



Project Address: 80 White Oaks Lane
Application Type: Zoning Map Amendment and Preliminary Plat
Legistar File ID # [32565](#) and [32284](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Michael Waidelich, Principal Planner

Summary

Applicant: John DeWitt, DeWitt Real Estate Development; 5375 Mariners Cove Drive; Madison.

Surveyor: Mike Calkins, Snyder & Associates, Inc.; 5010 Voges Road; Madison.

Property Owner: Estate of Jane McLeod c/o Eric McLeod.

Requested Action: Approval of a request to rezone 80 White Oaks Lane from A (Agricultural District) to SR-C1 (Suburban Residential–Consistent 1 District) and approval of the preliminary plat of White Oak Ridge, creating 7 single-family residential lots.

Proposal Summary: The applicant is seeking approval to create 6 lots for new single-family residences in SR-C1 zoning to be located around a cul-de-sac of Davenport Drive. An existing residence located at the northeastern corner of the property will remain on a seventh residential lot. Implementation of the subdivision will occur as soon as all regulatory approvals have been granted, with completion of the subdivision anticipated this fall.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on November 20, 2013, which proposed 8 residential lots and 1 outlot for private open space, hence the reference on some of the application materials. Therefore, the 90-day review period for this CSM was scheduled to expire circa February 20, 2014. However, the applicant requested referral to the February 10 Plan Commission meeting to allow a revised plat to be submitted to address staff concerns about the proposed subdivision. That revised plat is reviewed and conditioned in this report.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the Zoning Map Amendment 28.022–00096, rezoning 80 White Oaks Lane from A to SR-C1, and the preliminary plat of White Oak Ridge to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: An approximately 4.3-acre parcel generally located approximately 400 feet east of Hathaway Drive at the eastern end of Davenport Drive; Aldermanic District 20 (Phair); Madison Metropolitan School District.

Existing Conditions and Land Use: A single-family residence accessed from the north through the White Oaks subdivision, zoned A (Agricultural District).

Surrounding Land Use and Zoning:

North: Single-family residences in the White Oaks subdivision, zoned PD (Planned Development District);

South: Single-family residences in the Green Tree Hills and Sunridge subdivisions, zoned SR-C1 (Suburban Residential—Consistent 1 District);

East: Single-family residences in the White Oaks subdivision, zoned PD; single-family residence on large parcel in the Town of Madison;

West: Single-family residences in the Green Tree Hills subdivision, zoned SR-C1.

Adopted Land Use Plan: The subject site and surrounding properties are recommended in the Comprehensive Plan for Low-Density Residential uses.

The site and surrounding area are also located within the boundaries of the 2008 Southwest Neighborhood Plan, which provides a series of neighborhood reinvestment strategies for the area generally bounded by Mineral Point Road on the north, S. Gammon Road on the west, Raymond Road on the south and S. Whitney Way on the east. The Plan does not contain any specific recommendations for the subject site.

Zoning Summary: See the 'Project Review' section below. Zoning staff indicates that there are no "Critical Zoning Items" affecting the subject site.

Environmental Corridor Status: The subject property is located in the Central Urban Service Area (see Map C10). The site is not located within a mapped environmental corridor, though most of the site is shown on the corridor map as having slopes greater than 12% and woodlands with greater than 80% canopy.

Public Utilities and Services: The new single-family residences proposed will be served by a full range of urban services available in Davenport Drive. Due to the elevations located within this plat, the Water Utility has provided comments noting that individual privately owned booster pumps may be required in order to provide adequate water pressure to some of the proposed lots. The existing house is served by a private well and septic, though a sanitary sewer lateral extends to the site's boundary with the White Oaks subdivision to the north. Weekday Metro Transit service is available just west of the site on Hathaway Drive, with seven-day service available southeast of the site at Piping Rock Road and Brookwood Road.

Project Description

The applicant is requesting approval of a zoning map amendment and preliminary plat to allow a 4.3-acre parcel addressed as 80 White Oaks Lane to be subdivided into 7 single-family lots in SR-C1 zoning.

The subject site is developed with an existing one-story ranch home located in the northeastern corner of the property, which includes a partially finished basement and attached two-car garage. The existing residence was constructed in 1964 according to City records and does not have access to a public street. Instead, the residence takes access from the north through the White Oaks subdivision via a private access easement executed in 1956 prior to the development of White Oaks (1989). The site has 60 feet of frontage onto Davenport Drive, a 400-foot long street that dead-ends into the property at the southwestern corner. The site is characterized by significant topographical relief that includes 65 feet of grade change from the ridge on which the existing residence sits towards Davenport Drive, 30 feet of grade change to the south, and 45 feet of grade change to the southeastern corner. Mature tree cover is present across most of the site.

In addition to single-family residences in the White Oaks subdivision to the north and east of the proposed plat, the property is bordered on the south and west by single-family residences in the Green Tree Hills and Sunridge subdivisions, which were platted between 1959 and 1961, and 1977, respectively. The homes to the south and west front onto public streets and are served conventionally by City water and sanitary sewer. However, the residences in White Oaks are served by a network of private roads that extend into that development from an entrance along Schroeder Road. City water service for some of the residences in White Oaks located near the portion of that plat adjoining the subject property requires private booster pumps due to the elevation of those properties above the elevation the Water Utility can provide standard pressure. All of the residences in White Oaks are served by City sewer, and a lateral for the subject site was stubbed to allow the property, which is currently served by well and septic, to connect in the future.

The preliminary plat of White Oak Ridge calls for 6 new single-family home sites to be organized around a cul-de-sac of Davenport Drive. All of the lots in the White Oak Ridge subdivision will provide the minimum 8,000 square feet of lot area and appear to provide the 60 feet of lot width required in the proposed SR-C1 zoning district. The existing residence will be located on Lot 4 of the proposed plat, which will consist of the eastern 1.98 acres of the property. The home is proposed to remain landlocked and will continue to take access from the north through White Oaks. A private water main easement is shown between Lots 3 and 5 of the preliminary plat to facilitate the future connection of the existing house to the water main serving the lots that will surround the Davenport Drive cul-de-sac, and the City Engineering Division is recommending a condition that a sanitary sewer easement also be provided.

Analysis & Conclusion

The Planning Division believes that the White Oak Ridge subdivision and related rezoning of the subject property to SR-C1 proposes a development pattern that is generally consistent with the Low-Density Residential land uses recommended for this area in the Comprehensive Plan and the development pattern present in the surrounding area, particularly to the south and west of the subject site. The proposed subdivision represents an appropriate infill development proposal for a uniquely situated and topographically challenging property, and staff believes that the project has been designed to limit its impacts on its surroundings to a significant extent.

However, the White Oaks Ridge development requires that a variety of variances and exceptions to the Subdivision Regulations be granted to allow implementation of the proposed plat.

First, the subdivision proposes to formalize the eastern terminus of Davenport Drive with a permanent cul-de-sac. Davenport Drive was platted on the Second Addition to Green Tree Hills in 1961 as a temporary dead-end street pending the eventual subdivision of the subject site and extension of Davenport in some fashion. At the time, the lands extending east of the Green Tree Hills plats—including the subject site—were undeveloped, and an

extension of Davenport Drive in some direction was theoretically possible. However, in the intervening years, the properties to the north, east and southeast of the site were developed in a manner that essentially precluded the extension of Davenport Drive as a through public street.

Accordingly, staff believes that an affirmative statement should be included in a Plan Commission approval of the preliminary plat to grant a waiver to the requirements in the Subdivision Regulations that generally restricts the use of cul-de-sacs in subdivision design. Section 16.23(8)(a)1 states that:

“Cul-de-sacs shall not be used in any street layout, unless the topography or other unique physical feature of a development makes cul-de-sacs the only, or most logical, street layout. Where cul-de-sacs are determined to be necessary, a sidewalk, connecting path or multi-use path shall be provided to connect to another public right of way unless topography or other unique physical features make this connection impossible.”

Section 16.23(8)(a)2 further states that:

“Proposed streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions; or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision and for the advantageous development of the adjacent lands.”

In this case, staff believes that there is sufficient evidence to find that the construction of a cul-de-sac at the eastern end of Davenport Drive without a sidewalk extension is appropriate due to the development pattern surrounding the site, which makes the further extension of the street or a sidewalk to another street impossible.

Staff also believes that an exception may be granted to Section 16.23(9)(d)6.e, which requires that sidewalks be installed within all public right of ways and public walkway easements unless the Plan Commission, after considering the recommendations of the Planning Division Director, City Engineer and City Traffic Engineer, determine that the public walkways are not required. In making this determination, the Plan Commission should consider anticipated pedestrian volumes, pedestrian access to schools or bus routes, continuity of the sidewalk system, land use density, cul-de-sac or loop street patterns, and the pattern of development of adjacent lands. The installation and location of public walkways may be modified to protect and preserve significant trees. Staff feels that the benefit of constructing sidewalks around the proposed cul-de-sac would not be offset by the potential impacts on the property from the additional grading, stormwater and erosion management, and tree removal that would be needed to integrate those sidewalks.

Finally, Section 16.23(8)(d)2 requires that every lot front or abut on a public street unless approved as part of a planned multi-use site or planned development. Lot 4 of the proposed plat, which will contain the existing single-family residence and the eastern half of the property, will not meet this requirement.

Section 16.23 (10) of the Subdivision Regulations, entitled Variances, states the following:

“When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (8) of this ordinance...because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured.”

In reviewing the proposed subdivision, staff recommends that a variance be granted for Lot 4. The existing house at 80 White Oaks Lane is already effectively landlocked without functional access from a public street. The

proposed lot and existing residence have enjoyed adequate private access to the north through White Oaks since before the adjacent subdivision was platted, and continuation of that condition with the proposed subdivision should have little or no impact on the residents of White Oaks. Further, staff does not believe that it is necessary for a portion of Lot 4 to connect to the proposed cul-de-sac of Davenport Drive, as use of such a connection for access would be unlikely given the significant grade present between the house and cul-de-sac and the configuration of the house, which includes a garage and driveway to the northern property line.

As a condition of any proposed subdivision, the applicant will be required to submit stormwater management and erosion control plans for review by the City Engineering Division that meet the minimum requirements of Chapter 37 of MGO, entitled "The Public Stormwater System Including Erosion Control". Staff also recommends that a tree preservation plan and grading plan be approved by staff that identifies areas where existing vegetation may be preserved as part of the implementation of the subdivision through tree preservation easements, building lines and envelopes, and alternative utility locations to be implemented through the subsequent final plat.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward the Zoning Map Amendment 28.022-00096, rezoning 80 White Oaks Lane from A to SR-C1, and the preliminary plat of White Oak Ridge to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

1. Prior to recording of the final plat, a final tree preservation plan and grading plan shall be approved by staff. The final plan will be reviewed by the Planning Division, Parks Division and City Engineering Division to identify areas where existing vegetation may be preserved as part of the implementation of the subdivision. The tree preservation plan shall contain an inventory noting the general size and species of existing trees so that opportunities for tree preservation, tree replanting and any protective measures related thereto (including tree preservation easements, building lines/ envelopes, and alternative utility locations) may be noted on the final plat.
2. That the Plan Commission finds the termination of Davenport Drive in a cul-de-sac to be necessary due to the presence of unique physical features—namely the inability to extend the public street to connect to another public street—that make the proposed cul-de-sac the only street layout possible.
3. That a variance to the requirement in Section 16.23(8)(d)2 of the Subdivision Regulations that every lot front or abut on a public street is hereby granted for Lots 4 of the preliminary plat.
4. When submitted, the final plat shall show the 60-foot minimum lot width required in the SR-C1 zoning district when measured at the rear of the required 30-foot front yard. In the event that a proposed lot does not provide a 60-foot lot width at the rear of the 30-foot front yard, a front building line shall be established on the final plat beyond the 30-foot front yard for those lots where they are 60 feet wide. No building construction shall be permitted between any such building line and the right of way of Davenport Drive.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

5. The applicant shall coordinate with all of the utilities and place on the final plat all required Public Utility Easements required by the Utility Companies to properly serve the development.
6. The preliminary plat shall show the type, elevation and width of the existing pavements (including driveway) and any utilities serving the home on proposed Lot 4 from the private street to the north.
7. Document No. 927255 contains a right of way for ingress and egress that serves the lands included in this preliminary plat. Access to a public road is now provided via the private street of White Oaks Lane (Outlot 4) through the plat of White Oaks to Schroeder Road. Document No. 927255 is not referenced on the plat of White Oaks. Also the preliminary plat is designed so that only Lot 4 will use the right of way. Considering this being a new proposed land division and the undocumented changes to the right of way providing access to Schroeder road, the right of way access shall be better memorialized with a recorded amended or new right of way agreement with the owners of the private street in White Oaks (White Oaks Homeowners Association Inc). This agreement is necessary to assure there are rights of access over the adjacent lands that are consistent, well documented and protect proposed land division.
8. Documentation from the City of Madison approving or citing the ordinance that allows the private road access for Lot 4 will be required by the Wisconsin Department of Administration Plat Review Unit.
9. The private road name of White Oaks Lane shall be shown on Outlot 4 adjacent to this plat and also labeled "Private Street". Outlot 4 shall also be noted that it is subject to a public utility easement per the plat of White Oaks.
10. Provide a benchmark on site and show the NAVD 88 basis for the elevations referencing either the City of Madison Monument or other published benchmark.
11. Label the return radius along the north side of the cul de sac.
12. Provide "recorded as" data from all of the adjacent land divisions.
13. The existing home on Lot 4 shall connect to public sewer within 6 months of plat recordation. Proof of septic abandonment shall be provided to the City Engineer prior to the acceptance of the public works improvements and prior to the release of any building permit holds for the plat.
14. Provide a private sanitary sewer easement between Lot 3 and 5. If the sanitary sewer easement is shared with the private water main easement, modify the easement width accordingly. A separate private easement agreement will be required that spells out the rights and responsibilities for the affected lots.
15. The applicant shall provide more information on the stormwater management, grading, and erosion control plans for this development. Additional comments should be expected after the additional information is reviewed.

