October 21, 2019

Curt Sauser, Sewer Connections & Extensions
Madison Metropolitan Sewerage District
1610 Moorland Road
Madison, WI 53713

Request for Sewer Service Area Annexation
Homburg Equipment Annexation - Cottage Grove

Dear Mr. Sauser:

The Village of Cottage Grove requests MMSD to annex 228.62 acres of gross land into the service area for future sewer service. The land is on the west side of the Village, north of Red Hawk Trail and south of Gaston Road.

The Village of Cottage Grove has approved the annexation request. The land has been approved by the WDNR for inclusion to the Village of Cottage Grove Urban Service Area. The land has been included in a prior review of system capacity and has been anticipated to be included in the Village sewage system.

The Village has an existing twelve inch sewer in Cottage Grove Road that extends a ten inch sewer interceptor north on Damascus Trail. The ten inch sewer will provide service for this developable area. Its upper capacity is 0.97 MGD, while its capacity south of Red Hawk Trail is about 2.5 MGD. With full buildout on the 10 inch sewer we anticipate a peak flow of 0.78 MGD (upper) and 0.90 MGD (lower).

Sincerely,

Michael Maloney P.E.
Village Engineer

Enclose: Annexation Ordinance Documents

cc: Erin Ruth, Director of Planning & Development,
    Matt Giese, Village Administrator
    JJ Larson, Director of Public Works
    Lee Boushea, Village Attorney
Attached is a true and correct copy of Ordinance 03-2019 Annexing Territory from the Township of Cottage Grove to the Village of Cottage Grove, Dane County, Wisconsin known as the Homburg Equipment Annexation.

Debra S. Winter  Village Treasurer

STATE OF WISCONSIN
COUNTY OF DANE

Personally came before me this 16th day of May, 2019, the above named Debra S. Winter, known to me, who duly acknowledged the same on behalf of the Village of Cottage Grove as its Village Treasurer.

Lisa Kalata  Notary Public, State of Wisconsin
My Commission expires:
April 23, 2019

STATE OF WISCONSIN

Village of Cottage Grove
Dane County, Wisconsin

I, Lisa Kalata, Village Clerk do hereby certify that the attached is a true and correct copy of Ordinance 03-2019 Annexing Territory from the Township of Cottage Grove to the Village of Cottage Grove, Dane County, Wisconsin known as the Homburg Equipment Annexation.

Be it further known that Ordinance 03-2019 approving this annexation was adopted by the Village Board of Trustees at their regular Village Board meeting held on April 15, 2019.

Dated this 23rd day of April, 2019.

VILLAGE OF COTTAGE GROVE

[Signature]
Lisa Kalata, Village Clerk

221 E. Cottage Grove Road, Cottage Grove, WI 53527
Phone: (608) 839-4704 Fax: (608) 839-4698 Website: www.vi.cottagegrove.wi.gov
ORDINANCE NO. 03-2019
ANNEXING TERRITORY FROM THE TOWNSHIP OF COTTAGE GROVE
TO THE VILLAGE OF COTTAGE GROVE, DANE COUNTY, WISCONSIN
(HOMBURG EQUIPMENT ANNEXATION)

The Village of Cottage Grove, Wisconsin Board of Trustees does ordain as follows:

Section 1. Territory Annexed. In accordance with Section 66.0217 of the Wisconsin Statutes and the petition for unanimous direct annexation filed with the Village Clerk, signed by the owners of the property in the territory and stating that TWO electors reside in the territory that is within Dane County Supervisor District 36, Assembly District 46, and Senate District 16, the following described territory in the Town of Cottage Grove, Dane County, Wisconsin, is annexed to the Village of Cottage Grove, Wisconsin. See Exhibit A for the annexation map and for the legal description.

Section 2. Determination of Public Interest. In a letter dated March 25, 2019, the Wisconsin Department of Administration’s Office of Municipal Boundary Review declared the proposed annexation “to be in the public interest.” See Exhibit B for the letter.

Section 3. Effect of Annexation. From and after the date of this ordinance, the territory described in Exhibit A shall be part of the Village of Cottage Grove for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules, and regulations governing the Village of Cottage Grove.

Section 4. Pre-Annexation Agreement. A Pre-Annexation Agreement shall be executed by all parties and a draft of said document is attached as Exhibit C.

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage as provided by law.

Dated this 15th day of April, 2019

VILLAGE OF COTTAGE GROVE

Jack Henrich, Village President

Attest:

Lisa Kalata, Village Clerk
ANNEXATION MAP EXHIBIT "A"

Prepared By:
Mark Kupasch
Homburg Contractors, Inc.
9960 Monona Drive
Morone, WI  53716

SCALE: 1" = 600'

Date: 08-01-17
Office Map No. 17-1140
Sheet 1 of 1
LEGAL DESCRIPTION: The SW 1/4 of the NW 1/4, the SE 1/4 of the NW 1/4, part of the SEW 1/4 of the NE1/4, part of the NW1/2 of the NW 1/4, the SW 1/4, the NW 1/4 of the SW 1/4, the NW 1/4 of the SW 1/4, all in Section 6, T7N, R11E; and the NE 1/4 of the SE 1/4, part of the SEW 1/4 of the NE1/4 all lying in Section 5, T7N, R11E; Town of Cottage Grove, Dane County, Wisconsin, more fully described as follows: Commencing at the SE corner of said Section 5; thence S87°23'20"W, 33.06 feet to the West right-of-way line of Blue Road and the point of beginning; thence N087°56'07"W, along said West right-of-way line, 1305.37 feet to the North right-of-way line of Cedar Road; thence N087°56'11"E, along said North right-of-way line, 33.06 feet; thence N087°55'41"W, along the West line of Cedar Knolls Plat, 7.00 feet to the North right-of-way of Gaston Road; thence N87°7'43"E, along said North right-of-way line, 1679.60 feet; thence N87°7'44"E, along said North right-of-way line, 1000.88 feet; thence S87°52'45"E, along the East line of said NW1/4, 1243.84 feet; thence N87°37'23"E, 107.56 feet; thence S87°12'06"W, along the Southwesterly line of Lot 9, Elmwood Estates, 288.30 feet; thence N87°12'24"E; along the North line of the SE 1/4 of said Section 5, 73.43 feet; thence S87°36'18"E; along the South line of C.S.M. #8683, 248.78 feet; thence N087°20'37"W, along the East line of the NW 1/4 of the SE 1/4 said Section 5 and the West line of the Westwood Estates, 1584.42 feet; thence S87°43'23"W, along the South line of said NW 1/4 of the NW 1/4 of the SE 1/4 and the North line of the First Addition to Westwood Estates, 969.16 feet; thence S87°34'26"W, along the South line of the NE1/4 of the SW1/4 of said Section 5 and North line of the Fourth Addition to Westwood Estates, 1388.15 feet; thence S87°35'57"W, along the South line of the NW 1/4 of the SW 1/4 of said Section 5, 1338.14 feet; thence S87°35'57"W, along the South line of the NE1/4 of the SW1/4 of said Section 6 and the North line of C.S.M. #8683, 1330.94 feet; thence N087°54'25"W, along the West line of said NE1/4 of the SE1/4, said Section 6 and the East line of the Third Addition to Maxwell Heights, 1326.62 feet; thence N87°35'57"E, along the North line of said NE 1/4 of the SE 1/4, 1309.78 feet to the West right-of-way line of Blue Road and the point of beginning. Said parcel contains 22.00 Acres.

PARCEL NUMBER MAP
EXHIBIT "B"

Prepared by:
Mark Kupsch
Homburg Contractors, Inc.
2982 Monona Drive
Monona, WI 53716

SCALE: 1" = 600'

Date: 06-01-17
Office Map No. 17-1140
Sheet 1 of 1
PETITION FOR DIRECT ANNEXATION
BY UNANIMOUS CONSENT
(Wis. Stats. § 66.0217 (2))

TO: Village of Cottage Grove
    Attn: Lisa Kalata, Clerk
    221 E. Cottage Grove Road
    Cottage Grove, WI 53527

Town of Cottage Grove
    Attn: Kim Banigan, Clerk
    4058 County Road N
    Cottage Grove, WI 53527

The undersigned electors residing in the Territory and the owners of all of the real
property in the Territory, do hereby petition the Village Board of the Village of Cottage
Grove for the purpose of annexing the Territory from the Town of Cottage Grove, located
in Dane County, Wisconsin, to the Village of Cottage Grove.

The “Territory” proposed for annexation from the Town of Cottage Grove to the
Village of Cottage Grove is shown on the scale map and is more particularly described on
Exhibit A.

The undersigned do hereby request that this annexation be approved and take
effect in the manner provided for by law.

There are two electors residing in the Territory to be annexed. The population in
the territory is two.

This Petition for Annexation is being signed by all of the electors residing in the
Territory and the owners of all of the Real Property within the Territory and is filed
pursuant to Wis. Stats. § 66.0217(2).

[SIGNATURES ON FOLLOWING PAGE]
PETITION FOR DIRECT ANNEXATION
BY UNANIMOUS CONSENT
(Wis. Stats. § 66.0217 (2))

Page 2

OWNERS

By: Andrew G. Homburg

By: Chris A. Homburg

By: Ellery R. Jensen

By: Margaret L. Jensen

ELECTORS

Ellery R. Jensen

Margaret L. Jensen

Margaret L. Jensen
HOMBURG EQUIPMENT ANNEXATION

LEGAL DESCRIPTION: The SW ¼ of the NW ¼, the SE ¼ of the NW ¼, part of the SW 1/4 of the NE 1/4, part of the W 1/2 of the NW ¼ of the SE ¼, the NE ¼ of the SW ¼, the NW ¼ of the SW ¼, part of the SE ¼ of the NE ¼ all lying in Section 6, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, more fully described as follows: Commencing at the West ¼ corner of said Section 5; thence S85°30’50”W, 33.08 feet to the West right-of-way line of Buss Road and the point of beginning; thence N 00°36’07”W, along said West right-of-way line, 1366.37 feet to the North right-of-way line of Gaston Road; thence N85°56’17”E, along said North right-of-way line, 33.06 feet; thence N00°35’41”W, along the West line of Cedar Knolls plat, 7.00 feet; to the North right-of-way of Gaston Road; thence N87°47’47”E, along said North right-of-way line, 1676.86 feet; thence N88°10’49”E, along said North right-of-way line, 1005.18 feet; thence S00°19’45”E, along the East line of said NW ¼, 1243.84 feet; thence N89°22’58”E, 107.59 feet; thence S68°15’26”E, along the Southwesterly line of Log 9, Elmargo Estates, 258.30 feet; thence N87°29’24”E; along the North line of the SE ¼ of said Section 5, 73.43 feet; thence S85°36’59”E, along the South line of C.S.M. #6809, 249.78 feet; thence S00°23’37”E, along the East line of the W ½ of the NW ¼ of the SE ¼ said Section 5 and the West line of Ravenwood Estates, 1308.42 feet; thence S87°29’00”W, along the South line of said W ½ of the NW ¼ of the SE ¼ and the North line of the First Addition to Ravenwood Estates, 669.58 feet; thence S87°34’26”W, along the South line of the NE ¼ of the SW ¼ of said Section 5 and North lien of the Fourth Addition to Westlawn Estates, 1338.20 feet; thence S87°35’57”W, along the South line of the NW ¼ of the SW ¼ of said Section 5, 1338.14 feet; thence S85°52’56”W, along the South line of the NE ¼ of the SE ¼ of Section 6 and the North line of C.S.M. #6683, 1330.94 feet; thence N00°34’25”W, along the West line of said NE ¼ of the SE ¼, said Section 6 and the East line of the Third Addition of Nondahl Heights, 1326.42 feet; thence N85°30’50”E, along the North line of said NE ¼ of the SE ¼, 1302.78 feet to the West right-of-way line of Buss Road and the point of beginning. Said parcel contains 228.62 Acres.
November 1, 2019

Sent via email

Mr. Curt Sauser, PLS
Madison Metropolitan Sewerage District
1610 Moorland Road
Madison, WI  53713

Re:  Proposed MMSD Annexation — Homburg Property
Parcels 071106480011, 071105385011, 071105380021, 071105485921, 071105382361, 071105290011, 071105295021, and 071105192231
Village of Cottage Grove, Wisconsin

Dear Mr. Sauser:

We have received your notification, dated October 23, 2019, regarding the Village of Cottage Grove’s annexation request to the MMSD service area for the referenced property. We are providing a determination of consistency of the proposed annexation with the adopted plans of the Regional Planning Commission in accordance with the provisions of § 200.05(4)(b), 200.11(1)(b), and 200.15, Wis. Stats.

Except for parcel 071105192231, the lands described in the MMSD annexation petition are part of the Cottage Grove Urban Service Area. The Homburg Property was recommended for addition to the service area by Capital Area Regional Planning Commission Resolution No. 2016-05A on May 12, 2016. The Wisconsin Department of Natural Resources subsequently approved the amendment to the Dane County Water Quality Management Plan in their letter dated May 23, 2016 (DC-0174). Links to archives of both documents are included for your reference. An amendment to the Cottage Grove Urban Service Area to include parcel 071105192231, will be required before sanitary sewer service can be extended to this parcel.

The adopting resolution and WDNR letter of approval contain conditions to protect sensitive resources prior to development. We will inform you of the fulfillment of these conditions as part of the sewer extension review process.

Therefore, with the exception of parcel 071105192231, annexation to the MMSD service area would be consistent with the adopted regional plans assuming that the conditions of approval will be met as part of the proposed development.
Please contact me if you have any questions or require any additional information.

Sincerely,

Mike Rupiper, PE, ENV SP
Director of Environmental Resources Planning

cc: Mr. Michael J Maloney, Village Engineer, Village of Cottage Grove (via email)
May 23, 2016

Mr. Steve Steinhoff, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Revising the Central Urban Service Area boundary in the Town of Cottage Grove

Dear Mr. Steinhoff:

We have completed our review of the Cottage Grove sewer service area amendment request that was submitted to the Department by the Capital Area Regional Planning Commission on May 5th, 2016. The Department hereby approves this request, subject to conditions 1 and 2 in the CARPC staff analysis (page 22).

The amendment totals 225.3 acres, and is located in the northwest portion of the Town of Cottage Grove. A public hearing was held on April 14th, 2016. The CARPC Commission passed a resolution recommending approval of the amendment on May 14th, 2016.

This amendment becomes a part of the Dane County Water Quality Management Plan and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217), and outlined in the federal regulations 40 CFR, Part 35.

This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats.

The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.
To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Sincerely,

[Signature]

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:
Greg Searle - WDNR - SCR - Fitchburg
Lisa Helmuth - WDNR - WQ/3
Maintaining pre-development groundwater recharge also helps to maintain baseflow and mitigate this impact. The Village of Cross Plains proposes to maintain the pre-development annual recharge rate (estimated as 9.5 inches per year for this according to the Wisconsin Geological and Natural History Survey study). Experience has shown that this criterion is generally met when pre-development runoff volume is maintained for the development area through infiltration measures.

4) Conclusions and Staff Water Quality Recommendations

There is sufficient wastewater collection and treatment plant system capacity to serve the proposed amendment area. The Village proposes to mitigate the urban non-point source impacts of the proposed development by implementing various stormwater best management practices that are designed and constructed to meet or exceed current standards for pollutant reduction, runoff volumes, peak flows, and groundwater recharge. This will reduce the likely urban nonpoint runoff impacts of the proposed development on the receiving waters.

a) Conditions

CARPC staff recommends approval of this amendment, based on the land uses and services proposed, and conditioned on the commitment of the Village of Cottage Grove to pursuing the following:

1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:

   a. Install stormwater and erosion control practices prior to other land disturbing activities. Protect infiltration practices from compaction and sedimentation during land disturbing activities.

   b. Control peak rates of runoff for the 1-, 2-, 10-, and 100-year 24-hour design storms to pre-development levels, in accordance with the Dane County Stormwater Ordinance.

   c. Maintain the post development stay-on volume to at least 90% of the pre-development stay-on volume for the one-year average annual rainfall period, in accordance with the Dane County Stormwater Ordinance.

   d. Maintain pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey's 2012 report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* (an average of 9.5 in./yr. for the amendment area) or by a site specific analysis.

   e. Provide at least 80% sediment control for the amendment area based on the average annual rainfall record, with a minimum of 60% of that control occurring in a retention pond prior to infiltration, in accordance with the Dane County Stormwater Ordinance.

   f. Coordinate allowable peak flow rates all discharge locations to the Town of Cottage Grove with the Town Engineer.

2. Stormwater management facilities shall be placed in public outlots whenever feasible and designated as environmental corridor. Easements and perpetual legal maintenance agreements with the Village, to allow the Village to maintain stormwater management facilities if owners fail to do so, shall be provided for any facilities located on private property.
Establishment of Annexation Charges

I. General Statement of Policy

It is the policy of the District that new users in the District shall reasonably participate in the cost of existing interceptor facilities at the time their land actually receives sewer service. Once the land is developed, service charges paid by the customer located on that land will reflect costs for operation, maintenance and replacement of the District’s interceptor facilities, including costs for the portion of the interceptor system that serves that land. (Interceptor facilities are defined as all interceptors and related facilities such as manholes and appurtenances, pumping stations and forcemains.)

In determining what are appropriate terms and conditions for annexation of territory to the District, the District shall be guided by the principle that the area to be annexed shall bear its proportionate share of costs. Existing ratepayers will not be expected to participate in costs of extensions to service the annexed area unless substantial benefits of an economic, environmental or other nature are to be realized by the ratepayers.

II. Annexation Charges

MMSD will impose an annexation charge, for each annexation parcel brought before the commission to cover all costs incurred by the District relating to the annexation proceeding. Such charge is subject to adjustment on an annual basis. The Commission may require that such charge be paid before approval of sewer extension plans.

Adopted July 22, 1981
Amended January 25, 1984
Amended April 11, 1986
Amended June 9, 1987
Amended January 30, 1989
Amended August, 1999
Amended October 25, 2004
Amended November 15, 2010
Amended February 28, 2011
DISTRICT REGULATIONS:

*District Connection Charges –
Conveyance Facility Connection Charges (CFCC) and
Treatment Plant Connection Charges (TPCC)*

1. General Statement of Policy.

It is in the public interest for an area served by the District to bear its proportionate cost of wastewater conveyance facilities and the wastewater treatment plant facilities that serve the area. The Commission finds that this is best accomplished through a coordinated system of Conveyance Facility Connection Charges (CFCC) and Treatment Plant Connection Charges (TPCC). The District Regulations compiled here apply to both CFCC and TPCC except where otherwise indicated.

2. Authority.

These District Regulations were first adopted by the Commission on July 27, 2017, under the authority in District Ordinance Section 4.3.4 and Chapter 200 of the Wisconsin Statutes.

For additional information regarding District Ordinances, District Regulations, District Guidance and Standard Operating Procedures, please see the District Guidance entitled *What’s Our Policy?* and first approved by Michael Mucha, Chief Engineer and Director, on January 5, 2017.

3. Effective Date.

These District Regulations shall be effective January 1, 2018, as provided by law. Notwithstanding the foregoing, the provisions related to unpaid connection charges shall be enforced on a going-forward basis only.

4. Definitions.¹

4.1. **Capital Area Regional Planning Commission (CARPC)** shall mean the regional planning commission having jurisdiction over the District sewerage service area.

4.2. **Chief Engineer and Director or CED** shall mean the Chief Engineer and Director of the District.

4.3. **Commission** shall mean the Commission of the District as defined and with such powers as set forth in Wis. Stat. § 200.09, as amended from time to time.

¹ Terms used in Commission Regulations shall be interpreted consistent with the definitions in District Ordinances, except where otherwise indicated by context.
4.4. **Connection Charge or Connection Fee** shall mean the connection charge paid by the Customer Community to the District for areas that are authorized to receive sewerage service from the District.

4.4.1. **Conveyance Facility Connection Charge (CFCC)** shall mean a connection charge associated with the conveyance facilities that convey wastewater from a basin to the District wastewater treatment plant.

4.4.2. **Treatment Plant Connection Charge (TPCC)** shall mean the connection charge associated with the District wastewater treatment plant facilities.

4.5. **Customer Community** shall mean a city, village, town sanitary district, or utility district that is billed directly by the District for sewerage service provided.

4.6. **District** shall mean the Madison Metropolitan Sewerage District, a metropolitan sewerage district formed pursuant to Chapter 200 of the Wisconsin Statutes.

4.7. **District Guidance** shall mean guidance approved by the Chief Engineer and Director (CED) and used to set forth the CFCC and TPCC rate methodology, adjustments, and those procedures necessary and prudent to implement these regulations. All District Guidance regarding connection charges shall be consistent with these District Regulations.

4.8. **District Regulations** shall mean regulations approved by the Commission and used to establish the fundamental principles and parameters for all District connection charges. All District Regulations regarding connection charges shall be interpreted consistent with District Ordinances and applicable law.

4.9. **Conveyance Facilities** shall mean all interceptors and related facilities including, but not limited to, manholes and appurtenances, pumping stations, and forcemains owned by the District.

4.10. **Sewer Service Charge** shall mean the service charges periodically paid by a Customer Community that reflect costs for operation, maintenance, and replacement of the District’s conveyance facilities and wastewater treatment plant.

4.11. **Subject Area** shall mean the area of land that: (a) has been annexed to the District’s service area; and (b) is the subject of an application to the District for a sewer service extension or other form of connection, is connected to the District but has not paid connection charges, or is connected to the District and is subject to adjustment connection charges as set forth in this Regulation.

