



Department of Planning & Community & Economic Development

Planning Division

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January 3, 2014

Rafael A. Bassi
CEI Engineering Associates, Inc.
2025 Centre Point Blvd., Suite 210
Mendota Heights, Minnesota 55120

RE: File No. LD 1351 – Certified Survey Map – 4601 East Towne Boulevard (JCPenney Corporation, Inc.)

Dear Mr. Bassi;

The two-lot certified survey of property located at 4601 East Towne Boulevard, Section 27, Township 8N, Range 10E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site is zoned CC (Commercial Center 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 (608) 261-9688 if you have questions regarding the following fourteen (14) items:

1. Depict all existing improvements (buildings, drives, parking lots, etc.), and dimension ties to existing buildings and encroachments (if any encroachments exist).
2. Separate the two easements noted in note 3(h) into separate notes.
3. Provide a solid line around the entire boundary of the Certified Survey Map and not a dashed line
4. The County Treasurer's Certificate is not necessary for a Certified Survey Map in the City of Madison.
5. The Certified Survey Map does not lie within the SE ¼ of the NE ¼ of Section 28. Remove references on the top of each sheet and within the description under the Surveyor's Certificate.
6. Provide the overall exterior bearing and distance along the northeast line of the Certified Survey Map (S 45°35'01" E, 763.22').
7. Denote the type and material found at the location of the Section corners shown on the Certified Survey Map.
8. Provided "recorded as" data for Curves C1, C2, C3 and C6 of the Curve Table.

9. Correct the legal description under the Surveyor's Certificate for minor items: (Line 2- revise North 89°32'12" East to 88°36'12") (Line 6-Revise 69°05'55" to 69°05'56") (last line-revise 89°35'59" to 89°35'58" and South 45°35'02" East to South 45°35'01" East) (Area of the CSM should be 653,426 and not 653,4126).
10. Label and dimension the easement to the City of Madison per Document No. 1313067. There also is a portion of the easement not shown and noted on the Certified Survey Map that lies along the west of the J.C. Penney building.
11. Correct the square footage in the legal description (shows "Contains 653,4126 sq. ft." – revise to "653,426 sq. ft.").
12. 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 CSM and recorded at the Dane County Register of Deeds
13. 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).
14. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division 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.
15. 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.
16. In accordance with Section s.236.34(1)(c), which says a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements that are being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.

Please contact Dennis Cawley of the Madison Water Utility at (608) 261-9243 if you have any questions regarding the following item:

17. Note: 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 Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

18. Provide updated fire apparatus access lanes for each parcel.

Please contact Jenny Frese of the Office of Real Estate Services at (608) 267-8719 if you have any questions regarding the following six (6) items:

19. Prior to requesting approval sign-off of the CSM, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. Section 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. Please update the owner's certificate to be consistent with the ownership interest reported in the most recent title report: J.C. Penney Company, Inc.
20. A certificate of consent by all mortgagees/vendors as shown on the report of title and update shall be included following the Owner(s) Certificate and shall be executed prior to final sign-off.
21. A Consent of Lessee for any tenancy in excess of one year shall be included on the CSM and executed prior to approval sign-off.
22. Per Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g), the property owner shall pay all real estate taxes and special assessments for the subject property prior to CSM recording. Please provide staff with proof of payment prior to final signoff and recording of the CSM.
23. 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).
24. The following CSM revisions shall be made:
 - a.) Remove the certificate for the City Treasurer from the CSM.
 - b.) Remove the words "of Dedication" from the Owner's Certificate.
 - c.) Depict and identify and/or describe via note, all existing easements cited in record title and the title update. Physically depict the easement area on the CSM if traceable via legal description.
 - d.) Include a note on the CSM with a description of both the Warranty and Quit Claim Deeds reported in title under "other", as the lands within the CSM boundary are subject to the restrictions within these conveyances.
 - e.) Revise Note #3 on Sheet 3 of the CSM with the date of the most recent title commitment. Replace January 13, 2013 with November 6, 2013.
 - f.) Revise Note #3h by separating out with appears to be the mistaken inclusion of exception #24 from the title commitment. Please include this item as Note #3i.
 - g.) Include a note on the CSM that describes and tenant interest by document number, or tenancy description in the event of an unrecorded lease.

- h.) Research the Memorandum of Lease reported in title to see if it is applicable to the property and/or ownership interests within the CSM boundary. If it does not, have it removed from title when the title report is prepared.
- i.) Research exception numbers 25, 26 and 27 of the title commitment dated November 6, 2013 to determine if they need to be removed from title. These easements do not appear to affect the land within the CSM boundary.
- j.) Research Easement recorded as Document No. 4965434 to determine if it affects the lands within the CSM boundary. If it does, please depict and label it. If not, have it removed from title when the update is prepared.
- 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. Coordinate with Janet Dailey regarding the storm water easement needs, if any.

Please contact my office at (608) 261-9632 if you have any questions about the following item:

- 25. The proposed land division creates 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 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. Any new or amended agreement(s) and easement(s) necessary for this land division 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.

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 January 7, 2014.

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 jrquamme@cityofmadison.com.

The owner shall furnish to the Office of Real Estate Services and the survey firm preparing the CSM an updated title report covering the period between the date of the initial title report and the date when

final signoff is requested. The surveyor shall update the CSM with the most recent information reported in the title update.

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
Maureen Richards, City Assessor's Office
Eric Halvorson, Traffic Engineering Division
Pat Anderson, Assistant Zoning Administrator
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations