

Ballast Drive right-of-way vacation

Document Number

Document Title

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5608774  
07/02/2020 02:18 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 32

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 2nd day of June, 2020. A copy of the resolution is attached.

Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive.  
Resolution 20-00414  
ID#: 60374

Recording Area

Name and Return Address

City Clerk  
210 Martin Luther King Jr. Blvd.  
Room 103  
Madison, WI 53703

Parcel Identification Number (PIN)

July 2, 2020

Date

*Maribeth M. Behl* for  
Signature of Clerk

Maribeth Witzel-Behl City Clerk

\*Name printed

Date

n/a  
Signature of Grantor

\*Name printed

STATE OF WISCONSIN, County of Dane

This document was drafted by:  
(print or type name below)

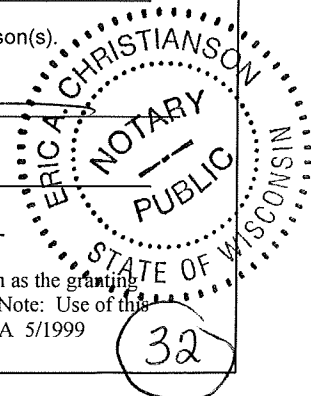
Eric Christianson

Subscribed and sworn to before me on July 2, 2020 by the above named person(s).

Signature of notary or other person  
authorized to administer an oath  
(as per s. 706.06, 706.07)

Print or type name: Eric Christianson

Title: Certified Municipal Clerk Date commission expires: 3/27/2022



\*Names of persons signing in any capacity must be typed or printed below their signature.

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Certified Copy

Resolution: RES-20-00414

**File Number: 60374**

**Enactment Number: RES-20-00414**

Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

**WHEREAS**, the plat of Tradesmen Commerce Park was conditionally approved by the City of Madison Common Council by Enactment Number RES-08-00318, File I.D. Number 09437, as adopted on the 18th of March, 2008 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways including Ballast Drive; and

**WHEREAS**, the plat of Tradesmen Commerce Park was subsequently recorded upon the satisfaction of the conditions of approval on the 7th of April, 2008 in Volume 59-050A of Plats on pages 244-245, as Document Number 4416563, Dane County Register of Deeds; and

**WHEREAS**, an application was submitted to the City of Madison Planning Department by the Owners for a Certified Survey Map combining Lots 5 - 9 inclusive of Tradesmen Commerce Park, the public road right-of-way of Ballast Drive as dedicated by the plat of Tradesmen Commerce Park and additional adjacent unplatted lands into two Outlots reserved for future development. The said Certified Survey Map is currently under review by the Plan Commission and will require final action by the Common Council; and

**WHEREAS**, the proposed Outlot 1 and Outlot 2 of Certified Survey Map will have a restriction on the face of the Certified Survey Map stating both Outlots are "reserved for future development". Any future development will require a new, City of Madison approved Land Division creating the required Lot(s) prior to any development; and

**WHEREAS**, the proposed Certified Survey Map, as per said Legislative File I.D. Number 60163, shall not be approved for final recording by the Secretary of the Plan Commission until the Common Council has passed a resolution vacating / discontinuing Ballast Drive and subsequently recorded by the City of Madison Clerk; and

**WHEREAS**, on January 28th, 2020, a written petition was submitted to the City of Madison Engineer to vacate and discontinue Ballast Drive. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting Ballast Drive to be vacated and discontinued. The said written petition and exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the public right-of-way of Ballast Drive requested to be vacated and discontinued is as shown and mapped on Exhibit B and legally described on Exhibit A, both of which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Of Madison does not have any public improvements, and never has had any public improvements, within the public right-of-way of Ballast Drive to be vacated and discontinued; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property; and

**WHEREAS**, the City Engineering Division recommends approval of this public right-of-way vacation and discontinuance subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, the City Of Madison hereby conditionally vacates and discontinues the remaining public right-of-way of Commerce Park Drive as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2), upon the following condition being satisfied to the satisfaction of the City Engineer.

- The Owners of the lands included within the proposed Certified Survey obtains a conditional land division approval for the Certified Survey Map that is consistent, as determined by the City Engineer, with this proposed vacation and discontinuance of Ballast Drive described herein.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-ways being vacated and discontinued; and

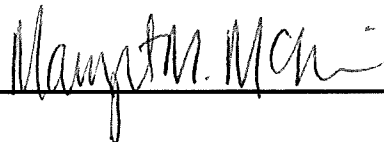
**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above, any other existing easements and rights that exist within the vacated and discontinued public right-of-ways shall continue unless as otherwise provided by statute; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-way herein vacated and discontinued shall attach to the adjacent properties as provided by Statute; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the street vacation and discontinuance condition identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits with the Dane County Register of Deeds, authorizing all City agencies to administer the appropriate workflows to complete and finalize all land record database updates.

*Margaret McClain for*

I, City Clerk, Maribeth Witzel-Behl, certify that this is a true copy of resolution 20-00414, file No. 60374, adopted by the Madison Common Council on June 2, 2020.

  
\_\_\_\_\_

*7-2-2020*

**Date Certified**



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 60374**

**File ID:** 60374

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** TRANSPORTATION  
POLICY AND  
PLANNING BOARD

**File Created Date :** 04/29/2020

**File Name:** Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.

**Final Action:** 06/02/2020

**Title:** Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

**Notes:** Jeff Q.

**CC Agenda Date:** 06/02/2020

**Agenda Number:** 81.

**Sponsors:** Michael J. Tierney

**Effective Date:** 06/04/2020

**Attachments:** Exhibit A.pdf, Exhibit B.pdf, Petition to Vacate Ballast Drive.pdf, 5559081-Lis Pendens.pdf, Ballast Dr Discontinuance Vicinity Map.pdf, Link\_CSM\_Reso\_60163, Staff\_Comments.pdf

**Enactment Number:** RES-20-00414

**Author:** Rob Phillips, City Engineer

**Hearing Date:**

**Entered by:** hfleegel@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1		Stephanie Mabrey	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	04/29/2020	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Board of Public Works(5/20/20), Plan Commission (5/18/20)					

1	COMMON COUNCIL	05/05/2020	Refer	BOARD OF PUBLIC WORKS	05/20/2020	Pass
	<b>Action Text:</b> A motion was made by Carter, seconded by Abbas, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.					
	<b>Notes:</b> Additional Referral to Plan Commission, Transportation Policy and Planning Board					
1	BOARD OF PUBLIC WORKS	05/05/2020	Referred	TRANSPORTATIO N POLICY AND PLANNING BOARD		
	<b>Action Text:</b> This Resolution was Referred to the TRANSPORTATION POLICY AND PLANNING BOARD					
	<b>Notes:</b>					
1	BOARD OF PUBLIC WORKS	05/05/2020	Referred	PLAN COMMISSION	05/18/2020	
	<b>Action Text:</b> This Resolution was Referred to the PLAN COMMISSION					
	<b>Notes:</b>					
1	PLAN COMMISSION	05/18/2020	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	05/20/2020	Pass
	<b>Action Text:</b> A motion was made by Cantrell, seconded by Hagenow, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.					
1	BOARD OF PUBLIC WORKS	05/20/2020	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING			
	<b>Action Text:</b> This Resolution was RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING					
1	COMMON COUNCIL	06/02/2020	Adopt			Pass
	<b>Action Text:</b> A motion was made by Carter, seconded by Abbas, to Adopt. The motion passed by voice vote/other.					
	<b>Notes:</b>					

**Text of Legislative File 60374**

**Fiscal Note**

The proposed resolution would vacate and discontinue approximately 50,844 sq. ft. or 1.1672 acres of public street right-of-way of Ballast Drive for future site development. The proposed resolution does not require a City appropriation.

**Title**

Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

**Body**

**WHEREAS**, the plat of Tradesmen Commerce Park was conditionally approved by the City of Madison Common Council by Enactment Number RES-08-00318, File I.D. Number 09437, as adopted on the 18th of March, 2008 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways including Ballast Drive; and

**WHEREAS**, the plat of Tradesmen Commerce Park was subsequently recorded upon the satisfaction of the conditions of approval on the 7th of April, 2008 in Volume 59-050A of Plats on pages 244-245, as Document Number 4416563, Dane County Register of Deeds; and

**WHEREAS**, an application was submitted to the City of Madison Planning Department by the Owners for a Certified Survey Map combining Lots 5 - 9 inclusive of Tradesmen Commerce Park, the public road right-of-way of Ballast Drive as dedicated by the plat of Tradesmen

Commerce Park and additional adjacent unplatted lands into two Outlots reserved for future development. The said Certified Survey Map is currently under review by the Plan Commission and will require final action by the Common Council; and

**WHEREAS**, the proposed Outlot 1 and Outlot 2 of Certified Survey Map will have a restriction on the face of the Certified Survey Map stating both Outlots are "reserved for future development". Any future development will require a new, City of Madison approved Land Division creating the required Lot(s) prior to any development; and

**WHEREAS**, the proposed Certified Survey Map, as per said Legislative File I.D. Number 60163, shall not be approved for final recording by the Secretary of the Plan Commission until the Common Council has passed a resolution vacating / discontinuing Ballast Drive and subsequently recorded by the City of Madison Clerk; and

**WHEREAS**, on January 28th, 2020, a written petition was submitted to the City of Madison Engineer to vacate and discontinue Ballast Drive. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting Ballast Drive to be vacated and discontinued. The said written petition and exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the public right-of-way of Ballast Drive requested to be vacated and discontinued is as shown and mapped on Exhibit B and legally described on Exhibit A, both of which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Of Madison does not have any public improvements, and never has had any public improvements, within the public right-of-way of Ballast Drive to be vacated and discontinued; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property; and

**WHEREAS**, the City Engineering Division recommends approval of this public right-of-way vacation and discontinuance subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, the City Of Madison hereby conditionally vacates and discontinues the remaining public right-of-way of Commerce Park Drive as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2), upon the following condition being satisfied to the satisfaction of the City Engineer.

- The Owners of the lands included within the proposed Certified Survey obtains a conditional land division approval for the Certified Survey Map that is consistent, as determined by the City Engineer, with this proposed vacation and discontinuance of Ballast Drive described herein.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-ways being vacated and discontinued; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above, any other existing easements and rights that exist within

the vacated and discontinued public right-of-ways shall continue unless as otherwise provided by statute; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-way herein vacated and discontinued shall attach to the adjacent properties as provided by Statute; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the street vacation and discontinuance condition identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits with the Dane County Register of Deeds, authorizing all City agencies to administer the appropriate workflows to complete and finalize all land record database updates.

**EXHIBIT A**

**LEGAL DESCRIPTION OF DISCONTINUED PROPERTY**

Vacation and discontinuance of all of Ballast Drive lying within the plat of TRADESMEN COMMERCE PARK, as recorded in Volume 59-050A of Plats, on pages 244-245, as Document Number 4416563, Dane County Registry, located in part of the NW¼ of the SW¼ of Section 26, T7N, R10E, in the City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the Southeast corner of Lot 7, of said TRADESMEN COMMERCE PARK; thence South 01 degree 45 minutes 00 seconds East, 66.00 feet; thence South 88 degrees 15 minutes 00 seconds West, 352.97 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 291.27 feet, a radius of 183.00 feet and a chord bearing North 46 degrees 09 minutes 11 seconds West, 261.48 feet; thence North 00 degrees 33 minutes 22 seconds West, 162.19 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 89 degrees 59 minutes 42 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing North 45 degrees 33 minutes 13 seconds West, 21.21 feet; thence North 89 degrees 26 minutes 56 seconds East, 96.00 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 90 degrees 00 minutes 18 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing South 44 degrees 26 minutes 47 seconds West, 21.21 feet; thence South 00 degrees 33 minutes 22 seconds East, 162.18 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 186.22 feet, a radius of 117.00 feet and a chord bearing South 46 degrees 09 minutes 11 seconds East, 167.18 feet; thence North 88 degrees 15 minutes 00 seconds East, 352.97 feet to the point of beginning.

Containing 50,844 sq. ft. or 1.1672 acres, more or less.



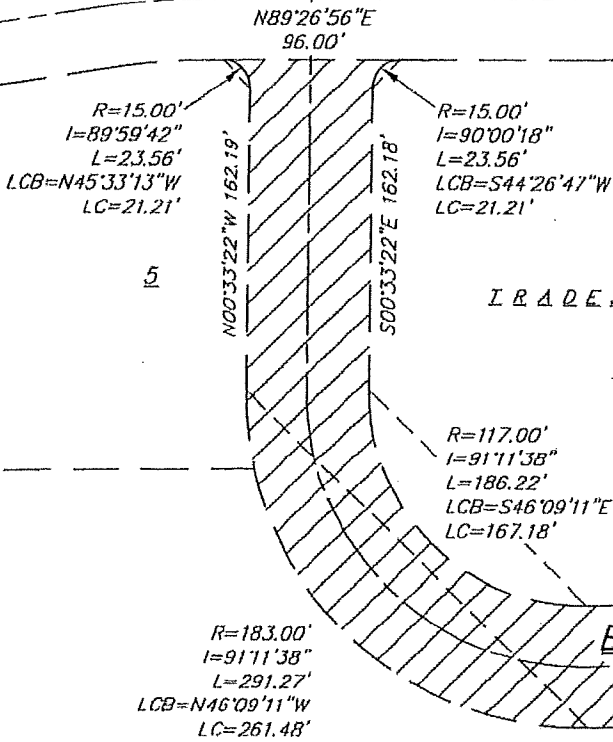
# CITY OF MADISON PUBLIC ROAD RIGHT-OF-WAY VACATION

L O I 1  
C. S. M.  
1 2 8 5 6

K I P P

S I R E E L

L A N D S



T R A D E S M E N   C O M M E R C E   P A R K

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L A N D S

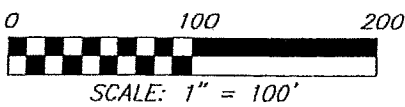
B A L L A S T   D R I V E

P.O.B.

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NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: July 2, 2020  
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



RIGHT-OF-WAY TO BE VACATED

11 Dec 2019 - 11:48a M:\GIS Company\170162 Tradesman Commerce Park Replat\CADD\170162\_Sheet Vacation.dwg by: mde

**vierbicher**  
 planners | engineers | advisors  
 Phone: (800) 261-3898



EXHIBIT B

SCALE 1"=100'	SHEET
CHECKED MMAR	1 OF 1
DRAFTER MZIE	
DATE 12/09/2019	
JOB NO. 170162	

**PETITION TO DISCONTINUE AND  
VACATE A PORTION OF RIGHT-OF-WAY  
RE: BALLAST DRIVE**

This Petition is made pursuant to Wis. Stat. sec. 66.1003, to vacate and discontinue areas dedicated to the public as a public way. The undersigned Petitioners petition and state the following:

1. Pursuant to development of real property in Tradesmen Commerce Park, in the City of Madison, Wisconsin, the landowners abutting Ballast Drive have determined that this public way is not needed for public right of way purposes, and that the public interest requires that the City's interest in that piece of property be vacated and discontinued. The area to be vacated and discontinued (the "*Discontinued Property*") is identified in the attached Exhibit A (Legal Description) and Exhibit B (Map).

2. The undersigned are the owners of all the frontage abutting upon the Discontinued Property. The Discontinued Property constitutes all of Ballast Drive and, following the vacation and discontinuance, there will be no remaining portion of Ballast Drive. The undersigned therefore submit this petition in accordance with Section 66.1003(2), Wis. Stats., seeking the City's approval to vacate and discontinue the Discontinued Property.

**PETITIONERS:**

MARSH ROAD DEVELOPMENT  
CORPORATION,  
a Wisconsin corporation

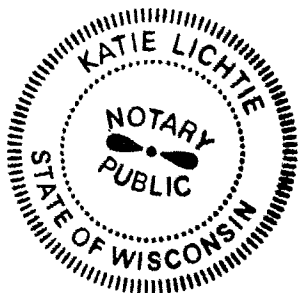
QRS COMPANY LLC,  
a Wisconsin limited liability company

By: Thomas DeBeck by Janice Ryan POA      By: Thomas DeBeck by Janice Ryan POA  
Name: Thomas DeBeck      Name: Thomas DeBeck  
Title: Owner      Title: Owner

**ACKNOWLEDGMENT:**

STATE OF WISCONSIN    )  
                                          )  
COUNTY OF DANE        )

Personally came before me on this 22 day of January, 2020, the above-named Thomas G. DeBeck, to me know to be the person who executed the foregoing instrument on behalf of Marsh Road Development Corporation and QRS Company LLC and acknowledged the same.



Katie Lichte  
Print Name: Katie Lichte  
Notary Public, State of Wisconsin  
My Commission expires: 01-06-23

## EXHIBIT A

### LEGAL DESCRIPTION OF DISCONTINUED PROPERTY

Vacation and discontinuance of all of Ballast Drive lying within the plat of TRADESMEN COMMERCE PARK, as recorded in Volume 59-050A of Plats, on pages 244-245, as Document Number 4416563, Dane County Registry, located in part of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 26, T7N, R10E, in the City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the Southeast corner of Lot 7, of said TRADESMEN COMMERCE PARK; thence South 01 degree 45 minutes 00 seconds East, 66.00 feet; thence South 88 degrees 15 minutes 00 seconds West, 352.97 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 291.27 feet, a radius of 183.00 feet and a chord bearing North 46 degrees 09 minutes 11 seconds West, 261.48 feet; thence North 00 degrees 33 minutes 22 seconds West, 162.19 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 89 degrees 59 minutes 42 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing North 45 degrees 33 minutes 13 seconds West, 21.21 feet; thence North 89 degrees 26 minutes 56 seconds East, 96.00 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 90 degrees 00 minutes 18 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing South 44 degrees 26 minutes 47 seconds West, 21.21 feet; thence South 00 degrees 33 minutes 22 seconds East, 162.18 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 186.22 feet, a radius of 117.00 feet and a chord bearing South 46 degrees 09 minutes 11 seconds East, 167.18 feet; thence North 88 degrees 15 minutes 00 seconds East, 352.97 feet to the point of beginning.

Containing 50,844 sq. ft. or 1.1672 acres, more or less.

# CITY OF MADISON PUBLIC ROAD RIGHT-OF-WAY VACATION

L O I 1  
C. S. M.  
1 2 8 5 6

S I R E E T

K L I P P

B

L A N D S

T R A D E S M E N   C O M M E R C E   P A R K

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P.O.B.

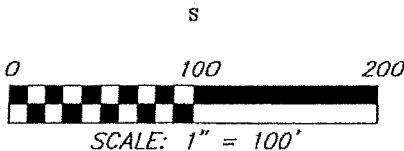
B A L L A S T   D R I V E

L A N D S

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NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: July 2, 2020  
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