4.12. **Unpaid Connection Charges** shall mean those connection charges that are due and owing for areas connected to the District, but that are unpaid.

4.13. **Wastewater Treatment Plant** shall mean the wastewater treatment facilities owned and operated by the District.

5. **District Connection Charges.**

District connection charges are subject to the fundamental principles set forth in this section, which the Commission has deemed to be fair and equitable to ratepayers and the
public. Additional details regarding Conveyance Facility Connection Charges (CFCC) and Treatment Plant Connection Charges (TPCC) may be set forth in District Guidance.

5.1. **Connection Charges Are Based on the Area Served.** District connection charges shall be calculated based on the size of the area that receives sewerage service from the District. The Commission finds this approach to be a reasonable and efficient way to recover costs of facilities that provide capacity to those who most directly benefit from the capacity. Both the CFCC and TPCC rates shall be expressed using area terms that are straightforward and understandable to the public, ratepayers and developers, such as a dollar amount per thousand square feet of chargeable area.

5.2. **Connection Charges Are Assessed on That Portion of the Subject Area That Is Chargeable.** All areas within a Subject Area are categorized as either “chargeable” or “not chargeable.” An area is deemed chargeable or not chargeable based on its characteristics and the requirements set forth in Wisconsin Statutes. Chargeable areas pay both the CFCC and TPCC.

5.2.1. **Areas Are Presumed Chargeable.** All areas are chargeable unless an exemption applies. If an exemption applies, the District may not assess, levy or collect a connection charge from the area.

5.2.2. **The Chargeability Determination is Made at the Time of Approval or Invoice.** District staff shall determine which areas are chargeable through application of the standards in statute and this Regulation. The determination is made during the sewer extension application process; or upon preparation of a District invoice for connections not requiring sewer extension, areas that are connected to the District but have not paid a connection charge; or adjustment connection charges as provided in this Regulation. District Guidance may provide examples, illustrations, and other information to assist with interpretation and implementation of these District Regulations related to chargeability.

5.2.3. **Certain Lands Are Exempt.** As set forth in Wis. Stat. § 200.13(12), certain lands designated as permanent open space, agricultural protection areas or other undeveloped areas not to be served by public sanitary sewer service in plans adopted by the Capital Area Regional Planning Commission (CARPC), or a successor regional planning commission, and approved by the Dane County Board, shall not have property taxes, assessments or service charges levied against them by the District. More specifically, the Commission directs that the following areas be exempt from District connection charges:

5.2.3.1. **Environmental Corridor,** provided that: (1) the area is designated by CARPC as Environmental Corridor; (2) District staff determines that there is a sufficient legal description of the Environmental Corridor; and (3) the designated Environmental Corridor area is not to be served by public sewer.

5.2.3.2. **Public Right-of-Way,** provided that: (1) the right-of-way has been legally dedicated to the public; (2) District staff determines that
there is a sufficient legal description of the public right-of-way; and (3) the designated right-of-way is not to be served by public sewer.

5.2.3.3. **Agricultural Protection Area**, provided that: (1) the area is zoned for Exclusive Agricultural Use (i.e., A1-Ex.) or is a state-designated Agricultural Protection Area, under Wisconsin’s farmland preservation law; (2) District staff determines that there is a sufficient legal description of the Agricultural Protection Area; and (3) the designated Agricultural Protection Area is not to be served by public sewer.

5.3. **Connection Charges Are Adjusted Periodically.** To ensure fairness and consistency over time, the Commission has determined that connection charge rates shall be adjusted periodically at times deemed reasonable and prudent by the District. Adjustments shall be made for price changes, based on the Engineering News Record Construction Cost Index (ENR-CCI), which is a construction cost index and a common industry standard. If the ENR-CCI is not available, a substitute index shall be used or a projection of construction costs shall be determined using available historical data, and set forth in District Guidance. Adjustments shall also be made for re-estimates of chargeable area percentage, following the method used by the District in 2016–2017, with methodological adjustments deemed reasonable and prudent by the District from time to time. Areas shall pay connection charges at the rate in effect at the time of payment.

