



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

Project Address: 5110 High Crossing Boulevard (Ald. District 17 – Ald. Clausius)
Application Type: Conditional Use and Certified Survey Map Referral
Legistar File ID # [37372](#) [37163](#) & [37374](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant and Property Owner: Tim Nietzel; Young Crossing LLC; 5301 Voges Road; Madison, WI 53718

Contacts: Jerry Bourquin; Dimension IV-Madison; 6515 Grand Teton Plaza Suite 120; Madison, WI 53719 (CU)
Michelle Burse; Burse Surveying and Engineering, Inc; 1400 E Washington Avenue, Suite 158;
Madison, WI 53703 (CSM)

Requested Actions: The applicant requests approval of a two-lot CSM and a conditional use to allow the construction of a 60,650 square-foot health club and 106-room hotel as a planned multi-use site.

Proposal Summary: The applicant proposes to divide the subject property into two lots to allow the creation of a health club and hotel on a planned use site. The health club is proposed as a two-level structure with an approximate area of 60,650 square feet. This building includes 43 underground parking stalls. The hotel is a four-story, 106-room hotel with 37 underground parking stalls.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [Section 28.183] and Certified Survey Maps [Section 16.23]

Review Required By: Urban Design Commission (UDC) and Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses and certified survey maps are met and **approve** both the requested two-lot CSM and conditional use to allow the construction of a 60,650 square-foot health club and 106-room hotel as a planned multi-use site at 5110 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The subject site is a 3.92-acre site on High Crossing Boulevard, adjacent to Interstates 90-94 and 39. The site is within Aldermanic District 17 and within the limits of the Sun Prairie School District.

Existing Conditions and Land Use: The site is currently vacant. The property previously included a motor sports sales facility which was demolished.

Surrounding Land Use and Zoning:

North: Movie theater, zoned CC (Commercial Center) with interchange, beyond;

South: Office, restaurant, and hotel uses, zoned CC and SE (Suburban Employment);

East: Movie theater, zoned CC; and

West: Interstate 39-90, and 94.

Adopted Land Use Plan: The Comprehensive Plan recommends “general commercial” uses for this site. The Nelson Neighborhood Development Plan provides a similar recommendation for “commercial/ retail services” for this property.

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

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is zoned CC – Commercial Center District. A summary table from the Zoning Administrator was not available at the time of report writing.

Previous Approvals

In August 2008, the Plan Commission approved the demolition of a metal building previously used as a motor sports dealership. The approved alternative use was a tilt-up concrete fitness center. In March 2010, the Plan Commission approved revised plans for a two-story building housing Rasmussen College as a new alternative use. Neither of the approved future uses was ever constructed and the site has remained vacant for several years.

Project Description, Analysis, and Conclusion

The applicant requests approval of two related requests. The first request is for approval of a two-lot certified survey map (CSM) to divide the subject property into two lots. The second request is for a conditional use to allow the development of a 60,650 square-foot health club and a 106-room hotel as part of a planned multi-use site. These requests are subject to the approval standards for land divisions and conditional uses.

The subject site has an area of 3.92 acres. Lot 1 of the proposed CSM would be a 1.8-acre site to be utilized by the hotel. The proposed Lot 2 is an approximately 2.1 acre lot which will be utilized for the proposed health club. The lots are proposed to function as a coordinated “Planned Multi-Use Site,” where contiguous ownership parcels include shared parking and/or access. The Zoning Code requires that such approvals include a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer, and the Director of Planning and Community and Economic Development.

The proposed hotel is a four-story, 106-room hotel with 37 underground and 60 surface parking stalls. The building has a total area of 81,589 square feet. The building is clad in a combination of brick, upper level EIFS, with cultured stone as an accent material.

The health club is proposed as a two-level structure with an approximate area of 60,650 square feet. This building is sited on the western portion of the site, closest to Interstates 39-90-and 94. This building includes

43 underground and 119 surface parking stalls. A total of 40 bike parking stalls are proposed. The building is clad in white pre-cast concrete. As an accent, the building includes fabric sun screen panels.

In regards to design considerations, staff notes the visual prominence of this site from the Interstate and High Crossing Boulevard. The applicant gave an informational presentation at the Urban Design Commission (UDC) on February 11, 2015. Upon review of the submittal, the Zoning Administrator, UDC Secretary, and Planning staff met with the project architects on March 17 to discuss design-related concerns and areas where the original submittal did not meet code requirements. In response, the applicant prepared revisions to the drawings which are included in the Commission packets. More specific design-related comments follow:

Hotel

- **Building Materials.** With the original submittal, the top two floors of the building were primarily clad in EIFS, which did not comply with the building materials standards of Sec. 28.060(2)(g). That standard allows EIFS only as a trim/accent material or on the top of the building. The revised elevation drawings before the Commission now feature three shades of brick with only the top floor clad primarily in EIFS. Considering the cultured stone, there would be five materials (and five colors) of materials on the building. The architect indicates the material variations are primarily texture changes versus actual color changes. This is depicted in the updated perspective rendering. The Planning Division is supportive of the addition of additional brick but request that the UDC advise the Plan Commission on the composition. The Planning Division had previously recommended the cultured stone accent be removed or the applicant looks for ways to simplify the facades.

Fitness Center

- **Entrance Orientation.** The entrance orientation of the fitness center, as previously proposed, did not meet the Zoning Code's requirements of 28.060(2)(a) in regards to providing a street-oriented entrance. A revised concept has been provided, though at the time of report writing, the Zoning Administrator has not been able to confirm whether the revised feature complies. Further information will be provided by staff prior to the upcoming meetings.
- **Vertical Building Articulation.** The Zoning Administrator indicated that as proposed, the south-facing elevation did not meet the Zoning Code's requirement of 28.173(7)(c) that facades facing a public street are vertically articulated at a minimum interval of 40 feet. A revised concept has been prepared, though at the time of report writing, the Zoning Administrator has not been able to confirm whether this feature complies.
- **Building Composition and Materials.** Staff had previously asked the applicant to consider additional glazing and/or a secondary building material. The proposed pre-cast concrete building incorporates different concrete textures, though is largely a white pre-cast concrete structure. While the building is largely consistent in color, the window patterning, textures, and detailing lead to significantly different character among the building's four visible facades. Staff believes more design cohesion between the building sides is desirable.

The latest plans include more glass along the High Crossing frontage, which staff believes enhances the front façade's appearance. Staff believes this change also provides better design cohesion between that façade and the north façade that features exclusive upper story glazing. Staff suggests consideration be given to providing more continuity of the building's base, especially along the rear façade which lacks detailing and reveals on other facades. The large ground-floor parking-lot facing mass on the north elevation could be improved by breaking this feature down through different detailing.

Staff had also raised general questions regarding the long-term appearance of a white concrete building in regards to material staining over time.

- **Sun Shades.** The sun shades provide key defining element along the sides of the building, including the Interstate-facing side. Staff question the long-term durability of a prominent design element and suggest consideration be given to a more durable, permanent and architecturally-integrated material such as some sort of metal panel. The applicant has also revised the plans which now include a sun shade of a similar color to the building wall versus the previous versions in which a more vibrant contrast was proposed. While staff concerns were raised that the shades not be designed as non-compliant signage, staff thought that a varied color provided an interesting accent.

Finally, staff notes that the subject site is adjacent to Interstate 39-90-and 94. As such, the General Planning Ordinance (Chapter 16 - Madison General Ordinances) requires that any outdoor recreation areas include sound attenuation measures so the exterior hourly traffic sound level is at or below 67 dBA (decibels A-weighted). The buildings are also required to include measures so that interior hourly traffic-induced sound is at or below 52 dBA.

At the time of report writing, staff was not aware of any concerns regarding this proposal. Subject to meeting the design recommendations of the Urban Design Commission and complying with design-related zoning code standards, the Planning Division believes the applicable standards can be met.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses and certified survey maps are met and **approve** both the requested two-lot CSM and conditional use to allow the construction of a 60,650 square-foot health club and 106-room hotel as a planned multi-use site at 5110 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

Comments on the Conditional Use

1. That prior to final sign-off and approval of this Conditional Use the applicant shall provide the required highway noise information and certifications as required by 16.23 Madison General Ordinances.
2. That all building materials are clearly labeled on each elevation drawings, consistent with the approved plans.

Comments on the CSM

3. The applicant is proposing to create a Planned Multi-Use Site as defined in the City's Zoning Code and Subdivision Regulations. Prior to final staff approval of the CSM for recording, the applicant shall receive approval of the site plans, reciprocal land use agreements, reciprocal access easements and shared parking agreements sufficient to govern the proposed lots. Any new or amended agreement(s) and easement(s) necessary for this land division shall be recorded with the Dane County Register of Deeds following approval

by the City Engineer, Traffic Engineer, and Director of the Department of Planning and Community & Economic Development and prior to recording of the CSM.

