

## PLANNING DIVISION STAFF REPORT

August 24, 2015



### PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1818-1910 Tennyson Lane (12<sup>th</sup> Aldermanic District, Ald. Palm)  
**Application Type:** Revised Preliminary and Final Plat  
**Legistar File ID #** [39480](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Jay Wendt, Principal Planner, Planning Division

### Summary

**Applicant:** Thomas Keller; 448 West Washington Avenue, Madison, WI 53703  
**Plat Contact:** Gary Woolever, Vierbicher Associates; 400 Viking Drive, Reedsburg, WI 53959  
**Property Owner:** Tennyson Terrace, LLC c/o Thomas Keller; 448 West Washington Avenue, Madison, WI 53703

**Requested Actions:** The applicant requests approval of a revised preliminary and final plat.

**Proposal Summary:** The revised preliminary and new final plat of "Tennyson Ridge" includes 13 lots and 2 outlots. The revised plat is similar to the preliminary plat approved in January 2015, proposed with a conditional use and zoning map amendment to facilitate the development of a 72-unit, two building apartment complex. The revised plat includes several key differences including the addition of on-site storm water management, reconfiguration of residential lots, and a revised temporary cul-de-sac bulb at the end of Eliot Lane.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Preliminary and Final Plats [Section 16.23].

**Review Required By:** Plan Commission (PC) and Common Council.

**Summary Recommendation:** The Planning Division does not believe the proposal, in its current form, meets the applicable approval standards and recommends that the Plan Commission **refer** the revised preliminary and new final Plat of Tennyson Ridge in order for the applicant to work with staff to address the issues raised in this report. Should the Plan Commission find the standards are met and recommend approval, approval should be recommended subject to the comments and conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The subject site includes approximately 7.4 acres on the north side of Tennyson Lane. The site is within Aldermanic District 12 (Ald. Palm) and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The eastern portion of the subject property is currently part of a former agricultural/industrial complex. A demolition permit (with no future use) was approved by the Plan Commission in April 2013, though that demolition has not occurred. The western portion of the property is undeveloped and largely wooded. The approved 60 foot right-of-way for the extension of Eliot Lane, approved with the approval of a Certified Survey Map in 2013, crosses the site.

### **Surrounding Land Use and Zoning:**

North: Undeveloped lands in the Town of Burke;

South: The Berkeley Oaks single-family subdivision, zoned SR-C1 (Suburban Residential Consistent -1 with multi-family residential to the southeast between Kipling Drive and Packers Avenue, zoned SR-V1 and SR-V2 (Suburban Residential Varied Districts);

East: Undeveloped properties, including an approved yet undeveloped 300-unit senior housing and assisted living facility. Beyond that is the Oak Park Terrace mobile home court, zoned PD-MHP-SIP (Planned Development, Mobile Home Park, Specific Implementation Plan); and

West: Lake View Elementary School beyond, zoned SR-C1.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential development for the subject site. The Northport-Warner Park-Sherman Neighborhood states that the future use of this site could focus on residential uses, with an opportunity for a limited neighborhood mixed-use node at the intersection of Packers Avenue and Tennyson Lane. Amendments to that Plan's text have been adopted concurrently with recent applications to provide policy support for additional development density on portions of this site.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

**Zoning Summary:** The subject site is zoned SR-C1 (Suburban Residential – Consistent 1). The areas on the proposed plat depicted as Lots 1 and 5 were conditionally rezoned SR-V2 to accommodate the 72-unit apartment complex, though the zoning conditions of approval have not yet been satisfied. Staff understands the developer of the apartment complex is moving forward on satisfying those conditions and moving forward with those plans. No further information from the Zoning Administrator was available at the time of report writing.

## **Previous Approvals**

On May 5, 2008, the property owner received approval to demolish the existing agricultural buildings to allow the construction of 59 commercial condominium buildings. At that time, the subject properties were zoned M1 (Limited Manufacturing District). That proposal never moved forward and the approval has expired.

In January 2013, the City's new Zoning Code and map took effect. Consistent with adopted plan recommendations, the subject property was rezoned from the Limited Manufacturing District to the SR-C1 (Suburban Residential-Consistent 1) District. That district is primarily a single-family home district.

