



Department of Planning & Community & Economic Development
Planning Division

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February 24, 2011

Wayne Barsness
D'Onofrio Kottke & Associates, Inc.
7530 Westward Way
Madison, Wisconsin 53717

RE: File No. LD 1102 – Certified survey map – 5105-5117 University Avenue (Erdman Holdings)

Dear Mr. Barsness:

The two-lot certified survey subdividing your client's properties generally addressed as 5105-5117 University Avenue, Section 18, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned C3 (Highway Commercial District). The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

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

1. Lot 1 of the proposed CSM has been identified as a potential redevelopment site, though the exact scope of a redevelopment of this property and the impacts that redevelopment could have on the City's ability to provide public services to the site in the future are not known at the present time. In order to allow the current owner to convey Lot 1 to a third-party for future redevelopment, staff requests that the CSM be revised to create Lot 1 as an outlot reserved for future redevelopment. At such time as this parcel is redeveloped and/or further subdivided, a subsequent subdivision instrument would be required, at which time City staff could assess the impacts the future development/ subdivision may have on adjacent streets, which may require the dedication of additional right of way and construction of public improvements to serve the development.

In the alternative, the CSM creating Lot 1 as proposed may be revised to include the following note: "The demolition of any existing buildings or the construction of any additions to existing buildings or new buildings on Lot 1 shall not occur without the property providing additional right of way dedication on University Avenue and N. Whitney Way sufficient to serve any new development, as determined by the City. Such future development activities may require the property owner to enter into a developer's agreement with the City and further subdivide Lot 1 prior to the issuance of building permits."

2. The 66-foot wide ingress/ egress easement centered on the proposed common lot line as shown on page 2 of the CSM shall be revised to be a 66-foot wide easement dedicated to the City for future transportation and infrastructure purposes. All or a portion of this easement shall be dedicated at no cost to the City as right of way when requested by the City Engineer or City Traffic Engineer to provide adequate access to future development on Lot 1.

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

3. The proposed "Parcel Exchange and Right of First Refusal" documents prepared by Attorney Anthony R. Varda shall be executed and recorded, the same as well for the intended equal 704 square feet Erdman and Link land transfer deeds, to clear title for the property configuration prior to final approval and recording of this Certified Survey Map. The applicant/owner shall provide copies of these recorded documents to the Office of Real Estate Services and City Engineering Division prior to final agency sign-off.
4. The applicant shall provide a 15-foot grading and sloping easement along University Avenue. The applicant shall provide a waiver for the future installation of sidewalk along University Avenue.
5. If the lots within this CSM are inter-dependent upon one another for stormwater 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 CSM and recorded at the Dane County Register of Deeds.
6. A minimum of 2 working days prior to requesting City Engineering signoff on the CSM the applicant shall contact Janet Dailey (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).
7. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
8. 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.
9. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will not** be required of the applicant. If there are any changes in the approved land dedications, the applicant shall notify Brynn Bemis (267-1986) to determine if a Phase I ESA will be required.

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

10. In addition to condition #2 above, the northern lot line of Lot 2 may need to be moved: the applicant shall revise the CSM to show the physical location of the median break on N. Whitney Way and the driveway across the street to the east in order to set the specific location of the northern lot line. The final location of this northern lot line shall be reviewed and approved by the Traffic Engineer.

11. The CSM shall be revised to dedicate 5 feet of additional right of way along the N. Whitney Way frontage of Lot 2 of to provide for adequate pedestrian and bicycle facilities to serve the property.
12. The applicant shall modify the CSM to provide a 20-foot pedestrian-bicycle easement along the southerly property line of Lots 1 and 2. Any existing structure located within this easement may remain but may not be further expanded nor any new structures built into this easement.
13. The developer shall record a waiver of their right to notice and hearings for the assessments for the future improvement of N. Whitney Way along the frontage of Lot 2 in accordance with Wis. Stats. Section 66.0703(7)(b) and MGO Section 4.09.
14. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

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

15. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
16. This property is in a Wellhead Protection District. This use is permitted in the district. All future changes in land use shall be reviewed by the Madison Water Utility General Manager or his designee.

Please note that the City's Office of Real Estate Services is reviewing the report of title provided with this survey and may have comments. That office will send any comments to you by fax or e-mail. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division is scheduled for approval by the Common Council on March 1, 2011.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), 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.

Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall 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 signoff. E-mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

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 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 may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Jon Snowden, Erdman Holdings (by e-mail only)
John Walsh, Lee & Associates (by e-mail only)
Ald. Mark Clear, District 19 (by e-mail only)

Janet Dailey, City Engineering Division
John Leach, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Jeff Ekola, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations