



Department of Planning & Community & Economic Development
Planning Division

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February 15, 2013

Paul Knudson
JSD Professional Services, Inc.
161 Horizon Drive, Suite 101
Verona, Wisconsin 53593

RE: File No. LD 1301 – Certified Survey Map – 5302 Tancho Drive (Fiduciary Real Estate Dev.)

Dear Mr. Knudson;

The one-lot certified survey subdividing your client's property located at 5302 Tancho Drive, Section 14, Township 8N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site was recently rezoned PUD(PD)-SIP for an apartment complex. 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. Modify the note for the 20-foot sanitary easement agreement, Document No. 3977434 to indicate it is for a private sanitary sewer.
2. Indicate on all existing and new sanitary, water and storm sewer easements which ones are public and which ones are private.
3. Add note to the face of the CSM that the sidewalk within the 58ft public access easement shall be Class IV, per Document No. 3977435. The sidewalk shall be publicly owned and maintained while the adjacent property owner is responsible for clearing snow and ice per MGO Section 10.28.
4. Verify that the existing public sanitary sewer on the west side of Lot 1 is contained within the existing public sanitary sewer easement and the vacated Rattman Road right of way. If the public sewer falls outside those areas provide additional public sanitary easements with the CSM.
5. The proposed public water main shall require a developer's agreement.
6. The applicant shall provide private sanitary sewer easement agreements for any lots that share an existing or proposed sanitary sewer system.
7. 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.

8. The 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 County Register of Deeds.
9. 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."
10. 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).
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 Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following item:

12. When site plans are submitted for 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 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 site. These agreements shall be shown on the CSM to match the approved PUD.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

13. The proposed lot lines appear to create building setback issues and access issues when compared to the PUD-GDP-SIP submittal on November 14, 2012. Approval of this CSM shall not create setback issues and shall be addressed prior to recording of the PUD zoning and this CSM.

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

14. Each lot shall have a separate water service lateral connected to a public water main.
15. Per MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following eight (8) items:

16. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
17. A certificate of consent for mortgagee/vendor shall be included following the Owner's Certificate for any mortgagees/vendors of record.
18. Please include a Consent of Lessee for the Vivid, Inc. sign interest, as shown in CSM 8121 and the Porter Plat.
19. Disclose any tenancy in excess of one year and provide the document number or tenancy description as a Note on the face of the CSM.
20. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated...
21. As of February 11, 2013, the 2012 real estate taxes have been partially paid for the subject property, with the second installment due prior to CSM sign-off. The owner shall provide paid receipts on or before the time of sign-off.
22. As of February 11, 2013, there are no special assessments reported for the subject property. Please verify that stormwater management charges are paid in full by contacting Janet Dailey with City Engineering (261-9688) or Sharon Pounders with the Madison Water Utility (266-4641).
23. The following CSM revisions shall be made:
 - a.) Include applicable notes repeated on the following recorded documents: Sheets 1, 4 & 5 of CSM No. 8121; Sheets 4 & 8 of CSM No. 9473; Sheets 5 & 9 of CSM No. 11206; Sheets 1 & 2 of the Porter Plat; and certain Exceptions in Exhibit A of a Warranty Deed recorded as Doc. No. 3717226.
 - b.) Research the legal description for Doc. No. 3267640 to determine if the depiction of the 12-foot utility easement should be revised. The north-south portion might be incorrectly depicted. Update both labels for this easement so they are consistent.
 - c.) Please coordinate with city staff regarding options, timeframe and order of recording for the creation of the proposed easements on Sheet 4. Also, each easement shall be labeled with the designation as public or private.
 - d.) If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM sign-off, with the recording information for the release included as a Note on the proposed CSM.
 - e.) Research the following documents and if they apply to the lands within the CSM boundary, include a Note that the lands are subject to the following: a Covenant recorded as Doc. No. 1784651; Declaration of Protective Covenants, Restrictions and Conditions recorded as Doc. No. 2590777; as well as Declaration of Conditions and Covenants recorded as Doc. No. 2772758, 3092175 and 3119677.

- f.) Research the following documents and if they apply to the lands within the CSM boundary, include a Note that the lands are subject to the following: PUD/GDP for Porter Plat recorded as Doc. No. 3048088; PUD-SIP for Porter Plat recorded as Doc. No. 3048089; as well as PUD/SIP for Porter Plat recorded as Doc. No. 3170235, and associated Affidavit of Correction recorded as Doc. No. 3172243.
- g.) Include a note on the CSM regarding Memorandum of Tenants-in-Common Agreement recorded as Doc. No. 3717227; and the Plans/Modifications recorded as Doc. No. 4172027.
- h.) 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.
- i.) Satisfaction 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.

The Planned Unit Development (PUD) zoning of the subject property shall receive final staff approval and be received for recording by the Zoning Administrator prior to the final approval and recording of this CSM. The proposed lot arrangement shall be reflected on the final approved plans for the apartment complex. Please contact my office at 261-9632 if you have questions about this requirement.

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 February 5, 2013.

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 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
Dennis Cawley, Madison Water Utility
Eric Halvorson, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations