



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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September 2, 2009

Jeff Ekola  
Office of Real Estate Services  
Economic Development Division  
City of Madison, Wisconsin

RE: Approval of a request to rezone approximately 73.3 acres located at 1302 Wheeler Road from Temp. A (Agriculture District) to C (Conservancy District), and; File No. LD 0928 – Approval of a two-lot Certified Survey Map creating 1 outlot combining various City-owned parcels into one parcel for an addition to Cherokee Marsh Conservation Park and 1 outlot for future residential development by Cherokee Park, Inc. (Cherokee Park, Inc./ City of Madison)

Dear Mr. Ekola:

At its September 1, 2009 meeting, the Common Council **conditionally approved** the City's zoning map amendment and the two-lot Certified Survey Map of property owned by Cherokee Park, Inc. and the City subject to conditions of approval from reviewing agencies. The conditions of approval to be satisfied before final approval and recording of the CSM are:

**Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following seven conditions:**

1. Revise the Certified Survey Map to include the public storm water drainage easement that was retained over the entire vacated Wheeler Road right of way per Document No. 4434930.
2. The CSM states "Right of Way Varies" for portions of existing Wheeler Road and Comanche Way. Revise the Certified Survey Map to include actual existing right of way dimensions for both.
3. The applicant shall dedicate a 20-foot wide public sanitary sewer easement in the east-west portion of vacated Wheeler Road (vacated in 1978) as a condition of approval of this CSM.
4. A copy of the wetlands delineation shall be provided to the City Engineer in both electronic and hard copy format.
5. The CSM shall provide a drainage easement from Comanche Way to the wetland, through Outlot 1.
6. In accordance with Section s.236.34(1)(c) which says a CSM shall be prepared in accordance with s.236.20(2)(c) & (f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. 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.
7. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to the Engineering Division Surveyor/Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the final CSM in PDF form is preferred. Please transmit to [epederson@cityofmadison.com](mailto:epederson@cityofmadison.com)

**Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following item:**

8. The applicants shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off.

**Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following two items:**

9. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.
10. This property is in a Wellhead Protection District. Any proposed development on this property will be subject to review by the Water Utility General Manager.

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

11. That a note be added to the Certified Survey Map prior to final approval for recording that states that no development on Outlot 1 shall occur until this outlot is re-subdivided as a developable lot and until the entire property has been rezoned from Temp. A (Agriculture District). Any public infrastructure necessary to serve the future development of Outlot 1 may require a Developer's Agreement as a condition of approval of the rezoning and re-subdivision of that parcel. This shall include the construction of sidewalk along Wheeler Road.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (enclosed), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Upon acceptance and recording of the certified survey map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. The approval of this CSM shall be null and void if not recorded in **two years** from the date of the approving resolution. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Janet Dailey, City Engineering Division  
John Leach, Traffic Engineering Division  
Dennis Cawley, Madison Water Utility  
Norb Scribner, Dane County Land Records and Regulations