

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

Date: March 20, 2026

MEMORANDUM

TO: City of Madison Common Council

FROM: ACA Kate Smith, Office of the City Attorney

RE: Certified Survey Map (“CSM”) Reviews and Approvals

A certified survey map (“CSM”) is a document that records the boundaries of parcels of land.¹ CSMs may be used to adjust boundaries of existing parcels, divide land into smaller parcels, convey land interests to the public, and add to or consolidate existing parcels.² The CSM preparation and approval process is largely technical, with several statutory requirements governing the preparation and timetable for local decisions. MGO Sec. 16.23 includes the local design requirements and technical specifications, which staff advises on during the CSM review. If a CSM meets all the requirements set forth in Wisconsin statutes and local ordinances, it should be approved. If it is *not* approved, municipalities should expect courts to be skeptical during their review of any appeal.

I. Staff Review Process

The applicant must submit the CSM to the Secretary of the Plan Commission. Staff then reviews whether the proposed CSM complies with Madison’s Comprehensive Plan, transportation plans, and all other rules and regulations.³ The Office of Real Estate Services also reviews the CSM and examines whether all ownership, mortgages, liens, judgments, and other encumbrances are in order.⁴

After the review, the Plan Commission Secretary can either administratively approve the CSM or refer it to the Plan Commission and Common Council. In Madison, it is current practice that all CSMs are reviewed by Council, including the few that are

¹ Wis. Stat. § 236.34(1)(am).

² *Certified Survey Maps*, Wisconsin Department of Administration 17-1, https://doa.wi.gov/DIR/_WI_Plating_Manual-Certified_Survey_Maps.pdf.

³ MGO Sec. 16.23(4)(f)(5).

⁴ *Id.*

considered administratively approved. As long as it meets the technical standards for MGO Sec. 16.23, these are referred to the Council after staff review in the event that the CSM may include public dedications or easements.

The decision to approve, approve with conditions or deny a CSM must be made within 90 days of when the CSM application was filed.⁵ If an official decision is not made within 90 days, the CSM is considered approved.⁶ If the CSM is approved, it must be recorded with the register of deeds within a prescribed time period.⁷

II. Plan Commission and Common Council Consideration

Approval Authority for a CSM

In many cases, a CSM application is submitted at the same time as another land use application, such as a request to rezone property or a conditional use application. When this is the case, the CSM is typically referred to the Plan Commission along with the other required approvals. The Plan Commission reviews the CSM and makes a recommendation to the Common Council on whether to adopt the CSM, including any recommended conditions.

If there are multiple land use applications, each decision has its own set of standards which are not legally interchangeable. A CSM vote cannot be a proxy for whether the body approves, or disapproves, of the conditional use or rezoning. When a CSM is associated with a permitted use, it is not appropriate for a CSM vote to reflect the body's policy preference on the permitted use.

Standards for Approving a CSM

In deciding whether to approve a CSM, the Plan Commission and Common Council evaluate whether the land is suitable for its proposed use.⁸ The CSM must comply with the applicable general requirements and design guidelines in MGO Sec. 16.23 and Wis. Stat. § 236.34.⁹ This includes a determination on items such as whether:

- the proposed parcel conforms with the development patterns anticipated in the Comprehensive Plan
- the proposed parcel can be served adequately by, or requires private investment in, public facilities or infrastructure to serve anticipated development on the parcel
- any transportation, public land, other public improvements, dedications or easements are required by the City's Official Map or an adopted plan

⁵ *Id.*

⁶ Wis. Stat. § 236.34(1m)(f).

⁷ Wis. Stat. § 236.34(2)(b)(1).

⁸ MGO Sec. 16.23(3)(a)(11).

⁹ MGO Sec. 16.23(5)(c)1.

- the land is suitable for development for the proposed purpose (for example, wetlands, topography, etc.)
- the proposed parcel meets all of the technical requirements for shape, size, orientation, street types, etc.

Consideration of a CSM is a quasi-judicial process, in which the deciding body's consideration of whether to approve a CSM must be related to findings on the standards in MGO Sec. 16.23. It is not an opportunity to set or change policy that guides development and should not be conflated with the standards that guide the review of conditional uses or other development-related requests. When public comment is received on issues unrelated to state statute or the standards outlined in MGO Sec. 16.23, the Plan Commission and Common Council should take care to make findings based only on the technical merits of the application and how it meets those standards.