



Department of Planning & Community & Economic Development
Planning Division

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****BY E-MAIL ONLY****

May 10, 2013

Janet Dailey
City Engineering Division
Room 115, City-County Building
Madison, Wisconsin 53703

RE: Approval of a request to rezone properties generally addressed as 5202-5402 Graham Place and 5402-5502 Fen Oak Drive from PD-GDP (Planned Development District-General Development Plan) to SE (Suburban Employment District) and approval of a preliminary plat and final plat creating 4 lots for office/employment development and two outlots and converting existing private streets to public streets. (Matt Mikolajewski, City of Madison Office of Business Resources)

Dear Mrs. Dailey;

At its May 7, 2013 meeting, the Common Council **conditionally approved** the zoning map amendment, preliminary plat, and final plat of BioAg Gateway Replat subject to the following conditions of approval from reviewing agencies. In order for the final plat to be approved for recording, the following conditions shall be met:

Please contact the City Engineering Division at 266-4751 if you have questions regarding the following fifteen (15) items:

1. For clarification, all references to underlying private street names (Fen Oak Court and Graham Place) within proposed Outlot 1, Lot 2 and Lot 3 shall be removed, as these private streets will be obliterated. [New public street names will be established with this plat.]
2. The Office of Real Estate Services is coordinating with Wisconsin Department of Administration for a potential land swap and public dedication of proposed "DATCP Lane" connecting the public right of way of Agriculture Drive to the proposed public dedicated Graham Place. If this land swap does not occur prior to the recording of the plat a temporary street/ turn around easement shall be provided at the end of Graham Place.
3. The Office of Real Estate Services, Planning Division, and City Engineering Division are coordinating for the necessary public easement releases, as well as identifying which easements shall be perpetuated prior to final approval and recording of this proposed replat. (RE Project Nos. 9424-9425)
4. The Office of Real Estate Services, Planning Division, and City Engineering Division are coordinating for the necessary new public easements to be created by this replat. These easements shall include, but are yet not

limited to, a 10-foot wide public utility easement along the south line of proposed Lots 2 and 3 adjacent to the new north right-of-way line of Fen Oak Drive.

5. The Office of Real Estate Services, Planning Division, and City Engineering Division shall coordinate the naming convention for private Outlot 2, which shall be designated as a privately owned open space reserved for future development.
6. Future development of the lots created by this plat shall require compliance with current stormwater regulations regarding infiltration, oil and grease control. A note to this affect shall be added to the plat.
7. The lots within this plat are subject to the City of Madison Broadway East Interceptor Sewer Area Charges. All impact fees are due and payable at the time building permits are issued. The following note shall put the face of the plat: **"Lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued."**
8. Note: The City is proposing to jointly plat lands with the World Dairy Campus Owners Association, of which the City is the majority property owner within the existing World Dairy Campus Plat. The existing Outlot 2, which is currently a private street, shall be dedicated to the public as right of way. Some additional right of way modifications shall be required including the reconstruction of Walton commons to a conventional 66-foot right of way and additional street dedication on Fen Oak Drive and Graham Place. These dedications will allow the City to take ownership and of the right of way and perform maintenance of the street. City staff has worked extensively on the proposed layout of the infrastructure and will continue to modify the layout as necessary to meet the needs for the public street, lighting, sanitary sewer, water main, and storm sewer accommodations necessary to bring the infrastructure up to City standards. The current plat as provided to the Plan Commission takes all of City Engineer's comments into account to date.
9. Note: The construction of the infrastructure necessary to bring the private streets up to City standards will be undertaken by the City of Madison as an assessable project in the summer and fall of 2013. The full cost of the improvements and all related development fees will be assessed to all adjacent lots.
10. The City and World Dairy Campus Owners Association shall enter into a contract for the conversion of private streets to public right of way for the development of the plat. The agreement will spell out the rights and responsibilities of each party for the platting and construction / reconstruction of the necessary infrastructure to serve the development. The World Dairy Campus Owners Association shall sign a waiver of hearing and notice for the assessments of the plat improvements.
11. 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.
12. 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).

13. 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.
14. 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 of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
15. The applicant shall show the 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have questions about the following two (2) items:

16. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
17. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following two (2) items:

18. Minimum 20-foot wide public water main easements shall be dedicated over all public water mains not located in public right of way.
19. 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 my office at 261-9632 if you have questions regarding the following item:

20. That the Plan Commission finds the extension of Fen Oak Drive to not be necessary for the advantageous development of the adjacent lands due to the topographical constraints present adjacent to the subject site.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following seven (7) items:

21. Prior to final sign-off, an Owner's Certificate 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). The City's Office of Real Estate Services will obtain owner signatures.
22. Note: City staff will research mortgage history to determine if a Consent of Mortgagee is required for execution.
23. Please update the signature line to include the Treasurer's name in the City of Madison Treasurer Certificate.
24. Please add a space for the document number Dane County Register of Deeds Certificate.
25. Note: The Office of Real Estate Services will obtain agency plat approval signatures, as well as all other signatures needed for the included certificates.
26. Stormwater management fees, if any, shall be paid in full prior to final sign-off.
27. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Depict and label the easement for ingress and egress purposes conveyed in Warranty Deed recorded as Document No. 4262017.
 - b.) Update Note #5 to refer to *former* Outlot 2 of World Dairy Campus plat and coordinate with city staff for the appropriate language for this note, based upon the pending dedication of Outlot 2 to the city (Reference: Real Estate Project 10145). If certain deed restrictions or other conditions are included in the Warranty Deed, please refer to the Document Number in the note.
 - c.) One of the existing 15-foot utility easements per Second Add. to World Dairy Document No. 2760420 (near the lot line for Outlot 9 and Outlot 12) should be labeled 25'.
 - d.) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes." Staff has discussed Outlot 1 for private access purposes and Outlot 2 for future development and tree preservation.
 - e.) Coordinate with City staff regarding the existing facilities located in the portion of Outlot 2 that bisects proposed Lots 2 and 3, and the possibility of retaining an easement for said facilities.
 - f.) Coordinate with City staff regarding the release and creation, or relocation of the existing 10-foot utility easement per Document No. 2659470, which runs parallel to Walton Commons Lane over proposed Lot 2.
 - g.) Move that portion of existing 10-foot utility easement per Document No. 2659470 this is located along the northerly right-of-way line of Fen Oak Drive to reflect the new Fen Oak Drive boundary due to public right-of-way expansion.
 - h.) Coordinate with City staff to verify whether or not Outlot 12 of Second Addition to World Dairy Center is to be included in the plat boundary.

- i.) Coordinate with City staff regarding the map and legal descriptions needed for two off-plat public easements (reference Real Estate Projects 9424 & 9425). If recorded prior to the plat, please depict and label the easements by Document Number.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. **The approval of this plat shall be null and void if not recorded in twelve (12) months from the date of this letter.** If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,

TIMOTHY M. PARKS
Planner

cc: Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Pat Anderson, Assistant Zoning Administrator
Jenny Frese, Office of Real Estate Services
Matt Mikolajewski, Office of Business Resources
Dan Everson, Dane County Planning & Development