RIGHT-OF-WAY TO BE VACATED

11 Dec 2019 - 11:48a M:\GIS Company\170142 Trademen Commerce Park Replat\CADD\170142\_Sheet Vacation.dwg by: mzb

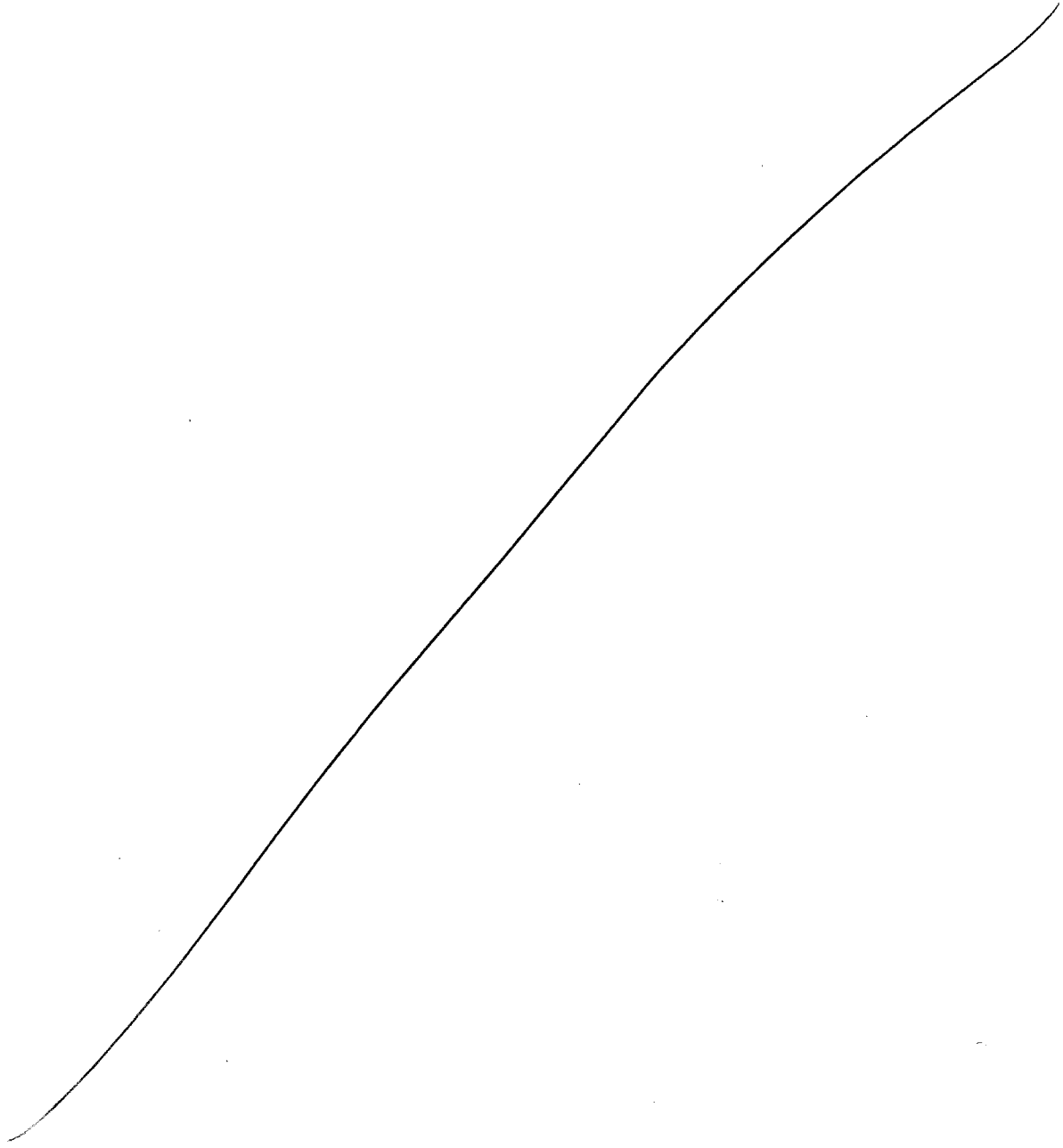


SCALE 1"=100'	SHEET
CHECKED MMAR	1 OF 1
DRAFTER WZIE	
DATE 12/09/2019	
JOB NO. 170162	

**EXHIBIT B**

**MAP OF DISCONTINUED PROPERTY**

[See attached]



**NOTICE OF LIS PENDENS  
Public Way Vacation and  
Discontinuance**

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

State of Wisconsin, County of Dane

DOCUMENT #  
5559081  
01/29/2020 08:34 AM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 10

In the matter of a resolution of the Common Council of the City of Madison Vacating and Discontinuing the following:

The public right-of-way of Ballast Drive, located south of Tradesman Drive and Kipp Street, in the City of Madison, Dane County, Wisconsin.

TO WHOM IT MAY CONCERN, notice is hereby given that there was filed a petition with the City of Madison City Engineer, a petition attached as Exhibit C, requesting the vacation and discontinuance of the public right-of-way as described on the attached Exhibit A hereto and as shown on the attached Exhibit B hereto in accordance with Subsection 66.1003(2), Wisconsin Statutes, by the City of Madison, Wisconsin.

Return To:  
Axley Brynelson, LLP  
P.O. Box 1767  
Madison, WI 53701-1767  
Attn: D. Clarke Sugar

None-Public Right-of-Way  
Tax Parcel Number (PIN)

This is NOT Homestead Property

*[SIGNATURE AND ACKNOWLEDGMENT ON NEXT PAGE FOLLOWING]*

Dated this 22<sup>nd</sup> day of January, 2020

MARSH ROAD DEVELOPMENT CORPORATION,  
a Wisconsin corporation

By: Thomas DeBeck by Janice Ryan POA  
Name: Thomas DeBeck  
Title: Owner

QRS COMPANY LLC,  
a Wisconsin limited liability company

By: Thomas DeBeck by Janice Ryan POA  
Name: Thomas DeBeck  
Title: Owner

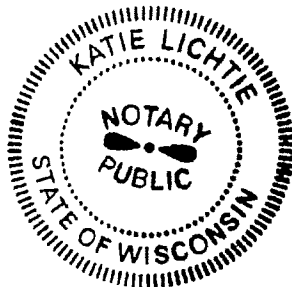
**ACKNOWLEDGMENT:**

STATE OF WISCONSIN    )  
                                          ) ss.  
COUNTY OF DANE        )

Personally came before me this 22 day of January, 2020, the above-named Thomas G. DeBeck to me known to be the person who executed the foregoing instrument on behalf of Marsh Road Development Corporation and QRS Company LLC and acknowledged the same.

Dated this 22 day of January, 2020.

Katie Lichte  
Print Name: Katie Lichte  
Notary Public, State of Wisconsin  
My Commission: 01-016-23



This document was drafted by  
Attorney D. Clarke Sugar  
Axley Brynelson, LLP  
P.O. Box 1767  
Madison, WI 53701-1767

**EXHIBIT A**

**LEGAL DESCRIPTION OF BALLAST DRIVE**

Vacation and discontinuance of all of Ballast Drive lying within the plat of TRADESMEN COMMERCE PARK, as recorded in Volume 59-050A of Plats, on pages 244-245, as Document Number 4416563, Dane County Registry, located in part of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 26, T7N, R10E, in the City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the Southeast corner of Lot 7, of said TRADESMEN COMMERCE PARK; thence South 01 degree 45 minutes 00 seconds East, 66.00 feet; thence South 88 degrees 15 minutes 00 seconds West, 352.97 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 291.27 feet, a radius of 183.00 feet and a chord bearing North 46 degrees 09 minutes 11 seconds West, 261.48 feet; thence North 00 degrees 33 minutes 22 seconds West, 162.19 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 89 degrees 59 minutes 42 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing North 45 degrees 33 minutes 13 seconds West, 21.21 feet; thence North 89 degrees 26 minutes 56 seconds East, 96.00 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 90 degrees 00 minutes 18 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing South 44 degrees 26 minutes 47 seconds West, 21.21 feet; thence South 00 degrees 33 minutes 22 seconds East, 162.18 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 186.22 feet, a radius of 117.00 feet and a chord bearing South 46 degrees 09 minutes 11 seconds East, 167.18 feet; thence North 88 degrees 15 minutes 00 seconds East, 352.97 feet to the point of beginning.

Containing 50,844 sq. ft. or 1.1672 acres, more or less.



**EXHIBIT B**

**MAP OF BALLAST DRIVE**

[See attached]

# CITY OF MADISON PUBLIC ROAD RIGHT-OF-WAY VACATION

L O I 1  
C. S. M.  
1 2 8 5 6

KIPP STREET

KIPP

B

LANDS

TRADESMEN COMMERCE PARK

B

Z

P.O.B.

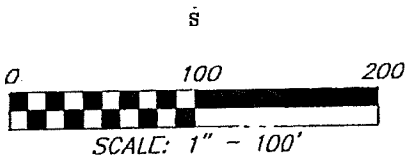
BALLAST DRIVE

LANDS

N

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: July 2, 2020  
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



RIGHT-OF-WAY TO BE VACATED

M:\GIS Company\170142 Tradesman Commerce Park Redevelopment\170142\_Sites\_Vacation.dwg 5/1/2020

**vierbicher**  
 planners | engineers | advisors  
 Phone: (800) 261-3898

EXHIBIT B

SCALE 1"=100'	SHEET
CHECKED MMAR	1 OF 1
DRAWN M7IF	
DATE 12/09/2019	
JOB NO 170162	

**EXHIBIT C**

**PETITION TO DISCONTINUE AND VACATE**

[See attached]

**PETITION TO DISCONTINUE AND  
VACATE A PORTION OF RIGHT-OF-WAY  
RE: BALLAST DRIVE**

This Petition is made pursuant to Wis. Stat. sec. 66.1003, to vacate and discontinue areas dedicated to the public as a public way. The undersigned Petitioners petition and state the following:

1. Pursuant to development of real property in Tradesmen Commerce Park, in the City of Madison, Wisconsin, the landowners abutting Ballast Drive have determined that this public way is not needed for public right of way purposes, and that the public interest requires that the City's interest in that piece of property be vacated and discontinued. The area to be vacated and discontinued (the "*Discontinued Property*") is identified in the attached Exhibit A (Legal Description) and Exhibit B (Map).

2. The undersigned are the owners of all the frontage abutting upon the Discontinued Property. The Discontinued Property constitutes all of Ballast Drive and, following the vacation and discontinuance, there will be no remaining portion of Ballast Drive. The undersigned therefore submit this petition in accordance with Section 66.1003(2), Wis. Stats., seeking the City's approval to vacate and discontinue the Discontinued Property.

**PETITIONERS:**

MARSH ROAD DEVELOPMENT CORPORATION,  
a Wisconsin corporation

QRS COMPANY LLC,  
a Wisconsin limited liability company

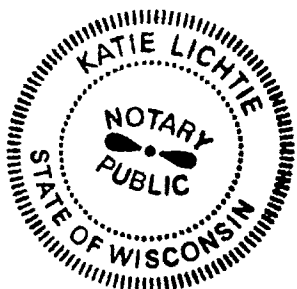
By: Thomas DeBeck by Janice Ryan POA  
Name: Thomas DeBeck  
Title: Owner

By: Thomas DeBeck by Janice Ryan POA  
Name: Thomas DeBeck  
Title: Owner

**ACKNOWLEDGMENT:**

STATE OF WISCONSIN    )  
                                          )  
COUNTY OF DANE        )

Personally came before me on this 22 day of January, 2020, the above-named Thomas G. DeBeck, to me know to be the person who executed the foregoing instrument on behalf of Marsh Road Development Corporation and QRS Company LLC and acknowledged the same.



Katie Lichtie  
Print Name: Katie Lichtie  
Notary Public, State of Wisconsin  
My Commission expires: 01-06-23

## EXHIBIT A

### LEGAL DESCRIPTION OF DISCONTINUED PROPERTY

Vacation and discontinuance of all of Ballast Drive lying within the plat of TRADESMEN COMMERCE PARK, as recorded in Volume 59-050A of Plats, on pages 244-245, as Document Number 4416563, Dane County Registry, located in part of the NW¼ of the SW¼ of Section 26, T7N, R10E, in the City of Madison, Dane County, Wisconsin, more fully described as follows:

