



Department of Planning & Community & Economic Development
Planning Division

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March 23, 2012

John Krebs & Hans Justeson
JSD Professional Services, Inc.
161 Horizon Drive, Suite 101
Verona, Wisconsin 53593

RE: File No. LD 1206 – Certified Survey Map – 302 S. Livingston Street & 722 Williamson Street
(Rifken)

Gentlemen;

The two-lot certified survey of your client's property located at 302 S. Livingston Street & 722 Williamson Street, Section 13, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. Lot 1 (722 Williamson Street) is zoned C2 (General Commercial District); Lot 2 (302 S. Livingston Street) is zoned PUD-SIP. The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following nine (9) conditions:

1. The City Engineering Division prefers public street name directional prefixes be shown consistent with USPS abbreviation standards. Revise the street names on the CSM to S. Blount St., E. Wilson St. and S. Livingston St. for consistency.
2. The existing E. Wilson Street right of way shall be designated with the secondary name of "Isthmus Bike Path" and noted "No Vehicular Access".
3. City Engineering Division records indicate an existing private joint driveway and parking agreement Document No. 2876944 that is not included in title work provided with this CSM application, nor shown on the CSM. This document provides an easement for access and use of 10 parking stalls for adjacent owner of Lots 11-13, Block 129 that shall be reconciled and memorialized by this CSM.
4. The related site plans indicate an existing shared private storm sewer that is located on the property line of proposed Lot 2 and existing Lot 10 and it appears to serve several lots outside the CSM. The applicant shall identify if this private sewer is to remain and if so, shall provide a maintenance agreement between the property owners that benefit from the shared sewer. The maintenance agreement shall detail the rights and responsibilities for the properties involved.
5. 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 two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (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 twelve (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.

Information to Surveyor's: In addition to notes such as this, WI 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.

6. If the lots within this certified survey map are interdependent 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.
7. A minimum of 2 working days prior to requesting City Engineering Division 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).
8. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
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 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.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have questions about the following two (2) items:

10. Lot 2 will require a new water service lateral.
11. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO Section 13.21. All unused private wells shall be abandoned in accordance with MGO section 13.21.

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

12. The applicant shall record a reciprocal access easement to govern the proposed lots at the Dane County Register of Deeds following approval of that document by the City Engineer, Traffic Engineer, and Director of Planning and Community & Economic Development.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following six (6) items:

13. Prior to requesting sign-off by the City's Office of Real Estate Services, the owner shall include and have fully executed the signature block certifications for all parties of interest, pursuant to Madison City Ordinance Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title and narrative of each certificate shall be prepared consistent with the interest involved and consistent with the most updated title report (refer to No. 6 below), e.g. ownership (sole proprietorship, corporate, Limited Liability Company, limited liability partnership, etc.) mortgage, tenancy, public body, etc. The title report shows the following parties have an ownership interest of record in the property and shall be signatories on the Owner's Certificate:

→ Williamson Associates, a limited partnership

14. A certificate of consent by the mortgagee/vendor shall be included following the Owner(s) Certificate for each of the mortgagees/vendors listed below:

→ TRG Capital, LLC
→ Amcore Bank, NA

15. Please add Maribeth L. Witzel-Behl's name below the signature line for the City Clerk in the certificate for the Madison Common Council Certificate.

16. 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 City records) prior to final signoff of the survey for recording.

→ As of March 14, 2012, the 2011 real estate tax bills, as well as preliminary special assessments, are unpaid for the subject property. Prior to circulating the proposed certified survey map for final sign off and recording, the owner shall pay in full all taxes and assessments that are outstanding for the subject property. Paid receipts must be presented to the City's Office of Real Estate Services before or at the time of sign off.

17. As of March 15, 2012, there are unpaid water, sewer and storm water fees totaling \$2,920.88.

18. The following CSM revisions shall be made:

- a.) Depict, name, and identify by document number on the proposed CSM all existing easements cited in record title and the updated title report. This includes, but is not limited to Document No. 2876944, a joint driveway agreement that affects Lots 8 and 9, Block 129, within the proposed CSM, with conditions in addition to the ingress and egress easement, recorded as Document No. 1832996.
- b.) On sheets 1, 2 and 3 of the proposed CSM, please update Note 4 & 5 to reflect the document number of the recorded easement.
- c.) Please note the existence of an encroachment agreement, recorded as Document No. 3079567, on the proposed CSM.
- d.) Please note the Parking Lot Cross-Easement Agreement, recorded as Document No. 4370708.
- e.) Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSM's, if this proposed CSM is a redivision of existing plats or CSM's with utility easements that will no longer be applicable, *namely* the indication of a future easement release on sheet 3 of 5 of the proposed CSM. Prior to requesting sign-off, depict the easement with the corresponding document number.
- f.) 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 cited on the proposed CSM. A copy of the recorded document giving evidence of the tenancy shall be included with and/or made part of the required title report.
- g.) Create and record, or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
- h.) Record satisfactions or releases for all mortgages, 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.

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 is scheduled for approval by the Common Council on April 10, 2012.

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 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 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Dennis Cawley, Madison Water Utility
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations