



Department of Planning & Community & Economic Development

Planning Division

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April 3, 2014

Brett Stoffregan
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: File No. LD 1402 – Certified Survey Map – 822-844 John Nolen Drive (J.H. Findorff & Son, Inc.)

Dear Mr. Stoffregan;

The one-lot certified survey of property located at 822-844 John Nolen Drive, Section 25, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following seventeen (17) items:

1. There was a conveyance from the City of Madison to the Anthony Grignano Company (purchaser) of surplus lands per Document No. 1657885. Certified Survey Map (CSM) 6000 and the subsequent conveyances of Lots 3 and 4 of CSM 6000 did not include these lands, thereby leaving a remnant parcel. The applicant shall rectify this title issue in order to include the remnant parcel within this proposed CSM.
2. The applicant shall coordinate with Madison Gas & Electric to have an Easement executed, recorded and noted on the CSM in order to address the lack of a recorded easement per the note - "10' Wide Unrecorded MG&E Easement".
3. Document No. 773253 does not specify a 15-foot width for the easement retained for MMSD facilities within the 66-foot' wide right of way. Document No. 773253 is not available on line and was not included in the title report provided with the application. Provide documentation and/or explanation supporting the 15-foot Wide MMSD Sanitary Sewer Easement as shown along the Northeast side of the proposed CSM.
4. The City Engineering Division requires the existing Public Storm Sewer Easement Doc. No. 1067050 along the south line of the CSM be enhanced by the owner conveying a new separate recorded easement or have these rights created by this CSM. The separate recorded document conveyance involves the City's Office of Real Estate Services, which requires the owner pay a \$500 administrative fee to cover staff time and recording fees. Alternatively, a timelier and cost effective solution is to

have the owner/applicant/surveyor create the necessary enhanced easement rights with this CSM. If the owner/applicant chooses conveyance by CSM, the necessary easement language that shall be added to the CSM is as follows:

"Public Storm Sewer Easement:

Creation of Easement Rights: A permanent easement over, across and within the Easement Area is established, memorialized, reserved by, granted, conveyed, transferred and assigned to City of Madison for the uses and purposes hereinafter set forth. The Easement Area may be used by City of Madison for public underground storm sewer purposes. City of Madison and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the Storm Sewer Facilities within the Easement Area. City of Madison shall have the further right of ingress and egress to and from the Easement Area in order to exercise its rights and privileges hereunder, and to cut and remove trees, vegetation and other impediments in the Easement Area which may obstruct or interfere with the actual or potential use of the Easement Area for the foregoing purposes.

Property Restoration: City of Madison shall repair any damage caused to any pavement, concrete or turf located within the Easement Area and/or the Property as a result of the use of the Easement Area by or on behalf of the City of Madison as provided herein. Following completion of any excavation work, City of Madison shall promptly restore the area affected by the work to the original grade and surface condition including the repair or replacement of pavement, concrete and turf.

Limitations on Use of Easement Area: The owner of the Property shall have the right to use the Easement Area for any purpose, provided such use shall not interfere with the easement rights of the City of Madison hereunder. No buildings or structures or fences unrelated to the Storm Sewer Facilities shall be constructed in and no grade change shall be made to the Easement Area without the written consent of the City of Madison\$B!G(Bs Engineering Division City Engineer.

Binding Effect: This Easement shall run with the land described herein and shall be binding upon the owners of the Property, and their successors in interest.

Release of Rights to Easements Created by Plat: Any release of rights that were placed on platted land which was required by a public body or which names a public body or public utility as grantee shall be released by recording a separate easement release document with the Dane County Register of Deeds in accordance with ss236.293."

5. The owner/ applicant shall be aware that any improvements placed within the existing public storm sewer easement are subject to the rights of the City of Madison to maintain and the facilities within the easement.
6. The document number referred to in Note 2 on Sheet 2 shall be revised from 3651465 to 2651465.
7. Provide a coordinate value and the record coordinates if they deviate from record values by the City of Madison for the South Quarter Corner of Section 25, T7N, R9E.

8. Surveyor's Certificate has a bearing error. First line following the commencing is showing as S & E, it should be reversed to show N & W.
9. The applicant shall construct sidewalk along the right of way of John Nolen Drive according to a plan approved by the City Engineer. A Developer's Agreement shall be required for this work and shall be required prior to sign off of the CSM.
10. 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.
11. Remove drainage arrows, notes (unless otherwise provided by City Engineering) and elevations from the face of the CSM.
12. The following note shall be added to the CSM: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
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. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone 1997 Coordinates on all PLS corners on the plat in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City Engineering Division website for current tie sheets and control data (http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html). If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.

17. 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 261-9243 if you have any questions regarding the following item:

18. Note: All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following five (5) 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 (other than sole proprietorships) shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate.
20. A certificate of consent by all mortgagees/vendors shall be included following the Owner(s) Certificate and executed prior to final sign-off.
21. 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. As of March 31, 2014, the first installment of the 2013 real estate taxes is delinquent and penalties exist. There are no special assessments reported.
22. 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.) Please revise the typo for the year in the Madison Common Council Certificate.
 - b.) Consider removing Lot 1 in Note 1 with regard to stormwater, as the CSM only includes Lots 3 and 4.

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 review by the Common Council on April 8, 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 Schmidt, City Engineering Division
Maureen Richards, City Assessor's Office
Dennis Cawley, Madison Water Utility
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations