



## Report to the Plan Commission

February 6, 2012

**Legistar I.D. #25221**

**3371 Meadow Road, Town of Middleton**

**Extraterritorial Certified Survey Map**

Report Prepared By:

Timothy M. Parks, Planner

Planning Division

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**Requested Action:** Consideration of a two-lot Certified Survey Map (CSM) of the Zingg property located at 3371 Meadow Road, Town of Middleton, in the City of Madison's Extraterritorial Jurisdiction.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 3 of this report.

### Background Information

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**Applicant & Property Owner:** David C. Zingg; 3371 Meadow Road; Middleton; Bradley Dahlk, representative.

**Surveyor:** Ross Michaels, Nothbaum Michaels Surveying; 6314 Odana Road; Madison.

**Proposal:** The applicants propose to subdivide the subject property into two lots. The applicants wish to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on December 14, 2011. Therefore, the 90-day review period for this CSM will end circa March 14, 2012.

**Parcel Location:** A 5.0-acre parcel located on the west side of Meadow Road, approximately midway between Mid Town Road and Valley View Road; Middleton-Cross Plains School District.

**Existing Conditions:** The subject site is developed with a single-family residence and shed. The site is zoned County A-1 Agriculture District and LC-1 Limited Commercial District.

**Surrounding Land Uses:** The area surrounding the subject site is characterized by a variety of small parcels developed with single-family residences and agricultural parcels of varying size, which are zoned County A-1.

**Environmental Corridor Status:** The subject site is not located in the Central Urban Service Area and is not located in a mapped environmental corridor.

**Public Utilities and Services:**

Water: Property is not served by municipal water

Sewer: Property is not served by municipal sewer

Fire protection: Middleton Fire Department  
Emergency medical services: Middleton Fire Department  
Police services: Dane County Sheriff's Department  
School District: Middleton-Cross Plains School District

## **Project Review, Analysis & Conclusion**

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**Proposed Land Division:** The property owner, David Zingg, is requesting approval of an extraterritorial Certified Survey Map to divide his 5.0-acre parcel located on the west side of Meadow Road in the Town of Middleton into two lots. The subject site is developed with a one-story single-family residence on the southern half of the property and a shed on the north. The property is zoned A-1 Agriculture with the exception of the area immediately surrounding the shed, which is zoned LC-1 Limited Commercial for a landscaping firm owned by the property owner. The west side of Meadow Road is primarily characterized by a number of agricultural parcels of varying size, while the east side of the road includes a combination of smaller residential parcels and large agricultural tracts. The Hawks Woods and Hawks Landing residential developments in the City of Madison are located a quarter-mile east of the site and Meadow Road.

Lot 1 of the proposed CSM will be a 148.34-foot wide and 310-foot deep parcel that will contain the existing residence. The shed will be located on the other proposed lot, which will contain 3.31 acres of land and 139 feet of frontage along Meadow Road, and will wrap around the rear of proposed Lot 1. No change of County zoning is required to implement the proposed land division.

**Approval of CSM by Town of Middleton and Dane County:** Section 16.23(3)(c) of the Subdivision Regulations requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

The Dane County Zoning & Land Regulation Committee conditionally approved the proposed land division as outlined in the attached letter dated October 17, 2011 from Dan Everson, Land Division Review, Dane County Department of Planning and Development. The proposed land division was approved by the Town of Middleton Board on October 17, 2011 subject to the conditions contained in the attached board minutes.

**City of Madison Land Use Plan & Land Division Criteria:** The subject site is not located within the boundaries of an adopted City of Madison land use plan. The City of Madison and the Town of Middleton entered into a cooperative agreement on March 28, 2002 that establishes the future western boundary of the City as Pioneer and Meadow Roads. The cooperative plan includes a provision for the realignment of Pioneer Road southeast into Meadow Road to create a continuous north-south route extending from Old Sauk Road on the north to Mid Town Road on the south, which will be known as Pioneer Road. The cooperative agreement anticipated that development on the west side of Pioneer Road would occur in the Town and development east of Pioneer Road would occur in the City.

The sole focus of the Plan Commission's review of the proposed land division is to determine whether or not the CSM will implement the goals of the City-Town cooperative plan for establishing the new alignment of Pioneer Road. The City Engineering Division and Planning Division have reviewed the proposed CSM, which will dedicate 7 feet of right of way for Pioneer/ Meadow Road as well as the beginning of a curve radius for the road as it bends to the northwest (C1 at the northeastern corner of proposed Lot 2), and believe that the land division complies with the provisions in the City of Madison-

Town of Middleton agreement and cooperative plan pertaining to the establishment of the future alignment of Pioneer Road. The criteria typically applied to the review of extraterritorial subdivisions do not apply in this case due to the provisions of the intergovernmental agreement and cooperative plan.

The subject site was created by an extraterritorial land division approved by the City in 1998. As part of that earlier CSM approval, the City required the execution of a deed restriction on the lots created, which compelled the property owners to annex to the City prior to any further subdivision of the lots created by CSM 9111. Similarly, the deed restriction required the property owner to annex to the City and connect to City water and/ or sanitary sewer service once it became available to the property. The earlier land division and deed restriction were approved prior to the enactment of the City of Madison-Town of Middleton intergovernmental agreement and cooperative plan, which as noted above, established the future City limits at the centerline of Pioneer/ Meadow Road. The provisions of the agreement and plan take precedence over the requirements contained in the 1998 deed restriction that required the annexation of the subject site to the City of Madison prior to or as part of its further subdivision. Accordingly, City staff will work with the property owner to release the deed restriction, as it contains provisions that are contrary to the City of Madison-Town of Middleton cooperative plan.

In conclusion, the Planning Division believes that the proposed land division will implement the objectives of the City of Madison-Town of Middleton cooperative plan and will secure the alignment of relocated Pioneer/Meadow Road and recommends approval of the CSM as submitted.

## **Recommendation and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission **approve** the Certified Survey Map dividing 3371 Meadow Road, Town of Middleton into two lots, subject to input at the public hearing and the following conditions of approval:

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

1. The proposed dedication appears to be correctly shown on the CSM; however, the applicant shall confirm with the City of Madison Engineering Division and Planning Division staff that the proposed right of way dedication shown on this proposed CSM conforms to the conditionally approved subdivision plat of Meadow Estates, which defines the proposed realignment of Meadow Road / Pioneer Road north of the subject property.
2. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping along Meadow Road.
3. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
  - a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer.

Elevations given are for property corners at ground level and shall be maintained by the lot owner.

- b. All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12 feet in width on the perimeter of the certified survey. For purposes of 2 or more lots combined for a single development site, or where 2 or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of 6 feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be 12 feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

Note: In the event of a City Of Madison Plan Commission- and/or Common Council-approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

4. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering Division. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The applicant shall identify monument types on all PLS corners included on the plat or CSM. Note: Land tie to two PLS corners required.

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

5. The Owner's Certificate on the proposed CSM shall be executed by all parties having an ownership interest in the property. For parties other than sole proprietorships, the signatories shall provide to the City, prior to approval, documentation, which proves that, said signatories have legal authority to sign the Owner's Certificate. Prior to requesting sign-off by the City's Office of Real Estate Services, the owner shall have had the signature blocks fully executed for all parties of interest shown in the most recent title report pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a).
6. All real estate taxes, stormwater management charges, and special assessments due against the properties involved in this subdivision shall be paid in full (with copies of receipts for recent payments not reflected in public records) prior to final signoff of the CSM for recording. As of January 24, 2012, the 2011 real estate tax bills are unpaid for the subject property. In addition, tax payment delinquencies from 2009 and 2010 exist. The total payout amount listed above is good through the month of January. If paid in February or later, this amount will change.

7. Include a note addressing the restrictions recorded in Document Nos. 2278234 and 3049851, or provide evidence that these restrictions have been released.
8. The Office of Real Estate Services recommends recording a document that releases the annexation clause in the restrictive covenant recorded as Document No. 3049853.
9. Identify, depict and provide a certificate of consent for any tenancy in excess of one year. Said tenancy shall be made evident in record title and the document number shall also be. A copy of the recorded document giving evidence of the tenancy shall be included with and/or made part of the required title report.
10. Create, record, show or note dedications or easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
11. Record satisfactions or releases for all liens, judgments, or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled, or resolved. This includes, but is not limited to, the following judgments against David Charles Zingg in favor of Dane County Clerk of Circuit Court:
  - \$723.00, docketed August 23, 2010, Case No. 10TR7716;
  - \$1,172.00, docketed June 28, 2011, Case No. 10CT1461.

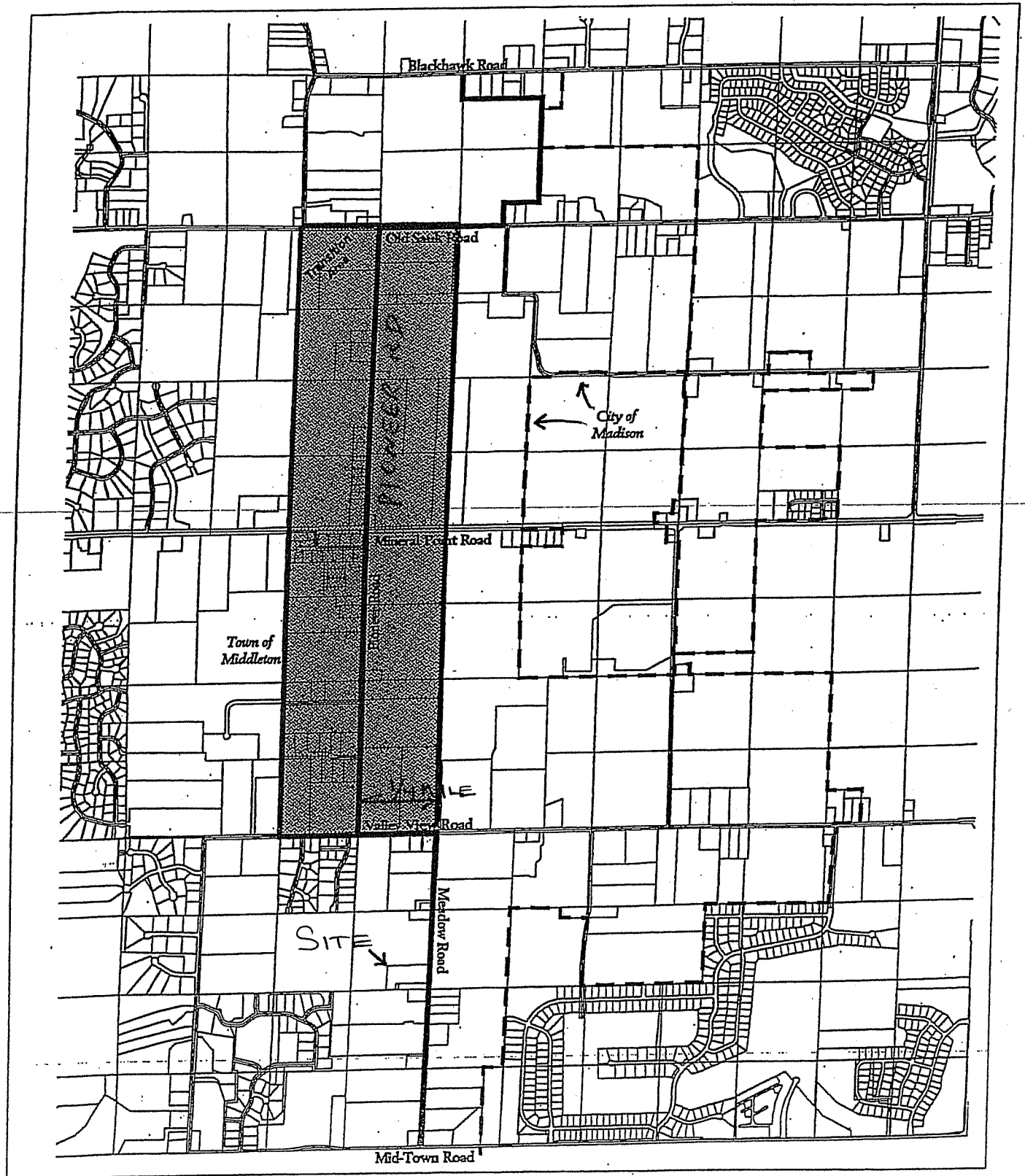
# EXHIBIT A



Transition Area as described in Section 1.e.  
of the Intergovernmental Agreement

— Boundary Line

700 0 700 1400 Feet



25 January 2002