February 27, 2019

Curt Sauser, PLS
Madison Metropolitan Sewerage District
1610 Moorland Road
Madison, Wisconsin 53713

Project: LB Lands (2159 Range Trail), 2019
Subject: MMSD service area expansion request

Dear Mr. Sauser:

The City of Verona is requesting that 32.105 acres of land be incorporated into the Madison Metropolitan Sewerage District sewer service area. The primary requested area is shown in Attachment A and is located within the City of Verona and described below.

The lands are located in the southern half of the City; west of Range Trail, and just south of USH 18/151. More precisely located as described herein as part of the NE1/4 of the NE1/4 of Section 27, the SE 1/4 of the SE 1/4 of Section 22 and in the NW 1/4 of the NW 1/4 of Section 26, all in T6N, R8E, City of Verona, Dane County, Wisconsin.

The legal description of the subject lands to be annexed into the MMSD sewer service area is included in Attachment B.

The subject lands to be annexed to the MMSD sewer service area was approved by the following Ordinances:

- The entire area petitioned to be annexed into MMSD sewer service area was approved for annexation into the City of Verona on January 28, 2019 per Ordinance No. 19-937.
  - See attachment C for a copy of the ordinance and legal description.

The lands described herein were included in the Urban Service Area by the following actions:

- The Urban Service Area Amendment (USAA) was approved by the Wisconsin Department of Natural Resources (DNR) on January 10, 2000. The Verona USAA as the result of Resolution by Dane County Regional Planning Commission Number 896 signed on October 28, 1999. See Attachment D for documentation.

Please provide the City with an invoice for the amount owed for the annexation.
Attachment E for your reference is the CSM recorded for the parcels included in the annexation area. Please note in the near future the 2nd Addition to Cathedral Point Plat will be recorded.

If there are any questions regarding this request or the submitted documentation please feel free to contact me.

Respectfully,

Theran P. Jacobson, P.E.
Public Works Director

C.c. (via e-mail)
Steve Steinhoff, AICP Deputy Director CARPC
Mike Rupiper, P.E., ENV SP, Director of Env. Resources Planning CARPC
Adam Sayre, AICP, City of Verona Director of Planning and Development /Interim City Administrator
Jeff Montpas, P.E., AECOM – City Engineer
Dan Day, P.E., D’Onofrio Kottke and Associates

file

Enclosures:
  Attachment A; Figure A annexation area, 1 page
  Attachment B; Legal description, 1 page
  Attachment C; Ordinance 19-937, 5 pages
  Attachment D; USAA approval letters, 3 pages
  Attachment E; Certified Survey Map, 6 pages
LANDS TO BE ANNEXED TO THE CITY OF VERONA

EXHIBIT "B"

ATTACHMENT A
LEGAL DESCRIPTION - LANDS TO BE ANNEXED TO THE CITY OF VERONA

A parcel of land located in the NE1/4 of the NE1/4 of Section 27, the SE1/4 of the SE1/4 of Section 22 and in the NW1/4 of the NW1/4 of Section 26, all in T6N, R8E, Town of Verona, Dane County, Wisconsin to-wit:

Beginning at the Northwest corner of said Section 26; thence S89°34'56"E, 207.05 feet along the North line of said NW1/4; thence S18°15'08"W, 587.77 feet; thence S04°33'06"E, 233.99 feet; thence S85°26'54"W, 33.00 feet; thence N04°33'06"W, 213.55 feet to a point on the Westerly right-of-way line of Range Trail; thence S00°49'04"W, 142.86 feet along said Westerly right-of-way line and a Westerly line of Lot 218, Cathedral Point; thence N88°58'13"W, 1320.74 feet along the North lines of Lot 218, Outlot 2 and Outlot 3, Cathedral Point and the North right-of-way line of Cathedral Point Drive to the Northwest corner of said Outlot 2, also being the Southeast corner of Certified Survey Map No. 14428; thence N00°49'31"E, 966.58 feet along the East line of Certified Survey Map Nos. 14427, 14428 and 14429, the East right-of-way line of Steeple Point way, the East line of Outlot 4, Cathedral Point and the Northerly extension thereof to a point on South line of Lot 3, Certified Survey Map No. 9171; thence N88°43'41"E, 731.75 feet along said South lines of Lot 3, Certified Survey Map No. 9171 and Outlot 1, Prairie Crest; thence N85°06'37"E, 420.27 feet to a point on the South line of Lot 2, Certified Survey Map No. 7393; thence N73°41'25"E, 170.62 feet along the South line of said Lot 2, to a point on the East line of the SE1/4 of said Section 22; thence S00°27'17"E, 364.66 feet along said East line to the point of beginning. Containing 1,398,481 square feet (32.105 acres).
February 12, 2019

City of Verona Public Works/Utilities
111 Lincoln St.
Verona, WI 53593

Enclosed you will find a copy of Ordinance No. 19-937, adopted on January 28, 2019 at a regularly scheduled meeting of the City of Verona Common Council, approving an annexation of property into the City of Verona, Dane County, Wisconsin.

Pursuant to 66.0217(9)(a), Wis. Stats., you are receiving a copy of the enacted Ordinance and Plat of the property to be annexed, as this location may fall in your service area.

This notice does not require any action on your part.

Thank you,

Ellen Clark, City Clerk
ORDINANCE NO. 19-937

AN ORDINANCE ANNEXING THE HEREIN DESCRIBED
PROPERTY TO THE CITY OF VERONA, DANE COUNTY, WISCONSIN

The Common Council of the City of Verona, Dane County, State of Wisconsin, by
at least a two-thirds (2/3) vote of its members, does hereby ordain as follows:

Section 1. Territory Annexed.

In accordance with Section 66.0217 of the Wisconsin Statutes the following
described territory contiguous to the City of Verona and located in the Town of Verona,
Dane County, Wisconsin is hereby annexed to the City of Verona:

LEGAL DESCRIPTIONS AS SURVEYED
IN THE TOWN OF VERONA, DANE COUNTY, STATE OF WISCONSIN

LANDS TO BE ANNEXED TO THE CITY OF VERONA

A parcel of land located in the NE1/4 of the NE1/4 of Section 27, the SE1/4 of the
SE1/4 of Section 22 and in the NW1/4 of the NW1/4 of Section 26, all in T6N, R8E,
Town of Verona, Dane County, Wisconsin to-wit:

Beginning at the Northwest corner of said Section 26; thence S89°34'56"E, 207.05
feet along the North line of said NW1/4; thence S18°15'08"W, 587.77 feet; thence
S04°33'06"E, 233.99 feet; thence S85°26'54"W, 33.00 feet; thence N04°33'06"W,
213.55 feet to a point on the Westerly right-of-way line of Range Trail; thence
S00°49'04"W, 142.86 feet along said Westerly right-of-way line and a Westerly line of
Lot 218, Cathedral Point; thence N88°58'13"W, 1320.74 feet along the North lines of
Lot 218, Outlot 2 and Outlot 3, Cathedral Point and the North right-of-way line of
Cathedral Point Drive to the Northwest corner of said Outlot 2, also being the
Southeast corner of Certified Survey Map No. 14428; thence N00°49'31"E, 966.58
feet along the East line of Certified Survey Map Nos. 14427, 14428 and 14429, the
East right-of-way line of Steeple Point way, the East line of Outlot 4, Cathedral Point
and the Northerly extension thereof to a point on South line of Lot 3, Certified Survey
Map No. 9171; thence N88°43'41"E, 731.75 feet along said South lines of Lot 3,
Certified Survey Map No. 9171 and Outlot 1, Prairie Crest; thence N85°06'37"E,
420.27 feet to a point on the South line of Lot 2, Certified Survey Map No. 7393;
thence N73°41'25"E, 170.62 feet along the South line of said Lot 2, to a point on the
East line of the SE1/4 of said Section 22; thence S00°27'17"E, 364.66 feet along said
East line to the point of beginning.

The described parcel contains 1,398,481 square feet (32.105 acres).
Said parcel is contiguous to the City of Verona, subject to any and all easements and/or right of ways of record. Said parcel contains zero (0) electors and has a population of zero (0).

Section 2. **Effect of Annexation.**

From and after the date of this Ordinance, the territory described in Section 1 shall be a part of the City of Verona, Dane County, Wisconsin for any and all purposes provided by law and all persons coming to or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Verona. Per Chap. 66.0217(14)(a)1 the City of Verona agrees to pay annually to the Town of Verona, for five (5) years, an amount equal to the amount of property taxes that the Town of Verona levied on the annexed territory, as shown on the tax roll under s. 70.65, in the year in which the annexation is final.

Section 3. **Temporary Zoning Classification.**

Upon recommendation by the Plan Commission, the territory annexed to the City of Verona by this Ordinance is temporarily designated to be a part of the following district of the City for zoning purposes and subject to all provisions of the zoning ordinance of the City of Verona relating to such district classification and to zoning in the City: Rural Agriculture.

Section 4. **Voting Districts.**

The territory annexed shall be within the following voting districts:

(a) Aldermanic Districts No. 4
(b) Wards No. 9
(c) Dane County Supervisor District No. 32

Section 5. **Severability.**

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. **Effective Date.**

This Ordinance shall not be effective and, therefore, the territory described in Section 1 shall not be considered annexed to the City until the earlier of: (1) LB Land Investments, Inc. consents to the annexation of the territory prior to the conveyance of
the territory pursuant to Section 2 of Exhibit B of the executed offer to purchase between the City of Verona and LB Land Investments, or (2) the City of Verona and MREC VH Cathedral Point, LLC acquire the territory from LB Land Investments. The City Council hereby declares that it would not have adopted this Ordinance without the language and contingencies contained within this paragraph. Following satisfaction of the earlier of the contingencies identified in this paragraph, this Ordinance shall be effective upon publication as required by law.

Section 7. **Supersedes Prior Ordinance.**

This Ordinance No. 19-937 shall supersede and replace Ordinance No. 18-926 approved by the City of Verona Common Council on October 8, 2018, and Ordinance No. 18-926 shall be null and void.

CITY OF VERONA

Luke Diaz, Mayor

Ellen Clark, City Clerk

Date Adopted: 01-28-2019
Date Published: 02-14-2019
Theran, Jacobson  

The three parcels you refer to were added to the Verona USA as a result of Resolution DCRPC No. 896, attached, signed 10/28/99. The DNR approval date is 1/10/2000.

Thanks,
Tony

From: Theran Jacobson [mailto:theran.jacobson@ci.verona.wi.us]
Sent: Wednesday, February 27, 2019 11:39 AM
To: Vandermuss, Tony
Subject: USAA - CoV, Range Trail Lands

Hi Tony,

Can you help me answer a question on when the lands adjacent to Range Trail and CTH M were added to the USA? The area was recently annexed into the City.

I have attached a map from the CARPC staff analysis from the 2005 amendment showing that these areas were already included.

Thanks in advance for your help.

The parcels are:

- 060827181002
- 060827182002
- 060827183002

Thank You,

Theran Jacobson, P.E.
Director of Public Works
City of Verona
410 Investment Court
Main 608-845-6695
Direct 608-848-6801
January 10, 2000

William N. Lane, Director of Environmental Planning
Dane County Regional Planning Commission
217 So. Hamilton St., Suite 403
Madison, WI 53703-3238

SUBJECT: Amendment to the Dane County Water Quality Plan by Revising the Verona Urban Service Area Boundary and Environmental Corridors in the City and Town of Verona

Dear Mr. Lane:

We have completed our review of the proposed changes to the Verona Urban Service Area and Environmental Corridors of the Dane County Water Quality Plan and approve of this amendment (Resolution RPC No. 896). This amendment includes the addition of 449 acres to the Verona Urban Service Area, including 80 acres of environmental corridors, 114 acres of existing development, and a deletion of 29 acres, for a net developable addition of 226 acres. The WDNR supports the amendment condition that the City of Verona develop a detailed stormwater management plan prior to development in each amendment area.

The approval of this revision does not constitute approval of any of the following:
- private sewage systems pursuant to Chapter ILHR 83, (WI Admin. Code),
- sewer extension pursuant to Chapter NR 110, (WI Admin. Code),
- authority to alter the bed or banks of any navigable waterway (Chapter 30, WI Stats.),
- certification for any wetland alteration (Section 401, Federal Water Pollution Control Act, and NR 103, 299, WI Admin. Code).
- takings of threatened and endangered resources pursuant to Wisconsin Statutes 29.415

Those approvals must be obtained separately from the respective agencies. In addition, storm water management plan development is required for any construction site activity disturbing five or more acres of land pursuant to Chapter NR 216 (WI Admin. Code).

Any person aggrieved by this approval has the right to appeal the decision. Wisconsin Statutes and Administrative Code establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to s. 227.52 and 227.53, Wisconsin Statutes, a petition for review must be filed within 30 days after service of the decision. The respondent in an action for judicial review is the Department of Natural Resources. This notice is provided pursuant to s. 227.48(20), Wisconsin Statutes.

Sincerely,

Charles R. Ledin, Section Chief
Great Lakes & Watershed Planning Section
Bureau of Watershed Management

Quality Natural Resources Management
Through Excellent Customer Service
Resolution RPC No. 896

Amending the Dane County Land Use and Transportation Plan and Water Quality Plan by Revising the Verona Urban Service Area Boundary and Environmental Corridors in the City and Town of Verona

WHEREAS, the Dane County Regional Planning Commission has adopted, amended and/or reaffirmed a Dane County Land Use and Transportation Plan and Water Quality Plan; and

WHEREAS, said plans delineate urban service areas as amended through September 1999; and

WHEREAS, the City of Verona has requested an addition to the Verona Urban Service Area and has submitted supporting materials outlining the manner in which urban services will be provided as a basis for that request; and

WHEREAS, a staff analysis of the proposed amendment has been prepared that indicates the amendment is generally consistent with adopted regional plans and policies, and with criteria for urban service area expansions;

NOW, THEREFORE, BE IT RESOLVED that in accordance with §66.945(9), Wis. Stats., and Sec. 208 of Public Law 92–500, the Dane County Regional Planning Commission amends the Dane County Land Use and Transportation Plan and Water Quality Plan by revising the Verona Urban Service Area Boundary and Environmental Corridors in the City and Town of Verona, as shown on the attached map.

Approval of this amendment is based on the land use and urban service plans submitted in support of this amendment, and with the condition that the City of Verona develop and submit for RPC review a detailed stormwater management plan to include water quality measures, runoff control measures, and to maximize infiltration, for each amendment area prior to development in that area.

10.28.04
Date Adopted

Harold B. Krantz, Secretary
CERTIFIED SURVEY MAP
LANDS LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 22, THE NE1/4 OF THE NE1/4 OF SECTION 27 AND IN THE NW1/4 OF THE NW1/4 OF SECTION 26, ALL IN T6N, R8E, CITY OF VERONA, DANE COUNTY, WISCONSIN

EXHIBIT 1

D'ONOFRIO KOTTSKE AND ASSOCIATES, INC.
7538 Westward Way, Madison, WI 53717
Phone: 608.833.7530 Fax: 608.833.1089
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

GRO NORTH
WISCONSIN STATE PLANE
COORDINATE SYSTEM (NAD27)
The north line of NE1/4 of Sec. 27, T6N, R8E bears N88°58'13"W 7.60'
Lot 2

504°33'06"E 81.19'
504°33'06"E 32.06'
504°33'06"E 70.95'
504°33'06"E 106.20'
589°34'56"E 38.99'
570°03'45"E 33.73'
570°13'41"E 166.20'
589°34'56"E 35.73'
589°34'56"E 186.20'
570°03'45"E 38.99'
504°33'06"E 70.95'
504°33'06"E 32.06'
504°33'06"E 81.19'

LEGEND
○ FOUND 1" IRON PIPE
○ FOUND 1-1/4" REBAR
● FOUND CAPPED REBAR
○ PLACED 3/4"X18" REBAR (WT=1.5 LBS/FT)
□ 1 RECORD AS INFORMATION

DATE: February 7, 2019
F.N.: C.S.M. NO. 16050
DOC. NO. 5470033
SHEET 3 OF 6
VOL. 10 SHEET 189
CERTIFIED SURVEY MAP
LANDS LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 22, THE NE1/4 OF THE NE1/4 OF SECTION 27 AND IN THE NW1/4 OF THE NW1/4 OF SECTION 26, ALL IN T6N, R8E, CITY OF VERONA, DANE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

J. Brett T. Stoffregen, Professional Land Surveyor S-2742, do hereby certify that this survey is in full compliance with Chapter 236.34 of the Wisconsin Statutes and the Subdivision Regulations of the City of Verona, Dane County, Wisconsin, and under the direction of the Owners listed below, I have surveyed, divided and mapped the land described herein and that said map is a correctly dimensioned representation of the exterior boundaries and division of the land surveyed. Said land is described as follows:

A parcel of land located in the SE1/4 of the SE1/4 of Section 22, the NE1/4 of the NE1/4 of Section 27 and in the NW1/4 of the NW1/4 of Section 26, all in T6N, R8E, City of Verona, Dane County Wisconsin to wit:

Commencing at the Northeast corner of said Section 27; thence N88°58'13"W, 38.50 feet along the North line of said NE1/4 to a point on the Southerly right-of-way line of U.S.H. 18 and 151; thence S70°13'41"E, 151.72 feet thence S89°34'56"W, 33.73 feet to a point on the Western right-of-way line of Range Trail; thence S18°15'08"W, 485.52 feet along said Western right-of-way line thence S04°33'06"E, 70.95 feet thence S00°49'04"W, 142.86 feet along said Western right-of-way line and a Western line of Lot 218, Cathedral Point; thence N88°58'13"W, 1320.74 feet along the North line of Lot 218, Outlot 2 and Outlot 3, Cathedral Point and the North right-of-way line of Cathedral Point Drive to the Northwest corner of said Outlot 2, also being the Southeast corner of Certified Survey Map No. 14428; thence N00°49'31"E, 691.73 feet along the East line of Certified Survey Map Nos. 14427, 14428 and 14429, the East right-of-way line of Streeple Point way and the East line of Outlot 4, Cathedral Point to a point on the Southerly right-of-way line of U.S.H. 18 and 151; thence N88°24'31"E, 546.31 feet along said Southerly right-of-way line thence N66°15'59"E, 404.41 feet along said Southerly right-of-way line thence S70°03'45"E, 38.89 feet along said Southerly right-of-way line thence S70°13'41"E, 34.48 feet along said Southerly right-of-way line to the point of beginning. Containing 396.605 square feet (12.819 acres).

Dated this 7th day of February, 2019.

Brett T. Stoffregen, Professional Land Surveyor S-2742

BRETT T. STOFRREGEN
S-2742
MADISON, WISCONSIN

DATE: February 7, 2019
F.N.: 18-07-111
C.S.M. NO. 15650
DOC. NO. ST0033
SHEET 4 OF 6
VOL. 106 SHEET 190
CERTIFIED SURVEY MAP
LANDS LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 22, THE NE1/4 OF THE NE1/4 OF SECTION 27
AND IN THE NW1/4 OF THE NW1/4 OF SECTION 26, ALL IN T6N, R8E,
CITY OF VERONA, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

LB Land Investments, Inc., a Wisconsin corporation duly organized and existing under and by virtue
of the laws of the State of Wisconsin, as owner, does hereby certify that said company caused the
land described on this map to be surveyed, divided, mapped and dedicated as represented on this map.

LB Land Investments, Inc., does also certify that this map is required by s.236.34, Wisconsin State
Statutes, to be submitted to the City of Verona for approval.

IN WITNESS WHEREOF, the said LB Land Investments, Inc., has caused these presents to be signed by
said corporate officer(s), this 11th day of FEBRUARY, 2019.

LB Land Investments, Inc.

[Signature]
JEANNE WHITISH CORPORATE SECRETARY

STATE OF WISCONSIN
COUNTY OF DANE 15 S.

Personally came before me this 11th day of FEBRUARY, 2019, the above named
person(s) to me known to be the person(s) who executed the foregoing instrument and acknowledged the
same.

[Signature]
Notary Public, Dane County, Wisconsin
My commission expires 11-28-20.
CERTIFIED SURVEY MAP
LANDS LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 22, THE NE 1/4 OF THE NE 1/4 OF SECTION 27
AND IN THE NW 1/4 OF THE NW 1/4 OF SECTION 26, ALL IN T6N, R8E,
CITY OF VERONA, DANE COUNTY, WISCONSIN

CITY OF VERONA APPROVAL

This Certified Survey Map including any lands dedicated or for rights granted are hereby
acknowledged and accepted by the City of Verona this 14th day of February, 2019.
Approved on October 8, 2018

Ellen Clark, Clerk, City of Verona

REGISTER OF DEEDS CERTIFICATE

Received for recording this 14th day of February, 2019 and recorded in Volume 106 of Certified Survey Maps on
Pages 187-192 as Document Number 5470033.

Kristi Celebowski, Deputy
Kirsti Celebowski, Dane County Register of Deeds

Received 2.14.19 9:56 AM
Legend

- LB Lands Annexation
- Current MMSD Service Area
- DNR Sewer Service Area
- City of Verona

LB Lands Annexation
32.10 Acres

City of Verona
Town of Verona
March 6, 2019  

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

Re:  Proposed MMSD Annexation — LB Lands (2159 Range Trail)
    Part of the NE 1/4 of the NE 1/4 of Section 27, the SE 1/4 of the SE 1/4 of Section 22, and the NW 1/4 of the NW 1/4 of Section 26, T6N, R8E,
    City of Verona, Dane County, Wisconsin

Dear Mr. Sauser:

We have received a notification, dated February 27, 2019, from Mr. Theran Jacobson, City of Verona Public Works Director, regarding the City of Verona’s annexation request to the MMSD service area for the LB Lands (2159 Range Trail). 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.

The lands described in the MMSD annexation petition are part of the Verona Urban Service Area. The Dane County Regional Planning Commission adopted Resolution DCRPC No. 896 on October 28, 1999. The Wisconsin Department of Natural Resources subsequently approved the amendment to the Dane County Water Quality Plan in their letter dated January 10, 2000. Links to archives of both documents are included for your reference.

The DCRPC Resolution and WDNR approval letter 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, annexation and provision of sewer service to the 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. Theran P. Jacobson, City of Verona Public Works Director *(via email)*
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
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 from 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 $0.5% 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
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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**Attention:**

- The changes in connection charges will be implemented over 8 years beginning January 1, 2019. The final adjustment will occur on January 1, 2026.
- Charges will be phased in over 8 years.
- The base rates are $23.02 per 1000sf for 2018, increasing to $42.30 per 1000sf for 2019.

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EXHIBIT 6