5.4. **Connection Charges Are Paid by the Customer Community.** The Customer Community is required to pay the connection charges to the District. The District will only accept a payment on a Customer Community’s account where the payment is made by the Customer Community directly or the Customer Community provides written acknowledgment to the District of the payment being made. If a private firm or person makes payment directly to the District for connection charges, the Customer Community must provide the District with a cover letter acknowledging the payment was made on behalf of the Customer Community. Additional detail regarding payment methods may be included in District Guidance. The District shall deposit connection charge payments in the capital projects fund.

5.5. **Connection Charges Are Due Upon Approval or Invoice.** Connection charges are due for an area prior to construction of the public sanitary sewer mains approved by the Commission as part of a sewer extension request; or upon issuance of a District invoice for connection charges as provided in this Regulation. District staff may prepare an estimate of connection charges on request, prior to approval or invoicing. Late fees of \( \frac{1}{2}\% \) per month of the amount due shall be imposed for each month or partial month thereafter following connection in cases requiring Commission approval or beginning the month following invoicing in all other cases, charged as simple interest not compounded. For connection charges associated with a sewer extension request:

5.5.1. **IF THE CONNECTION CHARGE IS NOT PAID IN FULL OR DEFERRED BY THE DISTRICT WITHIN SIX (6) MONTHS of the**
date of the Commission’s resolution approving the sewer extension, then the District approval of the extension shall be automatically deemed null and void and the connection charge is no longer owed. Subsequent requests for sewer extension for the area shall be required to include new or updated application materials, required documentation, and a new application fee.

5.5.2. IF THE CONNECTION CHARGE IS PAID IN FULL OR DEFERRED BY THE DISTRICT WITHIN SIX (6) MONTHS of the date of the Commission’s resolution approving the sewer extension, then the District approval of the extension shall remain in full force and effect for a period of four (4) years from the date of the Commission’s resolution approving the sewer extension.

5.6. The District May Defer Payment of Connection Charges. The District may defer payment of a connection charge to assist Customer Communities in management of phased subdivision plats or similar situations involving large contiguous areas. To provide notice to third parties of the deferred connection charge and better assure payment of the deferred connection charge, the District shall require that a “Notice of Deferred MMSD Connection Charges” or “Deed Restriction” be recorded by the Customer Community against the area as a condition of the deferral. District Guidance may provide specific eligibility criteria for deferrals, examples, and templates of Deed Restrictions to assist with implementation of these District Regulations.

5.7. Connection Charges Are Paid Once. Generally, when an area’s applicable CFCC and TPCC have been paid, no additional future connection charges will be charged against that area. Areas developed before approximately 2003 were charged on a different basis than the one set forth in this Regulation. To align charges for those areas with the basis set forth in this Regulation, these areas may be charged one adjustment connection charge in the event of changes in capacity use by the area. District guidance shall indicate as accurately as practicable what areas are subject to an adjustment connection charge; procedures for identifying when an adjustment connection charge is applicable; and, methods for calculating an adjustment connection charge.

6. Treatment of Areas Discovered to Be Connected to the District but That Have Not Paid Connection Charges.

6.1. Applicability. In keeping with the obligations created by District Ordinance, Customer Communities have a duty to notify the District of sewer connections and to pay connection charges. This section applies to those areas that are discovered to be already connected to the District but that have not paid connection charges, including adjustment connection charges associated with changes in capacity use as provided in this Regulation. It is applicable only to areas first discovered by the District after July 1, 2017. Nothing in this regulation precludes collection of connection charges for areas discovered to be already connected prior to July 1, 2017. Any charges for areas discovered to be already connected prior to July 1, 2017 shall be approved by
Commission resolution. Connected areas for which the District has no record of payment shall be presumed unpaid unless the affected Customer Community provides evidence of payment satisfactory to the District.

6.2. **Date of Connection.** Any such area shall be deemed to have been connected on the date of actual connection, if known. If the date of connection cannot be determined with certainty, the District shall make a reasonable estimate based on available evidence.

6.3. **Payment and Administrative Fee.** All unpaid connection charges shall be paid at the connection charge rate in effect at the time of payment. A one-time administrative fee of Five Hundred Dollars ($500.00) shall be added to all such connection charges. The District may adjust this administrative fee periodically by the consumer price index, or another appropriate indicator of general inflation, as set forth in District Guidance.

6.4. **Late Fees.** Late fees shall be charged for all such unpaid connection charges. Late fees shall be charged at the rate of ½% per month of the amount due for each month or portion thereof, calculated as simple interest not compounded. For the period between the date of connection and discovery by the District, total late fees shall not exceed the connection charge in effect at the time of payment. For the period after discovery by the District, late fees shall continue to be charged until the connection charge is paid. Examples of fee calculations may be included in District Guidance.

