed Lots 1-4. The applicant shall pay for the recording fees.

**Office of Real Estate Services** (Jenny Frese, 267-8719)

49. Signature block certifications shall be executed by all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
50. A certificate of consent for all mortgagees/vendors shall be executed prior to CSM approval sign-off.
51. Include the name of the City Clerk, Maribeth L. Witzel-Behl, in the Madison Common Council Certificate.

52. Include the name of the Secretary of the Plan Commission, Natalie Erdman, in the City of Madison Plan Commission Certificate.
53. As of July 7, 2016, the 2015 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and Section 16.23(5)(g)(1) of 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, including property tax bills for the prior year that are distributed at the beginning of the year.
54. As of July 7, 2016, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property in the interim, they shall be paid in full prior to final sign-off.
55. Please coordinate with Tim Troester (267-1995) or Brenda Stanley (261-9127) in the City Engineering Division to obtain any outstanding storm water management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to CSM approval sign-off.
56. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Jenny Frese in City's Office of Real Estate Services ([jfrese@cityofmadison.com](mailto:jfrese@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 (March 19, 2016) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update.
57. The following revisions shall be made to the Certified Survey Map prior to final sign-off:
  - a.) On Sheet 1, revise the labels for the wetland delineation and setback lines to reference CSM 12293 per Document No. 4367458 where they first appeared.
  - b.) Depict Document No. 4367400 and associated amendments. Provide the intent for this easement in relation to the proposed Private Ingress/Egress Easement on Sheet 4. Coordinate with City staff regarding any potential amendment and/or release to said easement. In the event of amendment or partial release, depict those areas of the easement to remain over any portions of the proposed Lots.
  - c.) Include Notes that describe all Declarations of record that affect the lands within the subject boundary, including reservations and rights retained in conveyance documents.
  - d.) On Sheet 2, all the easements depicted were set forth by CSM 12293 per Document No. 4367458. Revise their labels to include the correct information.
  - e.) Provide the necessary documents required to satisfy the action shown as Case No. 11CV2318 prior to CSM approval sign-off.