



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

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

August 26, 2021

Ben Schulte
Ruekert & Mielke
4001 Nakoosa Trail, Suite 200
Madison, Wisconsin 53714

RE: LNDCSM-2021-00020; ID 66598 – Certified Survey Map – 4902-5150 Eastpark Blvd. (American Family Insurance)

Dear Ben;

The Certified Survey Map (CSM) to divide 4902-5150 Eastpark Boulevard, Section 22, Township 8N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The property is zoned SEC (Suburban Employment Center District). The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following three (3) items:

1. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
2. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) 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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
3. A note shall be added to the CSM as follows: "All lots created by this CSM are individually responsible for compliance with the requirements of MGO Chapter 37 at the time of development."

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have questions regarding the following eighteen (18) items:

4. The two existing parcels are located in 2 different school districts. As a result the CSM will require the Assessor's Office to create 4 parcels for the 2 CSM lots. To reconcile, the owners need to petition the appropriate school district to bring the lots all into the desired school district.
5. Add standard note for public utility easements: Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area. Also the Note A reference for these easements is incorrect and shall be removed from those labels.
6. Remove the word "Proposed" from all easements to be granted by this CSM.
7. All existing easements shown and noted on the CSM shall include text in the labels citing the recording information granting the easement.
8. Provide the reasoning and need for the 25-foot stormwater easement along the easterly side. The language shall be provided at that time. Contact Jeff Quamme for the required language.
9. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).
10. All Section Corner monument notes on sheet 1 shall include text to see additional information on Sheet 4.
11. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
12. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
13. The curve data for overall Curve No 2 is incorrect as it also is in the legal description. Also provide recorded as curve data for Curve 2 and Curve 3 per the road conveyance Document No. 3607993. As a result the legal description and CSM do not mathematically close. A closure report of the exterior boundary and for each lot shall be provided prior to final sign off.
14. Provide recorded as data along Eastpark Boulevard per Document No. 3607993.
15. Monument the northerly point of curvature of Curve.

16. Provide adjoiner land division information along for lands along the westerly side of Eastpark Boulevard.
17. Clarify or remove the dimensions on the north and south sides of Lot 1. They are unreadable and unclear as to intent.
18. Add to the map on sheet 1 the tie distance of 2501.11 feet from the northwest corner of Section 22.
19. Curve 1 in the legal description has an incorrect bearing.
20. Add text to the section corner information on sheet 4 for the Witness monument that it is in fact a brass capped witness monument.
21. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Please contact Melissa Hermann of the Office of Real Estate Services at 264-9297 if you have any questions regarding the following nine (9) items:

22. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. Sec. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.
23. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
24. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated...
25. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder.

26. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
27. As of August 16, 2021, the 2020 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer, 210 Martin Luther King, Jr. Blvd., Madison, WI 53701.
28. As of August 16, 2021, 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 during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1. In lieu of this requirement, the owner may present written documentation from the City's Board of Public Works that the special assessments may be continued to be paid on the installment basis authorized by the Board of Public Works. However, if lands within the CSM boundary are to be dedicated, the special assessments levied against the dedicated lands are to be paid in full.
29. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Melissa Hermann in the Office of Real Estate Services (mhermann@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 (July 1, 2021) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
30. The following revisions shall be made to the CSM prior to final sign-off:
 - a) Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
 - b) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
 - c) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
 - d) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
 - e) Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
 - f) If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

- g) Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.

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

31. Please revise the CSM to make proposed Lot 2 into an outlot for future development to be further divided by subsequent instrument. As proposed, the two-lot land division is not consistent with the recommended street network in the 2019 amendment to the Rattman Neighborhood Development Plan, which shows a local street extending across the subject site to connect Eastpark Boulevard to S Biltmore Lane.

Otherwise, the applicant shall revise the two-lot CSM to show the dedication of right of way for the planned local street according to an alignment approved by the Planning Division and City Engineering Division. Dedication of this right of way may require additional comments and conditions to be met prior to final approval of the CSM by the City for recording, including but not limited to entering into an agreement with the City to construct the public street across the property according to plans approved by the City Engineer.

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

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division will be considered by the Common Council at its August 31, 2021 meeting.

In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will transmit the CSM to the City Clerk's Office for execution of the Common Council certificate.

Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument will be returned electronically to the applicant by the Planning Division for printing and recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at 266-4141.

Any appeal from this action, including the conditions of approval, may be appealed to the Plan Commission for consideration in accordance with MGO Section 16.23. An appeal otherwise must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

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Sincerely,

A handwritten signature in black ink that reads "Timothy M. Parks". The signature is written in a cursive, flowing style.

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division–Mapping Section
Sean Malloy, Traffic Engineering Division
Melissa Hermann, Office of Real Estate Services
Jenny Kirchgatter, Assistant Zoning Administrator