4. That prior to final sign-off and approval of this CSM the applicant shall provide the required highway noise information and certifications as required by 16.23 Madison General Ordinances.

City Engineering Division (Contact Janet Schmidt, 261-9688)

Comments on the Conditional Use

5. 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 GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
6. There are proposed light poles shown within the Electric Line Easement per Doc No. 1739825. Applicant shall coordinate and obtain written permission for the light poles and trees within the easement as required by the easement. Provide proof of approval by the Utility approving the light poles and trees as proposed.
7. Buildings, retaining walls, improvements and grade changes are proposed along the north side of the site within the Electric Line Easement per Document No. 1816552 and Gas Easement per 1920386. Sheet 300 shows the relocation of the electric and gas facilities. Provide copies of the easement release documents and the new easement documents for the relocated facilities prior to building permit issuance.
8. Obtain written permission with City Water Utility staff for the placement of any light poles or trees within the easement per Doc No. 2358110 as required by the document. Provide proof of contact with the water utility approving the improvements.
9. Provide recorded copies of the cross access, drainage, storm water management, water main and utility easement /agreement between the two proposed lots. The recorded copy(ies) shall be required prior to final sign off on the site plans.
10. A permit to discharge stormwater to Wisconsin Department of Transportation right-of-way is required and shall be provided to the City, prior to release of building permits.
11. Applicant shall provide evidence of a Wisconsin Department of Transportation right-of-way permit for the sanitary sewer lateral connection to the City manhole located in the highway right-of-way.
12. If proposed hotel has a commercial kitchen, applicant will be required to obtain a separate water meter for sanitary surcharge billing purposes.
13. The Applicant shall work with Traffic Engineering and City Engineering for the design of the proposed sidewalk along High Crossing Boulevard. The installation of the sidewalk will require surety to guarantee the installation. The work will be completed under a Permit to Excavate in the Right of Way and shall be constructed in accordance with a plan that is approved by the City Engineer.

14. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
15. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
16. All damage to the pavement on High Crossing Boulevard adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
17. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
18. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 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.
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 a) Reduce TSS by 80% off of the proposed development when compared with the existing site; b) Provide oil & grease control from the first 1/2" of runoff from parking areas; c) 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 the Madison General Ordinances. Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
20. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). 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) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

Comments on the CSM

- | |
|--|
| <p>21. There is public sanitary sewer within close proximity to the north and west sides and also crosses the Certified Survey Map at the northwest corner. Provide a public sanitary sewer easement on the face of the Certified Survey Map. The limits of the easement lying within this CSM shall be a minimum of 15 feet from the center of the sanitary sewer improvements. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the easement language required to be placed on the Certified Survey Map.</p> |
|--|

22. The northern 33 feet of the CSM is subject to an existing sanitary Sewer Easement that was retained upon the discontinuance of Gisholt Road per Document No. 1992622. Per ss 80.32(4). Whenever any public highway or public ground has been vacated or discontinued the easements and rights incidental thereto acquired by or belonging to any county, school district, town, village or city or to any utility or person in any underground or overground structures, improvements or services and all rights of entrance, maintenance, construction and repair of the same shall continue. This easement shall be released by separate document prepared by City Office of Real Estate Services. Applicant must prepare metes and bounds legal description and scale map exhibit for the portion to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds prior to recording the proposed CSM.
23. The side of the CSM in the northeast corner having a length of 195.36 feet is incorrect. There is a 1~~2~~36' bend in the middle of the line at the location where it crosses the discontinued right of way of Gisholt Road. Revise the CSM boundary accordingly using Document No's 1992622 (discontinuance) and 1992623 (quit claim of lands for road).
24. The intent of the watermain easement per Document No. 2358110 is for a 20' wide easement adjacent to the right of way of the Interstate. Please revise and dimension as such. Provide recorded as information on dimensions.
25. Add a certificate of Consent of Mortgagee for the McFarland State Bank.
26. Provide Recorded As information on the 108.55 and 109.06 long courses on the northwesterly side of the CSM per Document No. 2897424.
27. Remove the "Lands" label in the middle of the CSM. Renumber one of the Lots to be Lot 2.
28. Under the Outlot 1 label south of High Crossing Blvd, add a note "Dedicated by Quit Claim Deed to WISDOT Doc No. 4156955.
29. Add a note: All buildings and outdoor recreational areas shall comply with MGO Chapter 16.23(3)(d) – Highway Noise Land Use Provisions policies and ordinance.
30. Proposed buildings, retaining walls, improvements and grade changes are proposed along the north side of the CSM within the Electric Line Easement per Document No. 1816552 and Gas Easement per 1920386. Proposed plans show the relocation of these electric and gas facilities. Provide recorded copies of the easement release documents, remove the portions from the CSM that are released, and show the location of the new easements with recording information.
31. Surveyor's Certificate: correct spelling of Boulevard to Boulevard.
32. Surveyor's Certificate: add first Point of Beginning text to appropriate line.
33. Survey drawing: add POB to appropriate location.

34. Lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for

the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds. (POLICY)

35. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Schmidt (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)
36. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
37. 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 for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 to be attached to the monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
38. 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 Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
39. 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) & (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 Plat/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
40. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or 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 working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred.
41. Transmit to jrquamme@cityofmadison.com

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

Comments on the Conditional Use and CSM

42. Install a public sidewalk along High Crossing Blvd for the entire length of the property as feasible and as designed by the City Engineer and City Traffic Engineering Divisions.

43. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, all bicycle racks shall have a 5' backup space.

44. 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 two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

45. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

46. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

47. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

48. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

49. Underground parking on AA1.0 and AB1.0 is not dimensioned, as such any configuration that does not meet 10.08 dimensions (columns cannot be placed inside a parking stall guide lines) must be altered.

Zoning Administrator (Contact Matt Tucker, 266-4569)

Comments were not received in time to be included in this report.

Fire Department (Contact Bill Sullivan, 261-9658)

Comments on the Conditional Use and CSM

50. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.

- b. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
- c. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.

51. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.

Parks Division (Contact Kay Rutledge, 266-4714)

Comments on the Conditional Use and CSM

52. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

53. Please reference ID# 15118 when contacting Parks about this project.

54. Applicant shall provide a public path easement from Tony Drive to Holy Cross Way as required by the Parks Division in the conditional approval of the preliminary and final plat for the Eagle Crest Subdivision.

55. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

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

Comments on the CSM

56. Prior to requesting approval sign-off, executed signature block certifications shall be included for 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.

57. Include a certificate of consent by McFarland State Bank following the Owner's Certificate(s) and execute prior to CSM approval sign-off. Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off.

58. The applicant shall meet the following certificate and consent requirements:

- a. 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.

- b. City of Madison Plan Commission Certificate: Pursuant to Madison City Ordinance Section 16.23(5) (e) 4 and Wis. Stats. 236.21(2) (a), all CSM's that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____ Date: _____

Natalie Erdman, Acting Secretary Plan Commission

- 59. As of March of 2015 there are outstanding taxes for the subject property. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) 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. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off and checks are payable to:

City of Madison Treasurer

210 Martin Luther King, Jr. Blvd.

Madison, WI 53701

As of this letter there are no special assessments reported. If special assessments are levied against the property prior to approval sign-off, they shall be paid in full pursuant to Ordinance Enactment No. ORD-08-00094, ID No. 10847, Enactment Date 8/23/2008.

- 60. Prior to CSM approval sign-off, please verify with Janet Schmidt at City Engineering (261-9688) or Sharon Pounders at the Water Utility (266-4641) that storm water management fees are paid in full.
- 61. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to the City's Office of Real Estate Services, 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 (11/21/2014) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. Surveyor shall update the CSM with the most recent information reported in the title update.
- 62. The owner shall email the document number of the recorded CSM to Heidi Radlinger at the City's Office of Real Estate Services at hradlinger@cityofmadison.com as soon as the recording information is available.
- 63. The applicant shall revise the CSM per the below requirements:
 - a. Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells and septic systems associated with the lands described for the proposed CSM.
 - b. Label Lot 2 on sheets one and two.
 - c. Depict/note sanitary sewer easement retained per SS66.1005(2) Doc 1992622.
 - d. Remove depiction of TLE for construction purposes - Doc 2897424 - from sheet 2.

Water Utility (Contact Dennis Cawley, 261-9243)

64. The Utility Plan shall be revised. Each lot of record must have a separate water service lateral connection to a public water main.

65. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

66. The proposed public sidewalk along the property frontage does not have an accessible connection to a curb ramp or other pedestrian crossing, either west (bridge over Interstate) or east (cinema parcel opposite Crossroads Drive).

67. Metro Transit operates daily transit service along High Crossing Boulevard between the East Springs and Crossroads intersections adjacent the project site. Bus stop zones serve the intersection of High Crossing Boulevard and Crossroads Drive, but no accessible pedestrian connection exists between these bus stops and the project parcel.