In April 2013, the Plan Commission approved a demolition permit and a four-lot Certified Survey Map (CSM) for the subject property. (A copy of that CSM is attached as Exhibit 3). The CSM approval required the extension of Eliot Lane across the subject property, consistent with the adopted neighborhood plan. The approval also required that a note be placed on the CSM stating that "construction of additional public streets may be required at the time when lots are further divided or developments are proposed." The CSM approval was extended in November 2013 and was recorded in May 2014.

In January 2014, the Common Council approved a zoning map amendment to allow the aforementioned 72-unit apartment development. The Plan Commission also conditionally approved the project details for the conditional for that development that month. The project did not move forward due to tax-credit financing from the Wisconsin Housing and Economic Development Authority (WHEDA) not being awarded.

In January 2015, a similar development was again approved by the Plan Commission and Common Council. That proposal also included the preliminary plat of "Tennyson Ridge." (A copy is attached as Exhibit 1). The apartment development has received WHEDA tax credit funding and the applicant has submitted the revised preliminary and new final plat now before the Plan Commission.

## **Project Description, Analysis, and Conclusion**

The revised preliminary and final plat of Tennyson Ridge proposes 13 lots and two outlots. Lot 1 is an approximately 3.5 acre property, anticipated to be utilized as a multi-family lot for the conditionally approved apartment complex. The other 12 lots range in size, but are zoned SR-C1 (Suburban Residential-Consistent 1) which is predominantly a single-family zoning district.

The revised plat is similar to the approved preliminary plat in many respects. The overall layout is generally consistent, both showing the extension of two north-south streets, Eliot Lane and the newly named Whitman Lane. For reference purposes, a copy of the previously approved preliminary plat is attached as Exhibit 1.

### **Summary of Key Issues and Changes**

The key issues and changes with the proposed plat are summarized below:

- **Stormwater Management and Outlot 2.** Five (5) single-family lots were previously proposed to front onto Tennyson Lane (Lots 2-6). These were intended to mirror the development pattern found with the existing homes across the street and provide a transition to the larger three-story apartment buildings approved to the north (Lot 1). This has been revised in the current proposal, necessitated by changes the applicant has made in addressing stormwater management. Three (3) single-family lots remain and Outlot 2, located at the corner of Tennyson and Whitman Lane, is now proposed to be utilized for stormwater management purposes.

The developer previously anticipated doing one combined stormwater management area for the subject site and other owned properties on the north side of Tennyson Lane. This facility was anticipated to be located on the property closest to Packers Avenue. After entering into agreements to provide this and other public improvements to serve all lots of the CSM, the applicant sold the adjacent property, 1936 Tennyson Lane (CSM Lot 2) to Independent Living so they could proceed with the development of their senior housing facility. Due to timing concerns regarding the construction of the shared stormwater facility, the owner elected to have each of the four existing lots be individually responsible for their own stormwater management on site. This was agreeable by City Engineering and Independent Living.

Without the agreement to provide shared stormwater management off-site as previously agreed-to, stormwater management for the plat must now be accommodated on the subject site. At this time, a formal stormwater management plan has not been provided. Based on an initial review of a preliminary site and grading information subsequently provided, City Engineering does not believe the proposed solution would meet City requirements. The applicant would likely need to increase the size of the area, changing the surrounding lot configuration. Further, with an anticipated "utilitarian" appearance featuring steep grading and limited landscaping opportunities, the Planning Division is very concerned

that the stormwater area does not create aesthetically pleasing building sites for the adjacent single and multi-family lots. The concept provided in the earlier plat, presented concurrently with the approved conditional use for the apartment complex, was believed to be a much better solution.

Based on discussions with City Engineering, there are other possible design solutions that could be explored. Alterations are thus necessary to both meet stormwater requirements and to improve the aesthetic quality at this corner.

