



PREPARED FOR THE PLAN COMMISSION

Project Address: Adjacent to 2550 Woods Road, Town of Verona
Application Type: Certified Survey Map (CSM) in the Extraterritorial Jurisdiction
Legistar File ID # [73186](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Dane County Land & Water Resources Department; 5201 Fen Oak Drive, Room 208; Madison; Sharene Smith, representative. The City of Madison is a joint tenant of the property with the County and holds 20% of the fee title, with the County holding the remainder.

Surveyor: Chris Adams, Williamson Surveying & Associates, LLC; 104A W Main Street; Waunakee.

Requested Action: Approval of a Certified Survey Map (CSM) in the City of Madison’s Extraterritorial Jurisdiction to divide 0608-0439-501-0 in the Town of Verona (adjacent to 2550 Woods Road) to create two lots for public open space.

Note: The subject parcel does not have an address. The address of the adjacent City-owned parcel is used for reference purposes only and is not part of the proposed land division.

Proposal Summary: The property to be divided encompasses approximately 39.7 acres of land located approximately 500 feet north of CTH PD on the west side of Woods Road. The property was purchased by Dane County earlier this year for open space to extend the Ice Age National Scenic Trail, with the cooperation of the City of Madison, City of Verona, and Town of Verona.

As part of the City of Madison’s involvement in the acquisition of the former Cowling property, the City is holder of 20% of the fee title in the land. The proposed CSM will create an 8.0-acre lot to be owned by the City, which equals the City’s contribution of 20% of the purchase price of the land. The proposed CSM will be recorded as soon as all regulatory approvals have been granted. Following recording of the CSM, the City will pursue annexation of Lot 2 to the City. Dane County will own Lot 1, which will remain in the Town of Verona at this time.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. In particular, the Plan Commission shall determine that the proposed subdivision complies with each of the following criteria for approval in the extraterritorial plat approval jurisdiction:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
2. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City’s ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Review Required By: Plan Commission.

Review Schedule: The State’s subdivision statute, Wis. Stats. Ch. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The application was accepted for review on August 8, 2022. Therefore, the 90-day review period for this CSM will end circa November 6, 2022.

Summary Recommendation: The Planning Division believes that the Plan Commission can find the approval criteria met and **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: Approximately 39.7 acres of land located on the west side of Woods Road, roughly 500 feet north of CTH PD in the Town of Verona.

Existing Conditions and Land Use: Undeveloped agricultural land, zoned NR-C (Natural Resource Conservation District).

Surrounding Land Uses and Zoning:

North: Moraine Woods Park in the City of Madison, zoned A (Agricultural District);

South: Undeveloped agricultural land in the Town of Verona, zoned AT-35 (Agricultural Transition District);

West: Single-family residences and agricultural land in the Town, zoned RR-4 (Rural Residential District, 2-acre minimum), RR-8, AT-35, and RM-16 (Rural Mixed-Use District); and

East: Across Woods Road, University Ridge Golf Course in the City, zoned PR (Parks and Recreation District); single-family residences in the Town, zoned RR-2 and SFR-1 (Single-Family Residence District).

Environmental Corridor Status: The subject site is not located in the Central Urban Service Area, so there are no mapped environmental corridors affecting the site. However, Dane County has identified a “Resource Protection Corridor” across the subject parcel reflecting the Ice Age Trail corridor.

Public Utilities and Services:

Water: Property is not served by municipal water.

Sewer: Property is not served by public sewer.

Fire protection: Verona Fire District.

Emergency medical services: Fitch-Rona EMS.

Police services: Dane County Sheriff’s Department (West Precinct).

School District: Verona Area School District.

Related Approval

On January 18, 2022, the City of Madison Common Council approved an agreement with Dane County regarding the land purchase, land division and annexation of approximately 8 acres of land in the Town of Verona to extend the Ice Age National Scenic Trail (see Resolution 22-00030, ID [68659](#)).

Project Description

Dane County and the City of Madison are requesting approval of a two-lot extraterritorial Certified Survey Map (CSM) to divide an undeveloped, approximately 39.7-acre parcel in the Town of Verona into two lots. The subject site is a mostly wooded parcel located on the west side of Woods Road, approximately 500 feet north of CTH PD and adjacent to the City's Moraine Woods Conservation Park, which is addressed as 2550 Woods Road.

The subject site was recently acquired by Dane County for a conservation park and the expansion of the Ice Age National Scenic Trail, with the cooperation and support of the cities of Madison and Verona and the Town of Verona. As part of its involvement, the City contributed 20% of the funds for the purchase and is a joint tenant with the County, who holds 80% of the fee title while the City holds the remaining 20%.

The northern lot to be created by the CSM, Lot 2, will be an 8.0-acre parcel to be transferred to the City of Madison. Lot 2 will be added to Moraine Woods Park, which adjoins on the north. The remaining land will comprise Lot 1, which will remain in County ownership. Following recording of the CSM, the City intends to annex Lot 2 into the City limits; there are no plans to annex Lot 1 at this time. The CSM will also dedicate Woods Road as public right of way.

Note: Dane County's addressing convention does not assign addresses to most undeveloped/vacant parcels. Because the site is undeveloped agricultural land, the subject parcel does not have an address. City staff used the adjacent City park parcel to the north at 2550 Woods Road for reference purposes only; however, it is not part of the proposed request.

Analysis and Conclusion

Approval of CSM by the Town of Verona and Dane County: Section 236.10 (b) of the Wisconsin State Statutes requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

Dane County granted conditional approval of the Certified Survey Map as outlined in a letter from Dan Everson, Land Division Review, Dane County Department of Planning and Development, dated August 2, 2022. Previously, on July 21, 2022, Dane County approved a rezoning of the subject site from AT-35 (Agriculture Transition District) to NR-C (Natural Resource Conservation District).

The Town of Verona Board recommended approval of the rezoning and land division at its June 7, 2022 meeting.

City of Madison Land Use Plans: The subject property is not located within the boundaries of an adopted City of Madison neighborhood development plan. However, the Planning Division is currently drafting land use, transportation, utility, and development phasing recommendations for "Phase 2" of the [Shady Wood Neighborhood Development Plan](#). Phase 1 of the plan was adopted in 2009, which relates to properties at the southwestern corner of Mid Town and Woods Roads. Phase 2 will expand the planning area west and south, with the westerly boundary of the plan formed by the planned Ice Age Trail National Scenic Trail corridor. The subject site is located at the southernmost edge of the planning area. A draft of the expanded [Shady Wood Neighborhood Development Plan](#) for review by City boards, committees, and commissions is expected this fall.

The subject site and the larger Shady Wood planning area are also located in Peripheral Planning Area A (PPA-A) of the 2018 Comprehensive Plan, which is a Group 1 planning area.

PPA-A is currently located within the Town of Verona and is adjacent to segments of the City of Verona's northern border. PPA-A is the only potential City of Madison expansion area on the west side of the City not already covered by an adopted neighborhood development plan and an intergovernmental agreement (an agreement with the City of Verona expired in 2016). City of Madison utilities and services currently serve development on adjacent lands and at least part of the area can be served by this existing infrastructure. A future Madison Metropolitan Sewerage District sanitary sewer interceptor will eventually be extended between CTH PD and Mid Town Road to serve the eastern half of this area. There is a considerable amount of unsewered residential development within the area, which influences the potential extent of City expansion and the prospects for more intensive development.

The 2018 Comprehensive Plan notes that Group 1 Peripheral Planning Areas are the general locations recommended for City of Madison expansion and development, but for which detailed neighborhood development plans have not yet been adopted. Development within Group 1 areas is not anticipated in the next 10 years and until a detailed neighborhood development plan is adopted for the area. Not all of the land within Group 1 areas will necessarily be recommended for development or future City of Madison expansion.

Of note, the 2018 Comprehensive Plan generalized future land use maps recommend that most of the subject site for Park and Open Space (P), with recommendations for the remainder of the property to be identified in a sub-area plan like the forthcoming Shady Wood Neighborhood Development Plan.

Land Division Criteria: In order to approve a subdivision or land division in the City's extraterritorial jurisdiction, the Plan Commission shall find that the request is compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features. The proposed subdivision or land division and the resulting development shall also not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations.

The Planning Division does not anticipate that the proposed land division will negatively affect the City's ability to accomplish annexations or extend urban services into this area if so recommended in the forthcoming neighborhood development plan. The purpose of the proposed land division is to affect the agreement the City of Madison and Dane County, which calls for the City to take fee simple interest in twenty percent of the 39.7-acre parcel, which equals the amount of funds provided by the City for the purchase of the property. Following approval and recording of the subject CSM, the eight acres contained in Lot 2 will be annexed to the City and administratively joined with the City's larger 40-acre Moraine Woods Conservation Park adjacent to the north.

Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met and **approve** the two-lot Certified Survey Map of PIN 0711-311-8000-1 located adjacent to 2550 Woods Road, Town of Verona, in the City's extraterritorial plat approval jurisdiction, subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. A Phase 1 environmental site assessment (per ASTM E1527-13) is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis ((608)267-1986, bbemis@cityofmadison.com).
2. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 267-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to subdivision of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

3. Grant a 10-foot wide Permanent Limited Easement for grading and sloping along Woods Road. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, (608) 266-4097) for easement language.
4. The portion of the title lands within the City of Madison shall be dedicated /conveyed to the City of Madison for public road purposes prior to recording this Certified Survey Map to assure there is not a remnant area left behind.
5. The applicant shall dedicate seven feet of right of way along Woods Road for a total of 40 feet from centerline.
6. Provide an updated title report prior to final CSM sign off.
7. For the road dedication, note include the name of Woods Road in the label.
8. Add the hatch style to the Legend depicting the existing corporate boundary of the City of Madison.
9. Add to the surveyor's certificate that the CSM is also compliant with the Subdivision Ordinance of the City of Madison.
10. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme (jrquamme@cityofmadison.com), City Engineering.
11. 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 CSM in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison.

12. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final City Engineering Division sign-off.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

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| 13. The applicant shall dedicate seven feet of right of way along Woods Road for a total of 40 feet from centerline. |
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Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed this request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw (608) 261-9835)

This property is currently outside the Madison Water Utility service area.

Office of Real Estate Services (Contact Jenny Frese, (608) 267-8719)

14. Prior to final sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. The City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing the Owner’s signature shall be provided to ORES to obtain approval sign-off. ORES can assist with obtaining the electronic signatures or the Clerk and Plan Commission Secretary.
15. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgages/vendors shall be included following the Owner’s Certificate(s).
16. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
17. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
18. As of September 9, 2022 the 2021 real estate taxes are paid for the subject property and there are no special assessments reported. Per 236.21(3) Wis. Stats., the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full prior to CSM sign-off.

19. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Jenny Frese (jfrese@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

20. The following revisions shall be made to the CSM prior to final approval and recording:
 - a) Add owner name to the Owners Certificate on Sheet 3.
 - b) If all parties of interest agree that certain easements and encumbrances are no longer necessary, the documents to accomplish said release or termination shall be recorded prior to CSM approval sign-off.
 - c) Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.