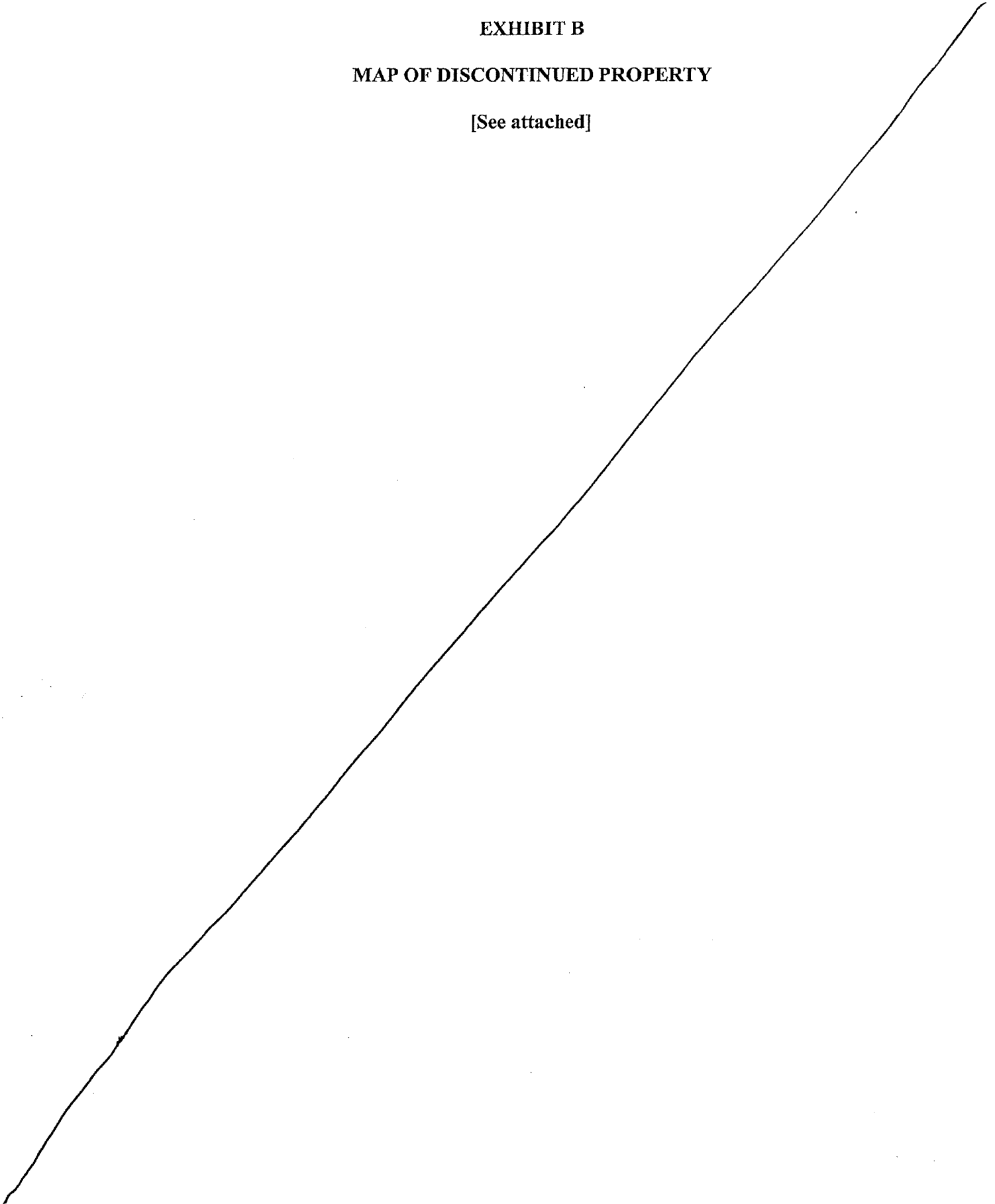
Beginning at the Southeast corner of Lot 7, of said TRADESMEN COMMERCE PARK; thence South 01 degree 45 minutes 00 seconds East, 66.00 feet; thence South 88 degrees 15 minutes 00 seconds West, 352.97 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 291.27 feet, a radius of 183.00 feet and a chord bearing North 46 degrees 09 minutes 11 seconds West, 261.48 feet; thence North 00 degrees 33 minutes 22 seconds West, 162.19 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 89 degrees 59 minutes 42 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing North 45 degrees 33 minutes 13 seconds West, 21.21 feet; thence North 89 degrees 26 minutes 56 seconds East, 96.00 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 90 degrees 00 minutes 18 seconds, an arc distance of 23.56 feet, a radius of 15.00 feet and a chord bearing South 44 degrees 26 minutes 47 seconds West, 21.21 feet; thence South 00 degrees 33 minutes 22 seconds East, 162.18 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 91 degrees 11 minutes 38 seconds, an arc distance of 186.22 feet, a radius of 117.00 feet and a chord bearing South 46 degrees 09 minutes 11 seconds East, 167.18 feet; thence North 88 degrees 15 minutes 00 seconds East, 352.97 feet to the point of beginning.

Containing 50,844 sq. ft. or 1.1672 acres, more or less.

**EXHIBIT B**

**MAP OF DISCONTINUED PROPERTY**

**[See attached]**



# CITY OF MADISON PUBLIC ROAD RIGHT-OF-WAY VACATION

L O I 1  
C. S. M.  
1 2 8 5 6

S I R E E T

K L P P

8

N89°26'56"E  
96.00'

R=15.00'  
I=89°59'42"  
L=23.56'  
ICB=N45°33'13"W  
LC=21.21'

R=15.00'  
I=90°00'18"  
L=23.56'  
ICB=S44°26'41"W  
LC=21.21'

N00°33'22"W 162.18'

S00°33'22"E 162.18'

T R A D E S M E N   C O M M E R C E   P A R K

6

Z

R=117.00'  
I=91°11'38"  
L=186.22'  
ICB=S46°09'11"W  
LC=167.18'

P.O.B.

N88°15'00"E 352.91'

B A L L A S T   D R I V E

S01°45'00"E  
56.00'

R=183.00'  
I=91°11'38"  
L=291.27'  
ICB=N46°09'11"W  
LC=261.48'

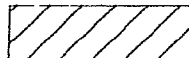
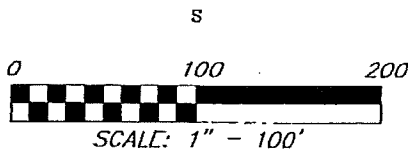
S88°15'00"W 352.97'

L A N D S

N

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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: July 2, 2020  
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



RIGHT-OF-WAY TO BE VACATED

**vierbicher**  
planners | engineers | advisors  
Phone: (800) 261-3898

EXHIBIT B

SCALE 1"=100'	SHEET
CHECKED MMAR	1 OF 1
DRAFTER M7IF	
DATE 12/09/2019	
JOB NO. 170162	

11 Dec 2019 - 11:48a M:\GIS Company\70162 Tradesman Commerce Park Replat\CADD\70162\_Sites\_Vacation.dwg by: mde



Date: 4/22/2020

Note: BALLAST DRIVE PROPOSED DISCONTINUANCE

City of Madison, WI - GIS/Mapping data

Printed By: enj/rq

Disclaimer: The City makes no representation about the accuracy of these records and shall not be liable for any damages

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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Date: July 2, 2020

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



# PLANNING DIVISION STAFF REPORT

May 18, 2020

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 4015-4057 Kipp Street, et al  
**Application Type:** Certified Survey Map and Vacation  
**Legistar File ID #** [60163](#) and [60374](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant & Property Owner:** Tom DeBeck, QRS Company, LLC/ Marsh Road Development Corporation; 8500 Greenway Boulevard; Middleton.

**Contact Person:** Gary Blazek, Vierbicher Associates; 999 Fourier Drive, Suite 201; Madison.

### Requested Actions:

- ID 60163 – Approval of a Certified Survey Map (CSM) to create two outlots for future development; and
- ID 60374 – Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.

**Proposal Summary:** The applicant is requesting approval of a request to vacate platted but unconstructed Ballast Drive and to re-divide a series of undeveloped platted lots and unplatted land in the Tradesmen Commerce Park subdivision into two outlots for future development by CSM. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Plan Commission and Common Council.

**Review Schedule:** The State's subdivision statute, Wis. Stats. 236, requires that Certified Survey Maps 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 accepted for review by the City circa April 1, 2020. Therefore, the 90-day review period for this land division request will end around July 1, 2020.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the two-outlot Certified Survey Map of 4015-4057 Kipp Street, et al and vacation of Ballast Drive to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** An approximately 48.9-acre parcel generally located on the east side of Marsh Road, approximately 700 feet south of Voges Road; Aldermanic District 16 (Tierney); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Undeveloped land, zoned IL (Industrial–Limited District) and A (Agricultural District).