- **Tree Preservation.** The western portion of this site is wooded, adjoining a wooded area on the Lake View Elementary School property. The 2013 CSM and the original 2015 preliminary plat approvals were conditioned upon providing tree preservation measures for this area. With the 2013 CSM, the alignment of Eliot Lane was jogged to limit the loss of trees on the western corner of the property. The temporary cul-de-sac bulb was placed on the west side of the street with the intent of preserving as many trees as possible. The 2015 Preliminary Plat included the following condition:

*That a tree preservation plan and grading plan shall be provided with the final plat for proposed lots 7-14. The final plan will be reviewed to identify areas where existing trees 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. Modifications to lot lines or reduction of lots may be required.*

Tree preservation information was provided as a follow-up to this application and materials are provided with the applicant's materials. In summary, eight (8) trees are anticipated to be removed for street construction purposes, most of these being white oak trees reported as being in very good condition. Most of these trees are outside of the proposed Eliot Lane right-of-way, though will likely need to be removed due to grading purposes. Staff notes that one tree is directly in the location of the relocated cul-de-sac bulb, now proposed on the western-side of Eliot Lane. Additionally, the submitted information anticipates 21 trees would likely be removed for future home and lot grading purposes.

Staff met with the development team on August 18 and understands that additional measures related to possible tree preservation efforts are being developed in response to staff concerns. This material was not available at the time of report writing. At the time of report writing, City Engineering stated they would look to identify possible alternatives to limit tree removal for the temporary cul-de-sac.

- **Relocated Residential Lot (Lot 5).** In order to make up for the loss of residential lots along Tennyson Lane due to stormwater management, the applicant has added Lot 5 to the west side of Eliot Lane. As proposed, the lot is shallower than the other proposed single-family lots. While additional depth could likely be added to better match surrounding properties, the Planning Division is concerned about the unusual layout of this one isolated lot on this side of the street. Staff recommends removal of this lot at this time, consistent with the previously approved plat. Staff may be amenable to having two lots in this location, should it be necessary to offset the relocation of other home sites due to tree preservation or stormwater management. Two lots are anticipated to provide a more conventional character on this portion of Eliot Lane, versus one isolated lot. Prior to supporting such an alteration, staff would like to review any such changes in relationship to the site and grading information for the proposed apartment.

## **Approval Standards**

This request must be reviewed against the standards for Preliminary and Final Plats of Section 16.23 of the Madison General Ordinances. Section 16.23 (3) includes the General Requirements that address conformance with state statutes, plan consistency, physical suitability of the land, conformance with zoning, and finding that there is adequate public facilities and services available to support and service the area in question. As with the previously approved preliminary plat, staff believes that these requirements can again found to be met.

Section 16.23 (8) includes the Design Standards related to this request. This includes the technical requirements for streets, easements, blocks, lots, and open spaces. Changes necessary to meet the technical requirements of this and other sections of Madison General Ordinances are noted in the comments by reviewing agencies.

Staff's above-noted concerns relate to the standards for "Lots" Section 16.23(8)(d) states, in part:

The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated...Lots shall be oriented to maximize opportunities for pedestrian travel and neighborly interaction.

As discussed above, the Planning Division does not believe the relationship of large multi-family lot and single-family lots abutting the proposed stormwater facility (Outlot 2) provides neither an aesthetically pleasing building site nor a proper architectural setting, as proposed. As noted above, staff also has concerns with the location of proposed lot 5 as proposed.

## **Conclusion**

A revised preliminary plat and new final plat of the Tennyson Ridge Subdivision are before the Plan Commission. The previous preliminary plat was approved in conjunction with a zoning map amendment and conditional use request for a 72-unit apartment complex. While similar in many respects, the revised plat includes modifications that the Planning Division believes are much less desirable than what was previously represented and approved in conjunction with previous applications.

Staff's primary concerns relate to Outlot 2 at the corner of Tennyson and the proposed Whitman Lane. Two single-family home sites have been removed to facilitate stormwater management. Whereas the previous home sites were intended to provide a transition between existing homes and the larger proposed apartment buildings, the current proposal places the stormwater management facility with relatively steep grades at the corner. While detailed stormwater management plans have not been provided to City Engineering, conceptual site plan and grading information discussed with the City Engineering Division indicates the proposed solution would not meet City regulations, though there are other solutions that could be utilized. It is anticipated that additional area would be required, causing the need for reconfiguration of lots. Considering both the functional and aesthetic concerns, the Planning Division believes it is most prudent to have this item referred to attempt to resolve such issues. Staff anticipates modifications are beyond what would be typically addressed as conditions of approval.

In its current form, the Planning Division does not believe the applicable standards are met and recommend referral.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division does not believe the proposal, in its current form, meets the applicable approval standards and recommends that the Plan Commission **refer** the revised preliminary and new final Plat of Tennyson Ridge in order for the applicant to work with staff to address the issues raised in this report. Should the Plan Commission find the standards are met and recommend approval, approval should be recommended subject to the comments and conditions recommended by the reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

#### Planning Division

1. That Lot 5 shall be removed from both the Preliminary and Final Plats. If in the alternative, it is specified that Lot 5 is approved to remain, it shall be increased to have a minimum depth of 125 feet to match surrounding SR-C1-zoned properties. It shall also be clarified that Lot 5 is to remain zoned SR-C1 when approving the final SR-V2 zoning boundary as required in Condition #54 of the January 23, 2015 approval letter regarding the zoning map amendment for the subject property. Adjustments to Lot 1 will require approval of alterations to the conditional use for the 72-unit residential building complex.
2. That the applicant provides additional tree preservation strategies and works with the Planning Division and Engineering Division to determine the feasibility of additional tree preservation measures. This shall include a review of possible alternative temporary turn-around facilities on Eliot Lane.
3. That the applicant shall work with the City Engineering and Planning Divisions on the revisions to Outlot 2 to provide plans that conform all applicable ordinances and provide a more aesthetic setting. Changes to the lot pattern, lot size, relocation of stormwater facilities, and a modification in the number of lots are anticipated. Final details shall be approved by the City Engineer and Director of Planning, Community, and Economic Development.

### City Engineering Division (Contact Janet Schmidt, 261-9688)

4. Applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Note that there currently is not a Public Utility Easement along the rear of Lots 6-13.
5. Temporary Limited Easements for Grading and sloping are required from the adjacent property owner at the end of Eliot Lane and Whitman Lane and the Developer is unable to secure the easements, the City may allow grading easements within the plat to allow for the construction of the street. These easements shall not be encumbered by utilities or other impediments and shall be reserved for grading and sloping and drainage as necessary.

6. The Developer shall be required to obtain Permanent Limited Easement for sloping and grading required over the lands adjacent to proposed Whitman Lane (lands to the east at 1936 Tennyson La) to permit the construction of the street and utility improvements within the right of way.
  7. The developer shall coordinate with the owner of Lot 2, CSM No. 13716 to dedicate the necessary area providing the required 15 foot radius return at the northeast quadrant of the intersection of Tennyson Ridge Lane and Tennyson Lane.
  8. Based on preliminary review of the grading plan for the stormwater management area , Engineering has concerns regarding whether the area provided is sufficient to meet the needed treatment standards. No calculations have been submitted at this time to substantiate compliance and slopes in the proposed treatment area appear to be too steep to meet engineering standards.
  9. The Applicant shall acquire a permanent limited easement for public street purposes if necessary for off site improvements and convey to the City. The Applicant shall also acquire temporary limited easements for grading and sloping on the adjacent property as necessary to construct the new public street. If the Developer is unable to acquire and dedicate said public easements, the City may elect to obtain by eminent domain, any such easements with all real estate, land, and reasonable administrative costs related to the City's acquisition of the required easements to be paid for solely by the Developer. All easement documents shall be drafted by and coordinated with the City of Madison Office of Real Estate Services. If eminent domain proceedings are ultimately utilized, applicant's surveying consultant shall provide the information required for City of Madison Engineering staff to prepare all documents required for the proceedings.
  10. The developer shall provide information on how lots 2 through 13 will be treated for stormwater management (rate and pollution control).
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11. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact City Engineering 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). (POLICY)
  12. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for review.
  13. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact City Engineering to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
  14. An erosion control plan and land disturbing activity permit shall be submitted to the 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 5-tons per acre per year.

15. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100 -year storm events, matching post development rates to predevelopment rates.
16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls.
17. 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. (MGO 16.23(9)(D))
18. 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 storm water drainage plan:
  - a. 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.
19. No building permits shall be issued prior to City Engineering's approval of this plan.
20. The construction of this project will require the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)
21. The Developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat/csm. (MGO 16.23(9)(d)6)
22. The Developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
23. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line:  
<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)

24. 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' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer. (MGO 16.23(9)(d)(2) and 16.23(7)(a)(13))

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

25. The attached Traffic Signal and St. Light declaration of conditions and covenants shall be executed and returned to City Traffic Engineering.