16. Each lot shall have rain gardens or other stormwater control devices. These devices shall limit the discharge off the developed property to the rates and volumes of the site predevelopment for the 1-, 2-, and 10-year events. A deed restriction or plat restriction shall be recorded to enforce this installation and perpetual maintenance.
17. Per Section 16.23(9)(d)6.e, sidewalk is not required on the cul-de-sac due to steep grades, required additional grading, difficulty in constructing driveways to access the new homes, and potential additional tree impacts.
18. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat/ 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 plat without the agreement executed by the developer.
19. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
20. This development is subject to impact fees for the Upper Badger Mill Creek Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat: "Lots/ buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
21. Public Sanitary Sewer Easement(s) dedicated to the City of Madison on the face of this Plat are subject to the following conditions:
 - a.) The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b.) No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (**Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c.) Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d.) The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e.) The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
22. The developer shall construct Madison standard street improvements for all streets within the plat.
23. Note: Extensive grading may be required due to steep roadway grades.

24. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
25. The following notes shall be included on the final plat:
- a.) All lots within this plat 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 plat. 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 plat. 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.
 - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

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.

26. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater drainage plan: "For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. No building permits shall be issued prior to the City Engineering Division's approval of this plan."

27. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 MGO.
28. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
29. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
30. 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 (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
31. 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. 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. Note: Land tie to two PLS corners required.
32. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

33. 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.
34. In accordance with Section 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 which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

35. A streetlight declaration of conditions and covenant shall be executed and returned prior to final signoff of the final plat.
36. Utility easements shall be provided on the final plat between Lots 6 and 7. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
37. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

38. All proposed lots shall meet the usable open space requirements in Section 28.140 of the Zoning Code.
39. Provide on the final plat the lot widths for Lots 2, 3, 5 and 6, as defined in Section 28.211 of the Zoning Code.

Fire Department (Contact Bill Sullivan, 261-9658)

40. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)."

Water Utility (Contact Dennis Cawley, 261-9243)

41. Due to the elevations located within this plat, individual privately owned booster pumps may be required in order to provide adequate water pressure. Each lot shall have its own booster pump.
42. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.
43. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

44. The developer shall pay approximately \$23,149.62 for park dedication and development fees for 6 new single-family lots. [Fee in lieu of dedication=\$16,962.00 (6 single-family units at \$2,827.00 per unit); Park development fees=\$7,218.89 (\$1,031.27 per single-family unit)] The developer must select a method for payment of park fees before signoff on the final plat. This development is within the Elver Park impact fee district (SI31). Please reference ID# 13170 when contacting the Parks Division about this project. Note: Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

45. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Office of Real Estate Services (Jenny Frese, 267-8719)

46. Prior to final sign-off, the Owner's Certificate(s) on the final plat shall be executed by all parties having an interest in the property, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). Certificates shall be prepared with the ownership interests consistent with the most recent title report. Please have the title company forward the last deed of record showing The Estate of Esther Jane McLeod as owner.

47. Certificates of consent from all mortgagees/vendors shall be included on the final plat following the Owner's Certificate(s).

48. All consents and certifications required for the owner and any holder of interests in the subject lands shall be revised and included in the proposed plat in a manner that is in conformance with Wis. Stats. 236.21(2) and 236.29, i.e., include language "...surveyed, divided, mapped and dedicated..."

49. When submitted, the final plat shall include certificates for the City of Madison Common Council, Plan Commission, and City Treasurer, Dane County Treasurer, and a Register of Deeds recording block.

50. All real estate taxes, special assessments and stormwater management fees due for this property shall be paid in full prior to final approval and recording of the final plat of this subdivision.

51. The following revisions shall be made to the plat prior to final approval and recording:

- a.) Accurately reflect the contents of the title report in the proposed plat.
- b.) Include on the proposed plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
- c.) Include a note on the final plat that describes the right-of-way for ingress and egress from Schroeder Road, granted by Deed Document No. 927255 that exists for proposed Lot 4.

- d.) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells and septic systems associated with the lands described for the proposed plat. (Well abandonment: ref. NR 141).
- e.) Satisfy any liens or judgments reported in record title.
- f.) Create Notes and/or labels that define the purpose of and the ownership of (whether public or private) all outlots. The note for any outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."