### Surrounding Land Uses and Zoning:

**North:** AppleWood Self Storage, Pellitteri Waste Systems and undeveloped lots in the Marsh Road Industrial Subdivision and Tradesmen Commerce Park subdivisions, zoned IL (Industrial–Limited District);

**South:** Wingra Stone – Kampmeier Quarry in the Town of Blooming Grove; residential development in the April Hill subdivision in the Town of Blooming Grove and in the Siggel-Grove and Quinn Ranch subdivisions in the City, primarily zoned SR-C2 (Suburban Residential–Consistent 2 District);

**West:** Single-family residences along Marsh Road in the Town; undeveloped land in the City, zoned IL;

**East:** Undeveloped land, zoned IL and CN (Conservancy District); single-family residences in the Secret Places at Siggelkow Preserve subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District).

**Adopted Land Use Plans:** The 2018 Comprehensive Plan recommends the portion of the subject site north of the adjacent quarry for Industrial uses. The quarry, southerly prolongation of the subject site, and adjacent residential developments are recommended for Low Residential.

Outlot 1 of the CSM and the lands located to the north are recommended in the 1999 Marsh Road Neighborhood Development Plan for Industrial uses. The lands comprising Outlot 2 and the lands generally to the south and east are recommended for residential development at varying densities. Outlot 2 and the immediately adjacent lands owned by Wingra Stone are recommended for future residential development once quarrying of the Wingra lands ends in the future.

**Zoning Summary:** The proposed outlots are zoned IL (Industrial–Limited District) and A (Agricultural District) and the lot design requirements of those districts will not apply with this CSM. Future subdivision or development of the proposed outlots will require compliance with the Zoning Code prior to issuance of building permits and/or the approval of subsequent subdivision instruments for one or both outlots.

Other Critical Zoning Items	
Yes:	Barrier Free, Utility Easements
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park
<i>Prepared by: Planning and Zoning staff</i>	

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

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

## Previous Approvals

On January 8, 2008, the Common Council approved a request to rezone 90.6 acres located at 4131 Marsh Road from Temporary M1 (Limited Manufacturing District) to M1, W (Wetlands District) and A (Agriculture District) [1966 Zoning Code], and approved the preliminary plat of Tradesmen Industrial Park, creating 22 lots for industrial development, two outlots for public stormwater detention, and one outlot for future development.

On March 18, 2008, the Common Council approved the final plat of the Tradesmen Commerce Park, creating 10 industrial lots and three outlots. The final plat was recorded on April 7, 2008.

## Project Description

The applicant is requesting approval of a Certified Survey Map (CSM) to create two outlots for future development from the undeveloped portions of the Tradesmen Commerce Park subdivision. The applicant is also requesting approval of a petition to vacate Ballast Drive, a 66-foot wide local street right of way platted with the Tradesmen Commerce Park to serve the southern portion of the development. The proposed CSM comprises the remaining 48.9 acres of the original 90.6-acre Tradesmen development.

Outlot 1 of the CSM is proposed as a 33.13-acre parcel that will extend along the south side of Tradesmen Drive, a 66-foot wide local street right of way that extends into the Tradesmen development from Marsh Road before curving to the north to become Kipp Street, which continues through the development to the north and the adjacent Marsh Road Industrial Subdivision. Outlot 1 will have approximately 1,325 feet of combined street frontage along Tradesmen Drive and Kipp Street. The outlot will include Lots 5-9 of the Tradesmen Commerce Park, as well as all of the Ballast Drive right of way to be vacated by Resolution ID 60374. To date, no improvements have been installed in the Ballast Drive right of way, and the five lots are undeveloped. The remainder of Outlot 1 will consist of unplatted land that was originally planned as 12 additional lots for industrial development to be located on both sides of an eastward extension of Ballast Drive to the southeastern corner of the site in the future phases of Tradesmen Commerce Park. The proposed outlot is zoned a combination of IL and A zoning, with the five previously platted lots zoned IL, and the remaining unplatted land zoned A. [The entirety of proposed Outlot 1 had been zoned M1 prior to the adoption of the new zoning maps in 2013.]

The remaining 15.8 acres of the subject site will comprise Outlot 2 of the proposed CSM. The portion of the site comprising Outlot 2 is largely removed from the rest of the Tradesmen development and is bounded by the adjacent Kampmeier Quarry in the Town of Blooming Grove to the west and by residential development in the April Hill and Secret Places at Siggelkow Preserve subdivisions to the south and east, respectively. Outlot 2 is zoned A, and was previously identified with the preliminary plat of Tradesmen Commerce Park as an outlot for future development.

The letter of intent submitted with the CSM and vacation requests indicates that that Outlot 2 will become part of the future residential development planned for the lands south of Tradesmen Commerce Park, while Outlot 1 is being marketed for industrial development. No development of either outlot is anticipated at this time.

## Analysis and Conclusion

The Planning Division believes that the Plan Commission may find that the proposed CSM to create two outlots for future development from the undeveloped 48.9-acre site meets the standards for approval, and does not object to the vacation of Ballast Drive.

The proposed land division is generally consistent with the adopted plan recommendations applicable to the site in the Comprehensive Plan and the Marsh Road Neighborhood Development Plan. Both plans recommend that the land comprising proposed Outlot 1 be developed with industrial uses, while the land comprising proposed Outlot 2 is recommended for Low Residential development in the former, and "future residential" in the latter. The Generalized Future Land Use Map in the Comprehensive Plan shows the short segment of Ballast Drive platted to date, while the Marsh Road Neighborhood Development Plan only shows Tradesmen Drive and Kipp Street. However, neither plan shows the extension of Ballast Drive beyond where it currently ends.

At the time that Tradesmen Commerce Park was platted in 2008, the 15.76 acres of the site extending south of the industrial park between the adjacent quarry and Secret Places at Siggelkow Preserve subdivision was identified on the preliminary plat as an outlot for future development and rezoned to the A zoning district pending the identification of the eventual future use of this land. At that time, a subsequent zoning map amendment and further subdivision or development of the 15.76-acre parcel were anticipated, likely at the time the adjacent quarry was developed following the end of mineral extraction activities. The preliminary plat identified two "public roadway easements" across the future development outlot to connect the industrial park to the north with the residential areas to the south and east of the site. However, those future roads were not officially mapped, and the extension of those roads into this site are not depicted in the neighborhood development plan.

The future of Outlot 2 is largely dependent upon the future use of the Kampmeier Quarry, which is still actively being quarried. As noted above, the Marsh Road Neighborhood Development Plan anticipates that the quarry and proposed Outlot 2 will be developed with low-density residential uses, with the potential for an amendment to the neighborhood development plan to provide more detailed land use, circulation, and utility recommendations to precede development of those parcels. Beginning with the 1999 neighborhood development plan and continuing through the 2018 Comprehensive Plan, the Planning Division has felt that the quarry site and proposed outlot would be most appropriate for future residential development consistent with the established residential areas to the south and east, including the April Hill subdivision in the Town of Blooming Grove and Secret Places at Siggelkow Preserve and Twin Oaks subdivisions in the City.

While the 1999 Marsh Road Neighborhood Development Plan does not preclude a street connection between the Tradesmen Commerce Park plat and the residential areas generally to its south, staff feels that adequate access will exist to serve the distinct residential and industrial areas as the neighborhood continues to develop without the potential north-south connection created by an extension of Ballast Drive. In general, staff feels that future development of the quarry and Outlot 2 can be adequately served by connections to the west to Marsh Road, and to the south to Siggelkow Road via the existing and planned street network without a connection to Marsh Road through Tradesmen Commerce Park. City staff, the developer of the Tradesmen development (and current applicant), and owner of the quarry have all expressed some level of concern about the need to prevent cut-through traffic between the residential and industrial areas, which would be eliminated if Ballast Drive is not extended. The CSM and vacation proposals have been reviewed by City agencies, who have submitted no comments on either request to suggest that both should not be approved.

Finally, the proposed CSM should be viewed as creating two holding parcels pending more detailed development plans for the subject site. In general, an outlot may not be used as a building site but may be conveyed regardless of whether it may be used as a building site. Also, unlike a lot, the City's minimum lot design requirements in the Zoning Code for width, area, etc. do not apply to outlots. Therefore, prior to the future development of the proposed outlots, subsequent subdivision and zoning approvals will be required, including eliminating the split zoning of proposed Outlot 1, and creating buildable lots from the outlots.

## **Recommendation**

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

The Planning Division recommends that the Plan Commission forward the two-outlot Certified Survey Map of 4015-4057 Kipp Street, et al and vacation of Ballast Drive to the Common Council with recommendations of approval subject to input at the public hearing and the following conditions:

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

##### **Planning Division**

1. Note: No construction shall be allowed on the proposed outlots. Prior to the future development of the proposed outlots, subsequent subdivision and zoning approvals will be required, including eliminating the split zoning of proposed Outlot 1, and creating buildable lots from the outlots.

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

2. 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 the City Engineering Division to schedule the development and approval of the plans and the agreement.
3. Construct Madison standard street and sidewalk improvements for Kipp Street and Tradesmen Drive from Marsh Road to existing Kipp Street terminus.
4. A minimum of two (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).
5. A note shall be added to the CSM stating the each outlot is responsible for compliance with MGO Chapter 37 at the time that they develop.

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

6. The interior portions of the existing public utility easements inside of Outlot 1 shall be released by separate document prepared by City Office of Real Estate Services. The applicant shall be responsible to obtain the releases of the easements by the other public/private utilities serving this plat. Contact Jeff Quamme of

Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the CSM, acknowledgement of the release and document number shall be noted on the face of the CSM.

7. Insert standard language pre MGO Section 16.23(9)(d)2.a. verbatim. When done, all of the previous non-exclusive easements for drainage easements are released and new drainage easements defined by the current proposed Certified Survey Map.
8. Show label and dimension the 30-foot wide Pipeline Easement per Document No. 2110505 along the southern line of Outlot 1. Also, note Assignment of Koch Refining Company as Document No. 2231689 and Assignment and Assumption Agreement as Document No. 4759810.
9. Grant a new Public Utility Easement over the north 10 feet of vacated Ballast Drive to tie the easements together along the southerly side of the public right of way of Tradesmen Drive and Kipp Street.
10. Add a note under the Labels of Outlot 1 and Outlot 2 to refer to notes on sheet 4.
11. Show and label the 10-foot wide right of way to MG&E for underground electric over the east 10 feet of Outlot 2 and adjacent to the northeastern side of the gas pipeline easement per Document No. 3822087.
12. Add notes 2, 10, 12, 14 and 15 from the Plat of Tradesmen Commerce Park to the CSM and reference that they are notes that apply to this CSM. Also, show any wetland area and the required 75-foot setback within Outlot 2.
13. Add the Wisconsin Department of Transportation Note 3 from the plat of Tradesmen Commerce Park.
14. The pending vacation and discontinuance of Ballast Drive shall be adopted, any conditions met, and the resolution recorded prior to final sign off of the CSM.
15. 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 Jeff Quamme, City Engineering. 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. Note: Land tie to two PLS corners required.
16. 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. Visit the Dane County Surveyor's Office web address for current tie sheets and control data that has been provided by the City of Madison. Also, the coordinates noted for the West Quarter Corner and Center to not match the bearings between the corners, nor the plat of Tradesmen Commerce Park.
17. Prior to final Engineering sign-off by the main office for Certified Survey Maps (CSM), the final CSM must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval.

This submittal must occur a minimum of two (2) working days prior to final Engineering Division sign-off. E-mail submittal of the final CSM in PDF form is preferred; transmit to jrquamme@cityofmadison.com.

18. Correct the dimension of the south line of Outlot 1 to 2017.21 feet
19. Add Tradesmen Drive to the adjoiner call in the legal description. Tradesmen lies to the west of vacated Ballast Drive.
20. Remove the "to be vacated" text for Ballast Drive on sheet 1. Add "Vacated by the City of Madison, Document No. \_\_\_\_\_."
21. There is a pending CSM to divide CSM 10313 to the west of this proposed CSM. If adjacent CSM is recorded first, update CSM information on maps and in legal description.
22. Label the street name of Tradesmen lying west of vacated Ballast Drive.
23. On sheets 1 and 2, label the full street names for adjoining streets: Red Barn Run, Bellingrath Street, Bellingrath Court, Kuehling Drive, and Tradesmen Drive.
24. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work 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 (i.e. all shown on the plat/CSM (including wetland & floodplain boundaries).

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

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

This agency did not submit any comments or conditions of approval for this request.

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

This agency did not submit any comments or conditions of approval for this request.

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

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

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

This agency did not submit any comments or conditions of approval for this request.

**Parks Division** (Contact Kathleen Kane, 261-9671)

This agency did not submit any comments or conditions of approval for this request.

**Forestry Section** (Contact Brad Hofmann, 267-4908)

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

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

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

**Office of Real Estate Services** (Contact Heidi Radlinger, 266-6558)

25. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.
26. 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.
27. A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
28. The Secretary of the City of Madison Plan Commission is Matt Wachter.
29. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@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 (February 21, 2020) 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.
30. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.
31. The CSM shall be revised as follows prior to final staff approval for recording:
  - a.) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
  - b.) Include relevant notes from the Tradesmen Commerce Park plat.