26. Utility easements shall be provided as follows between lots:

7-8

11-12

27. 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 Jenny Kirchgatter, 266-4429)

Comments were not provided in time to be included in this report.

**Fire Department** (Contact Bill Sullivan, 261-9658)

28. Provide the following information to the buyer of each individual lot: Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website:

<http://www.homefiresprinkler.org/Consumer/ConsHome.html>

29. Per MGO 34.503 and IFC 503.2.5:

- a. A fire apparatus access road that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of the fire apparatus access road. This turnaround shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.
- b. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500-feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

**Parks Division** (Contact Kay Rutledge, 266-4714)

30. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Warner park impact fee district (SI21). Please reference ID# 13120 when contacting Parks about this project.
31. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a ROW site plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>

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

32. The ownership interest in the Owner's Certificate does not match the owner in the title report dated August 7, 2015. Prior to approval sign-off, the Owner's Certificate(s) on the FP shall be executed by all parties having a legal interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificates shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate.
33. The mortgagee in the certificate on Sheet 2 shall be consistent with the mortgage interest reported in the title report dated August 7, 2015. In addition, revise the ownership interest in the mortgagee certificate to show the correct legal ownership entity. All mortgagee certificates shall be executed prior to plat approval sign-off.
34. A Phase 1 ESA is required for the public dedication areas, to be reviewed by Brynn Bemis in the City Engineering Division. Findings and conclusions may or may not require a Phase 2 ESA.
35. As of August 18, 2015, there are delinquent real estate taxes reported for the subject property. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to Plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off and checks are payable to:
- City of Madison Treasurer  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53701
36. As of August 18, 2015, special assessments are reported for the subject property. Pursuant to Madison City Ordinance Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments shall be paid prior to approval sign-off, including accrued interest, if any.
37. Prior to Plat approval sign-off, please verify that storm water management fees are paid in full by contacting Pamela Mousely at the Water Utility (261-9132).

38. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services, as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (8-7-15) and the date when sign-off approval is requested. The surveyor shall update the plat with the most recent information available in the title report update.

39. Revise the plat as follows:

- a. Provide proof of lien and judgment satisfactions by recorded document or court docket for the six cases reported in record title.
- b. If the temporary limited easement for the cul-de-sac bulb at the end of Eliot Lane must be different from the location created by prior CSM No. 13716, please coordinate with the City Engineering Division and the Office of Real Estate Services to provide a map and legal description to be used to accomplish the release of the existing temporary limited easement of the same. A \$500 administrative fee shall be paid to the Office of Real Estate Services and the release shall be recorded prior to CSM sign-off.
- c. Coordinate with the City Engineering Division and the Office of Real Estate Services to provide a map and legal description to be used to create and record a document for the public dedication of the radius on adjacent Lot 2 CSM No. 13716 to accommodate Whitman Lane. A \$500 administrative fee shall be paid to the Office of Real Estate Services and said dedication shall be recorded prior to plat approval sign-off.
- d. Remove the designation of dedicated Whitman Lane as an Outlot and rename Outlot 2, dedicated for storm water purposes, to Outlot 1.
- e. Include the recording information for the release document that corresponds to the DCCR described in Note #3 on Sheet 1.
- f. Include Notes that describe all declarations and restrictions that encumber the lands within the CSM boundary, as shown in the title report.
- g. To avoid confusion, remove the depiction of the new storm water drainage easements and only depict the new public utility easements, as the public storm water drainage easements are described and set forth under the Notes section on Sheet 1.
- h. Include the word public in the label for all public easements created by the prior CSM that are appropriate to depict on the plat.
- i. If the easement rights described in the Notes on Sheet 2 are necessary to serve the development and are being created by this plat, depict said easements. If this was not the intent, remove these Notes in their entirety.
- j. Coordinate with City staff regarding the Notes to be carried over from prior CSM No. 13716.

**Water Utility** (Contact Dennis Cawley, 261-9243)

40. The proposed public water main shall be installed by Standard City of Madison Subdivision Contract. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

41. Metro Transit operates one-way daily transit service along the south side of Tennyson Lane through the Elliot Road intersection, opposite the project site.