



Department of Planning & Community & Economic Development
Planning Division

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May 31, 2012

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

RE: File No. LD 1214 – Certified Survey Map – 1402-1602 Pankratz Street (Dane County/ Corben)

Gentlemen;

The four-lot certified survey of your clients' property located at 1402-1602 Pankratz Street, Section 31, Township 8N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The subject site is zoned M1 (Limited Manufacturing District). 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 eleven (11) conditions:

1. According to existing DCRA lease records that are available to the City, the proposed lot lines as shown on this CSM do not correspond to the lease boundaries as they are legally described within leases of record. Appropriately reconcile by preparing and/or providing amended lease documents and their respective boundaries so that they are coterminous with the lot lines created by this CSM.
2. Proposed Lot 3 is landlocked due to existing Wisconsin Department of Transportation access restrictions currently in place on Packers Ave/ State Highway 113. The owner/applicant has communicated the intent of a private cross access easement-agreement providing proposed Lot 3 access to Pankratz Street across all or a portion of Lots 1, 2 and 4. Provide City staff with the cross access easement-agreement for review prior to recording the document with the Register of Deeds. Upon recording the cross access document, add the recording information to the CSM prior to final city approval and recording of the CSM.
3. The applicant shall install sidewalk, to serve the new development, along Packers Avenue from the existing sidewalk north of the development to the southerly property line. This may require additional easement or right of way dedication with the CSM as well as easement dedication outside the proposed CSM for the sidewalk, retaining walls and grading and sloping easements. Review the sidewalk design with the City Engineer prior to finalizing the CSM.
4. The applicant shall dedicate a public sidewalk easement through the site to connect the existing sidewalk on Pankratz Street to the proposed sidewalk along Packers Avenue. The new sidewalk shall be a Type IV sidewalk, which shall be publicly owned but maintained by the property owner(s).
5. Provide public sanitary sewer access easements across all lots within the CSM for the City to access and maintain the existing public sewer along the west side of Lots 1 and 3.

6. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this CSM without the agreement executed by the developer.
7. If the lots within this Certified Survey Map 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 Certified Survey Map and recorded at the Dane County Register of Deeds.
8. The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to stormwater management at the time they develop."
9. 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).
10. 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 2 working days prior to requesting City Engineering Division signoff.
11. 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 Bryan Walker of the Traffic Engineering Division at 267-8754 if you have questions about the following three (3) items:

12. The applicant shall note on the face of the Certified Survey Map that the plat of Second Addition to Truax Air Park West allows only one access per lot except on a corner lot with frontage on two public streets according to page 4, note 6.
13. Prior to CSM approval, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through the facilities and ingress and egress for each building, loading and/or parking site. This land agreement for vehicular and pedestrian access shall be a perpetual, non-exclusive, unimpeded or unobstructed land agreement for the lots in the commercial site.
14. The applicant may be required to dedicate land for sidewalk improvements along Packers Avenue to provide necessary connections in the future.

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

15. Each lot will require a separate water service lateral connection to a public water main.
16. 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 Bill Sullivan of the Madison Fire Department at 261-9658 if you have questions about the following item:

17. Required fire access shall be provided as part of any ingress/egress easements to serve this site.

Please contact my office at 261-9632 if you have any questions about the following two (2) items:

18. The proposed land division and future development of the proposed lots will create a Planned Commercial Site as defined in the City's Zoning Code and Subdivision Regulations. Prior to final staff approval of the land division for recording, the applicant shall receive approval of a zoning site plan showing existing and known future improvements (buildings, parking lots, landscaping, etc.), and reciprocal land use agreements, reciprocal access easements and shared parking agreements sufficient to govern future development of the proposed lots. The site plan(s) shall be stamped approved by the Zoning Administrator following review by various City agencies. The agreement(s) and easement(s) 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.
19. AT&T requests that a six-foot wide utility easement be created between Lots 2 and 4, as shown on the attached exhibit.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following seven (7) items:

20. 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:

- Dane County;
- Corben Land Development, LLC;
- Corben Building A, LLC (tenant); and
- Rifken Group, LTD (building on leased land)

If any of these interests does not need to be included as signatories on the CSM, please provide explanation prior to the time of sign-off approval.