7. **Provisions Applicable to Conveyance Facility Connection Charges (CFCC).**

7.1. **Conveyance Facility Connection Charge for Subject Area.** The CFCC due for a particular Subject Area is calculated by multiplying the square footage of the chargeable portion of the Subject Area by the basin CFCC rate.

7.2. **Basin CFCC Rate.** A CFCC rate is calculated for each basin within the District. A basin CFCC rate allocates the cost of conveyance facilities over the estimated chargeable area of the basin to yield a rate per square foot. The current CFCC rates for each basin shall be adopted by resolution of the Commission.

7.2.1. **Basin CFCC Rate Calculations.** The basin CFCC rate calculation includes the following factors: the actual cost of conveyance facilities in each basin, including the downstream conveyance facilities serving each basin and costs of capacity increases; increases in conveyance capacity that have occurred over time; the chargeable area percentage; and the ENR-CCI or comparable index. Details regarding the basin CFCC rate calculations shall be included in District Guidance.

7.2.2. **Chargeable Area Percentage.** The chargeable area percentage for a basin is an estimate of the percentage of the total basin area that is expected to remain chargeable over the development of the basin. Chargeable area percentage shall be estimated based on chargeability standards; land use data; plans and other information specific to the basin; and overall studies of chargeable area, following the method used by the District in 2016–2017, with methodological adjustments.
deemed reasonable and prudent by the District from time to time. The Commission finds the method to be a reasonable basis for estimating chargeable area percentage. District Guidance may include additional detail on the method.

7.2.3. **Charges for Added Capacity.** Project costs associated with conveyance facilities that add capacity shall be included in the basin CFCC rate or charged to a Customer Community, as appropriate for the circumstances. The charges for conveyance facilities that add capacity shall be based on the proportion of capacity added in anticipation of future needs in the area.

8. **Provisions Applicable to Treatment Plant Connection Charges (TPCC).**

8.1. **Treatment Plant Connection Charge for Subject Area.** The TPCC due for a particular Subject Area is calculated by multiplying the square footage of the chargeable portion of the Subject Area by the TPCC rate.

8.2. **TPCC Rate.** The TPCC rate shall be uniform throughout the District. The TPCC rate allocates the cost of the treatment plant to an area basis using estimates of average treatment plant capacity usage per lot. The TPCC rate shall be set by a resolution adopted by the Commission.

8.2.1. **TPCC Rate Calculations.** The TPCC rate calculation includes the following factors: total treatment plant cost, net of grants; treatment plant capacity, expressed as gallons per day; estimates of average sewerage service use per average residential lot size; and the ENR-CCI or comparable index. Details regarding the TPCC rate calculation shall be included in District Guidance.

8.2.2. **Treatment Plant Cost.** Total treatment plant cost is an estimate of the present-day equivalent cost of constructing the treatment plant, considering historical cost information, sources of funds, components no longer in service, costs of new components placed in service, and similar relevant factors. Total treatment plant cost shall be determined following the method used by the District in 2016–2017, with methodological adjustments deemed reasonable and prudent by the District from time to time. The Commission finds the method to be a reasonable basis for estimating treatment plant costs. District Guidance may include additional detail on the method.

9. **District Guidance for Situations Not Addressed in Regulations.**

For those situations not addressed in these regulations, the Chief Engineer and Director (CED) may provide District Guidance or refer the situation to the Commission for further consideration and possible amendment of the Regulations.
### MMSD Connection Charge Rates - 2019

*Approved / Resolution 2018-10-25-R4*

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31 CITY OF MADISON CONNECTIONS WITHIN THE BROADWAY SEWER DISTRICT SHALL PAY THE CURRENT NORTHEAST INTERCEPTOR RATE

32 CITY OF MADISON CONNECTIONS WITHIN THE LIEN SEWER DISTRICT SHALL PAY THE CURRENT NORTHEAST INTERCEPTOR RATE

7-27-2017, NEW TREATMENT PLANT CONNECTION CHARGE RATES WILL BE IMPLEMENTED OVER 8 YEARS BEGINNING JANUARY 1, 2019 AND WILL BE PHASED IN OVER 8 YEARS, FINAL ADJUSTMENT ON JANUARY 1, 2026:

$23.02 per 1000sf

$42.30 per 1000sf