



Department of Planning & Community & Economic Development

Planning Division

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December 3, 2014

Dan Birrenkott
Birrenkott Survey, Inc.
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590

RE: Approval of a final plat creating 3 single-family lots and 3 agricultural lots at 3315 Nelson Road, Town of Burke, in the City's extraterritorial jurisdiction (James & Deborah Duckart).

Dear Mr. Birrenkott;

At its December 2, 2014 meeting, the Common Council **conditionally approved** the final plat of Windswept subject to the following conditions of approval to be addressed prior to final approval and recording of the plat:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following thirteen (13) items:

1. It is assumed the 90-foot wide leg of Lot 6 was widened from the previous 66-foot wide leg to provide adequate area for a future driveway serving a future dwelling on Lot 6 outside of the gas main easement.
2. A condition of preliminary plat approval required the following: If the lots within this plat are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site, an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the final plat, and recorded at the Dane County Register of Deeds. Note 18 on the plat does not adequately address this comment. The copy of an actual agreement shall be provided. If the lots are not interdependent on one another, provide information showing the lots within the plat are not interdependent on one another.
3. Correct the northing value of the established coordinates of the center of Section 24 to 507936.44.
4. Revise the grading and sloping easement to read: "10-FOOT WIDE PUBLIC PERMANENT LIMITED EASEMENT FOR GRADING AND SLOPING PER THIS PLAT." Also add the word "Public" to note 17.
5. Remove the note "Approximate Edge of Woods" from the legend.

6. Revise the note for the 66-foot wide access easement to read: "66' Wide Private Access and Private Utility Easement. See Note 20 for Limitations". Also revise note 20 to be a "Private" Access and "Private" Utility Easement. Additional language on the plat or a separate document recorded at the Register of Deeds is recommended to further set forth construction, maintenance and use restrictions.
7. Remove Note 22, as it is addressed in Note 11.
8. Prior the recording of the final plat, the common well easement shall be modified, amended or a new agreement drafted to address the reconfigured parcels that are to utilize any common well. The recording information of the new agreement shall be placed on the face of plat.
9. Note 6 conflicts with the existing overhead utilities that are currently serving homes within this proposed subdivision. The note shall be modified appropriately or removed to address this issue.
10. Add the City of Madison Subdivision Regulations to the Surveyor's Certification of compliance.
11. Add set iron stakes at two locations along the common lot lines of Lots 2 and 3.
12. 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.
13. 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following three (3) items:

14. The applicant shall revise the plat to provide access rights to the 66-foot wide easement to Lot 1.
15. A declaration of conditions and covenants streetlight and traffic signals shall be executed and returned prior to signoff of the final plat for recording. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
16. 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 Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following five (5) items:

17. Prior to sign-off of the final plat, the Owner's Certificate shall be executed by all parties having an 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.
18. If mortgages are present, a certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final CSM sign-off.
19. Because of future annexation with the City of Madison, it is *recommended* that the owner coordinate with the Town of Burke to obtain an Environmental Site Assessment for the public dedication areas shown on the final plat.
20. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to CSM recording. As of October 3, 2014, the real estate taxes are paid for the subject property, which included special assessments.
21. The final plat shall be revised prior to final approval and recording as follows:
 - a.) When the title update is prepared, ensure the typo in the parcel number is corrected to 014-0810-243-8030-8.
 - b.) Correct the document number typo in Note 14.
 - c.) Remove the label for existing parcel 0810-243-0830-8 on proposed Lot 4.

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

22. Prior to recording of a final plat of this subdivision, the applicant shall execute a restrictive covenant over the proposed lots in a form approved by the Planning Division. The restrictive covenant shall require the written approval of the Planning Division Director of the location of any new or expanded principal or accessory buildings. The purpose of this restriction is to ensure that the placement of such buildings does not impact the City's ability to provide public services, install public improvements, extend planned streets, or accomplish future attachments.

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

Prior to City Engineering final sign-off by the main office of the final plat, it 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 plat 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 plat 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 final plat with the most recent information reported in the title update.

As soon as the comments and conditions have been satisfied for the final plat as verified with a completed affidavit form (attached), the original along with the revised final plat, 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 final plat at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

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 final 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, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Schmidt, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Planning & Development