

## Attachment 2

### BEFORE THE COMMISSIONERS OF THE MADISON METROPOLITAN SEWERAGE DISTRICT

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In the Matter of the Notice from the City of  
Madison, Dane County, Wisconsin for the  
Attachment of Certain Territories in the City  
of Madison to the Madison Metropolitan  
Sewerage District.

ANNEXATION NO. 2020-03

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#### EXPEDITED ANNEXATION

#### ANNEXING LANDS IN THE CITY OF MADISON TO MADISON METROPOLITAN SEWERAGE DISTRICT

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The City of Madison, Dane County, Wisconsin (“Petitioner”) submitted notice dated March 11, 2020 (“Notice”) to the Madison Metropolitan Sewerage District (“District” or “MMSD”) requesting annexation of lands to the District (“Subject Land”).

#### DOCUMENTATION FOR REVIEW BY COMMISSION

District staff has reviewed the request for annexation, including the following items (collectively, the “Exhibits”):

1. Notice requesting Annexation from the City of Madison, received on March 12, 2020.
2. Map of proposed annexation, municipal boundaries, and urban service areas, prepared by MMSD.
3. Letter from Mike Rupiper of CARPC to MMSD dated March 19, 2020, with determination of consistency with adopted regional plans.
4. MMSD Ordinance on Annexation Charges.
5. District Regulations: District Connection Charges – Conveyance Facility Connection Charges (CFCC) and Treatment Plant Connection Charges (TPCC).
6. Schedule of current connection charge rates.

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### RECOMMENDATION FROM DISTRICT STAFF

District staff recommends addition of the territory to the District based on the following:

1. The purpose of the Notice and proposed annexation is to annex the Subject Land in the City of Madison to the District in order to provide sewerage service to the Subject Land. *See Exhibit 1.*
2. The Subject Land is adjacent to territory presently served by the District. *See Exhibit 2.*
3. The District has sufficient design capacity to serve the land proposed for annexation.
4. The Subject Land is located in the Urban Service Area as designated by the Capital Area Regional Planning Commission (“CARPC”) and annexation is consistent with adopted regional plans. Annexation of the Subject Land is also consistent with the Dane County Water Quality Plan as approved by the Wisconsin Department of Natural Resources (“DNR”). *See Exhibit 3.*
5. Annexation of the Subject Land to the District will:
  - a. Promote sewerage management policies and operations;
  - b. Promote the public health and welfare;
  - c. Effect efficiency and economy in sewerage management based upon currently accepted engineering standards regarding prevention and abatement of environmental pollution, and federal and state rules and policies in furtherance thereof; and
  - d. Be consistent with adopted plans of municipal, regional and state agencies.
6. The Commission has authority under Wis. Stat. § 200.13(3) to establish sewer service charges to cover its construction, maintenance and operating costs, and debt service charges, and also to levy a tax upon the taxable property in the District to enable it to carry out its statutory procedures; and, therefore, it is appropriate that this annexation be conditioned upon the payment of appropriate sewer service charges and tax levies, as determined by District policy.
7. The Commission has authority under Wis. Stat. § 200.15(3) to subject this annexation to reasonable requirements as to participation by newly annexed areas in the costs of existing or proposed District facilities.

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8. The proportionate cost of wastewater conveyance facilities and the wastewater treatment plant facilities that serve the area should be recovered by calculating a conveyance facility connection charge (CFCC) and a treatment plant connection charge (TPCC). These charges shall be calculated in accordance with district regulations and imposed on an area basis. *See District Regulations, Exhibit 5.*

9. Approval of the request should be subject to Petitioner's compliance with District policy, as applicable, and payment of applicable charges. Charges shall be calculated based on the District policies and the rate in effect at the time that a particular area of the Subject Land is to be connected to the District's system. Payment of the associated charges shall be made in full at or before the time that the land annexed is to be connected to the District's system, as set forth in District policy. *See MMSD Connection Charge Rates-2020, Exhibit 6.*

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**MMSD ANNEXATION NO. 2020-03**

**ANNEXING LANDS IN THE CITY OF MADISON TO  
MADISON METROPOLITAN SEWERAGE DISTRICT**

**Notice Dated: MARCH 26, 2020**

**The Commission of the Madison Metropolitan Sewerage District, Following Consideration of Documentation and Recommendations from District Staff, Which Are Incorporated By Reference, Does Hereby Ordain as Follows:**

1. The Commission has no objection to addition of the Subject Land to the territory of the District, all as set forth herein.
2. The Subject Land, as described in Exhibit 1, is hereby annexed to the District, subject to each and all of the following conditions:
  - a. The Petitioner shall participate in the cost of the existing conveyance facilities and treatment plant necessary to serve the annexed lands in accordance with District Policies, and
  - b. The Petitioner shall be and is subject to the District's Sewer Use Ordinance and shall comply therewith; and
  - c. The Petitioner shall pay such sewer service charges as may, from time to time, be made by the District; and
  - d. The Petitioner shall pay such ad valorem taxes as the District may, from time to time, assess and levy against the land annexed.

Approved by the Commission of the Madison Metropolitan Sewerage District at a duly noticed meeting held on the 26 day of March, 2020.

**MADISON METROPOLITAN SEWERAGE DISTRICT COMMISSION**

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Thomas D. Hovel, Commission President

*Attested by:*

**Incorporated by Reference:**  
Exhibits reviewed by District staff

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D. Michael Mucha, Chief Engineer & Director