



Department of Planning & Community & Economic Development

Planning Division

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August 11, 2014

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

RE: Approval of a preliminary 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 August 5, 2014 meeting, the Common Council **conditionally approved** the preliminary plat of "Windswept" subject to the following conditions of approval to be addressed through the final plat of the subdivision:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following fourteen (14) items:

1. The legal description on the preliminary plat shall be corrected. The current description does not follow the exterior of the proposed plat and omits a portion of proposed Lot 4.
2. The Common Access Easement shall further define restrictions along with construction and maintenance requirements on the final plat or shall be accomplished with a separate document recorded at the Dane County Register of Deeds and referenced on the final plat.
3. Revise the line type of the limits of the Access Easement to differentiate the locations where the line is not coterminous with a lot line. The current map is difficult to decipher that the easement lies over Lot 3.
4. Specify if the utility easement shown is to be private or public. In either instance, the easement shall indicate the entities that are beneficiaries of the easement and shall state any restrictions of the uses granted by the easement.
5. It is assumed the 66-foot wide leg of Lot 6 will be utilized for a future driveway serving a future dwelling on Lot 6. This will likely require improvements within the high pressure gas main easement shown on the plat. It is advised that the owner/ applicant contact the gas main company to coordinate any future improvements necessary to permit development of Lot 6 prior to submitting the final plat to confirm the improvements will not be prohibited by the gas main company.

6. Provide the dimension of the south line of Lot 5. Change the adjoiner Wood Ger Condo the Wood Ger Plat.
7. Show and label the easement to Wisconsin Power and Light per Document No. 617570 that encumbers the easterly side of Lot 2 (East 82.2 is subject to the easement per the document).
8. Note all agreements of record encumbering the lands within the plat.
9. Any future attachment of the area including the common access to the City of Madison will require the private access to be named.
10. The property will be subject to Madison Metropolitan Sewerage District fees and City of Madison Sewer Impact Fees when sewer becomes available and property is annexed into the City.
11. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Nelson Road.
12. If the lots within this plat are inter-dependent 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.
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.
14. 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.

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

15. The applicant shall revise the plat to provide access rights to the 66-foot wide easement to Lot 1.
16. 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.
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 Jenny Frese of the Office of Real Estate Services at (608) 267-8719 if you have any questions regarding the following four (4) items:

18. 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. Please correct the spelling of the owner's name: Deborah.
19. 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.
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 July 10, 2014, the 2013 real estate taxes are paid for the subject property and there are no special assessments reported.
21. The final plat shall be revised prior to recording as follows:
 - a.) Add the two sewage covenants to "Notes" and include their document numbers, as reported in title.
 - b.) Depict and label by document number the Wisconsin Power and Light Easement reported in title and included in the legal description for Warranty Deed 4814910.
 - c.) Depict and label the shared well, and 20-foot easement, included in the legal description for Warranty Deed 4819411.
 - d.) When the title update is prepared, ensure the typo in the parcel number is corrected to 014-0810-243-8030-8.

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.

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.

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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