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

→ First Business Bank

22. All consents and certifications required for the owner and any holder of interests in the subject lands shall be revised in conformance with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language ...surveyed, divided, mapped and dedicated...

23. Please update the name of the Secretary of the Plan Commission to read Steven R. Cover.

24. If an Environmental Site Assessment has been performed for the lands within the proposed CSM, please provide a copy to the Office of Real Estate Services.

25. 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 May 24, 2012, there real estate tax bills are partially paid. Prior to circulating the proposed CSM for final sign-off, the owner shall pay in full all real estate taxes that are outstanding. The taxes for Parcel Nos. 251-0810-311-0301-3, 251-0810-311-0302-1, and 251-0810-311-0303-9 are paid in full. Taxes in the amount of \$56,203.18 are due for Parcel ID 251-0810-311-0399-8.

As of May 9, 2012, there are storm water fees outstanding in the amounts of \$948.93 for Parcel ID 251-0810-311-0301-3, \$562.82 for Parcel ID 251-0810-311-0399-8, \$0.10 for Parcel ID 251-0810-311-0302-1 and \$0.02 for Parcel ID 251-0810-311-0303-9.

26. The following CSM revisions shall be made:

- a.) Depict, name, and identify by document number on the proposed CSM all existing easements cited by prior plats or documents shown in the most updated title report.
- b.) Proposed Lot 3 is landlocked due to existing Wisconsin Department of Transportation access restrictions currently in place on Packers Ave/ State Highway 113. The owner/applicant has communicated the intent of a private cross access easement-agreement providing proposed Lot 3 access to Pankratz Street across all or a portion of Lots 1, 2 and 4. Provide City staff with the cross access easement-agreement for review prior to recording the document with the Register of Deeds. Upon recording the cross access document, add the recording information to the CSM prior to final city approval and recording of the CSM.
- c.) Please place a note on the face of the CSM for the various lease documents that encumber the lands within the CSM boundary. The document numbers include, but are not limited to the following: 3155010, 3155011, 3155012 and 4821783.
- d.) Please place a note on the face of the CSM for the leases associated with mortgages, if there are details within the assignments that encumber the lands within the CSM. These document numbers include, but are not limited to the following: 3250670, 4405793, 4595079, 4667233, 4667234 and 4667235.
- e.) In Note 3 on Sheets 1-3, please include Document No. 3268487, as it amends Document No. 3268486.

- f.) In Note 7 on Sheets 1-3, please include Document No. 3241625, as it corrects/amends Note 5 in Document No. 3101354, Second Addition to Truax Air Park West plat.
- g.) Please place a Note on the face of the CSM that the lands are subject to the development plans in Document No. 1842455, Declaration of Covenants, Conditions and restrictions for Truax Air Park.
- h.) Please reconcile between the Quit Claim Deed covenants, conditions, restrictions and easements recorded as Document No. 1416749 and the Deed of Release recorded as Document No. 1805478. If any of the lands within the CSM boundary as still encumbered by the Quit Claim Deed, please place a Note on the face of the CSM referencing this document.
- i.) Record and provide satisfactions or releases for all mortgages, liens, judgments, easements or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled, released or resolved.
- j.) Reconcile between the easement depictions "Exhibits A" in Document Nos. 2967446 and 4459460, and the proposed CSM. Exhibits A on the above mentioned document numbers depict easements that were retained and/or released in the area of the subject. Please include or omit easements on the CSM as needed, to accurately reflect the remaining easements depicted on both Exhibits A for the respective doc numbers included above. This includes researching whether or not MGE Easement Document No. 2430867 has been released or not. If it has been retained, please depict it on the proposed CSM.
- k.) 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.

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 was approved by the Common Council on May 15, 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 six (6) months 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
Bryan Walker, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Pat Anderson, Asst. Zoning Administrator
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations