



DANE COUNTY
PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

March 9, 2020

KRUEGER TR, JOHN L & JOSEPHINE A
7367 US HIGHWAY 69/92
BELLEVILLE WI 53508

RE: Nonconforming status of mineral extraction uses
Parcel: 050832395001, Town of Montrose, Section 32

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

Dear Mr. Krueger,

It has come to the attention of the Dane County Zoning Department that the mineral extraction activities on your property are not in compliance with the original registration for this specific site. In 1969, the Dane County Zoning Division sent a letter to property owners requesting the registration of existing non-metallic mineral extraction sites. The land use was changing from a permitted use to a conditional use. The information was to be used to establish a non-conforming site and the landowner was required to submit the number of acres claimed for mineral extraction. The original registration to Dane County was submitted by Rein, Schultz and Dahl, dated April 15, 1969 for an existing rock quarry deposit reserved for 5 acres.

On April 2, 2019, the town of Montrose adopted the new Dane County Zoning Ordinance. A letter dated April 11, 2019 was sent to you by certified mail indicating the new ordinance requirements for registered non-conforming mineral extraction sites within the county. However, it has come to the county's attention that the site has expanded past the original 5 acres claimed for the property. The non-conforming site is in violation of section 10.102(7)3.b of the Dane County Code of Ordinances.

In order for the additional acreage to be in compliance and to continue operations, a Conditional Use Permit to allow for the expansion of mineral extraction uses will need to be submitted to the Dane County Zoning department. I would encourage you to set up a day and time where we can sit down and go through this correspondence more in detail. I can be reached at the number listed below. Also, attached with this letter is a copy of the original registration from 1969 and the letter dated April 2, 2019.

Thank you for your consideration and if you have questions, please contact me directly or Zoning Administrator, Roger Lane.

Dan Everson
Assistant Zoning Administrator
267-1541

CC: Town of Montrose

HUSCH BLACKWELL

Eric M. McLeod
Partner

33 E. Main Street, Suite 300
Madison, WI 53703
Direct: 608.234.6056
Fax: 608.258.7138
eric.mcleod@huschblackwell.com

April 2, 2020

Roger Lane
Dane County Zoning Administrator
Dane County Planning & Development
210 Martin Luther King, Jr. Blvd, Room 116
Madison, WI 53703

Re: Yahara Materials/Krueger Site Registration

Dear Mr. Lane:

As you know, we represent Yahara Materials, Inc. ("Yahara"). Yahara holds the lease for property owned by the John L and Josephine A Krueger Trust at 7367 U.S. Highway 69/92 in the Town of Montrose (the "Krueger Site"). Accordingly, Yahara has authority to act as the property owner's agent for purposes related to quarry activities at the Krueger Site.

The Krueger Site was previously owned by Gerald Hendrickson and was originally registered by Rein, Schultz & Dahl, Inc. as a mineral extraction site back in 1969. The then-existing quarry operation, which dates back to 1949, was located on a 40-acre parcel—the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32. A copy of the letter registering the Krueger Site is attached to this letter as Exhibit A. At the time the Krueger Site was registered, Gerald Hendrickson owned other contiguous parcels, including the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, a 40-acre parcel immediately to the east. See Exhibit B.

Yahara recently attempted to register the Krueger Site pursuant to the new Dane County Zoning Ordinance. Attached to this letter as Exhibit C is a Notice that was previously submitted to your office for approval. The Notice includes both of the above-referenced, commonly-owned contiguous parcels—the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32. Under the Diminishing Asset Rule, which was recognized by the Wisconsin Supreme Court many years after the 1969 registration of the Krueger Site, all 80 acres are legally nonconforming for mineral extraction purposes. See *Smart v. Dane Cnty. Bd. of Adjustments*, 177 Wis. 2d 445 (1993); *Sturgis v. Winnebago Cty. Bd. of Adjustment*, 141 Wis. 2d 149 (Ct. App. 1987); *Schroeder v. Dane Cnty. Bd. of Adjustment*, 228 Wis. 2d 324 (Ct. App. 1999).

HUSCH BLACKWELL

Roger Lane
April 2, 2020
Page 2

Despite this clear legal conclusion, Yahara was informed via email correspondence by Assistant Zoning Administrator Dan Everson that because only the SE ¼ of the SW ¼ of Section 32 was the subject of the 1969 registration, the commonly-owned, contiguous parcel to the east, could not be included in the 2020 nonconforming registry. In other words, no acknowledgement of the Diminishing Asset Rule or its application to the Krueger Site was offered. Instead, Mr. Everson suggested that Yahara communicate with you directly about the registration of the Krueger Site. See attached Exhibit D.

You then followed up by stating that because Rein, Schultz & Dahl, Inc. had only estimated 5 acres as the registered mineral deposit in 1969, Yahara would be limited to registering just 5 acres as nonconforming today. And to underscore the error of that position, albeit inadvertently, you requested that Yahara identify the 5 acres that were the subject of the 1969 registration—despite the fact that quarry operations at the Krueger Site now occupy substantially more than 5 acres. See Exhibit D.

Shortly thereafter, without waiting to learn which of the already-depleted 5 acres were the subject of the 1969 registration, you sent a letter to the property owner of the Krueger Site, dated March 9, 2020, informing them that “it has come to the county’s attention that the site has expanded past the original 5 acres claimed for the property[] [and, thus,] [t]he non-conforming site is in violation of section 10.102(7)3.b of the Dane County Code of Ordinances.” See attached Exhibit E. The conclusion that you have reached in your March 9, 2020 letter is clearly in error.

The nonconforming status of all 80 acres of the Krueger Site that Yahara sought to register is not dependent on the 1969 registration. Rather, that status exists by virtue of property rights that are enshrined in the state and federal constitutions. That status is recognized under the common law governing legal nonconforming uses in general and the Diminishing Asset Rule in particular. Quarry operations at the Krueger Site predate by 20 years the Dane County zoning change that rendered the property nonconforming. Importantly, at the time of the 1969 zoning change, Gerald Hendrickson owned the contiguous parcels that are at issue now. On one of those parcels, there was an active quarry operation. At the direction of the County, he registered the parcel on which the quarry operation had been established and identified 5 acres as the area on which such operations were then located. Importantly, registering those 5 acres did not diminish the nonconforming use rights Mr. Hendrickson and subsequent owners have under the common law. See *Application of Brandt*, 15 Wis. 6 (1961).

The County itself has recognized that the nonconforming status of the Kreuger Site extends beyond the 5 acres listed in the 1969 registration. In connection with a CUP application for a temporary asphalt plant on the Kreuger Site in 2002, the County noted in a report that “[t]he 40 acres for the asphalt plant CUP is also an existing non-conforming mineral extraction site on which Wingra Stone operates a quarry.” See attached Exhibit F. While the report did not

HUSCH BLACKWELL

Roger Lane
April 2, 2020
Page 3

address the further question of whether the contiguous, commonly-owned 40-acre parcel to the east is also part of the nonconforming mineral extraction site, the recognition that the active 40-acre parcel is nonconforming necessarily depends on the application of the Diminishing Asset Rule. The County understood that in 2002. Yet, it seeks to take a different position now.

Your present attempt to limit the size of the Krueger Site to 5 acres—in direct contravention of the Diminishing Asset Rule—is inconsistent with the manner in which the County has dealt with this issue at other sites. Indeed, in 1968, Wingra Stone submitted an extensive list of existing pits and quarries, none of which include any acreage at all. See Exhibit G. The nonconforming status of those sites could not be limited as you seek to limit the Krueger Site today. Technically, every such site registered by Wingra should now lose its nonconforming status based the manner in which you seek to treat the Krueger Site, because the number of acres registered by Wingra in 1968 was zero. That would be an equally absurd result.

There are many other examples of your office's disparate treatment between other nonconforming mineral extraction sites in Dane County and the Krueger Site. We would request an opportunity for a brief conference call to discuss the resolution of this matter in the hopes that we can avoid the need for an appeal to the Dane County Zoning Board of Appeals.

Please contact me at your earliest convenience to let me know if you are amenable to such a call.

Sincerely,

HUSCH BLACKWELL LLP



Eric M. McLeod

Exhibit A



REIN, SCHULTZ & DAHL, INC.

ROAD CONTRACTORS SINCE 1924

6217 NESBITT ROAD
MADISON, WISCONSIN 53711

April 15, 1969

County Zoning Supervisor
City-County Building
Madison, Wisconsin 53701

Gentlemen:

In compliance with Zoning Ordinance Amendment No. 1163, we herewith submit the following list of sand and gravel pits and rock quarries for registration:

OWNER	LOCATION	TYPE OF DEPOSIT	EST. YEAR DEPOSIT OPENED	EST. ACREAGE RESERVED FOR DEPOSIT
<u>ALBION TOWNSHIP</u>				
✓ FURSETH, WILLIAM	N $\frac{1}{2}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 7.	Sand & Gravel	1964	20
✓ EASTMAN, BASIL	SE $\frac{1}{4}$ -SE $\frac{1}{4}$, -SE $\frac{1}{4}$, Section 23.	Sand & Gravel	1964	10
✓ EASTMAN, BASIL	SE $\frac{1}{4}$ -NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 26.	Sand & Gravel	1963	10
✓ VANCE, ANN LADD & GULDBERG, NANCY LAGG	S $\frac{1}{2}$ -NW $\frac{1}{4}$, North Part SW $\frac{1}{4}$, Section 24.	Sand & Gravel	1945	20
✓ WILEMAN, JAMES	<i>N/A S/B</i> SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 23.	Sand & Gravel	1965	10
<u>CHRISTIANA TOWNSHIP</u>				
✓ SKAALEN, LLOYD	NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 30 and NO ✓ SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 19.	Sand & Gravel	1968	40
✓ VOLLENBERG, EMMET & RICHARD	NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 19.	Sand & Gravel	1964	10
<u>COTTAGE GROVE TOWNSHIP</u>				
✓ CHANDLER, STANLEY AND KOPFMACHER, MRS. C.	NE $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 30 and SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 29.	Sand & Gravel	1962	10
✓ GOODMAN, KENNETH	N $\frac{1}{2}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 11.	Sand & Gravel	1965	10



<u>OWNER</u>	<u>LOCATION</u>	<u>TYPE OF DEPOSIT</u>	<u>EST. YEAR DEPOSIT OPENED</u>	<u>EST. ACREAGE RESERVED FOR DEPOSIT</u>
<u>DEERFIELD TOWNSHIP</u>				
✓ HEIMAN, EDWARD H.	N $\frac{1}{2}$ -SW $\frac{1}{4}$, Section 11.	Sand & Gravel	1967	15
✓ SIMONSON, RAY & C.	S $\frac{1}{2}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 27 and N $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 34.	Sand & Gravel	1960	15
<u>DUNKIRK TOWNSHIP</u>				
✓ ELLIS, ROBERT	S $\frac{1}{2}$ -NE $\frac{1}{4}$, Section 18.	Sand & Gravel	1960	40
✓ WENTLER, DUANE	S $\frac{1}{2}$ -NE $\frac{1}{4}$, Section 35.	Sand & Gravel	1965	10
<u>DUNN TOWNSHIP</u>				
✓ ANDERSON, CHARLES	NW $\frac{1}{4}$ -Section 36.	Sand & Gravel	1945	20
✓ BARRY, PHILLIP	W $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 30.	Sand & Gravel	1940	10
✓ GEARY, GEORGE	W $\frac{1}{2}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 30.	Sand & Gravel	1940	20
✓ HAWKINSON, LLOYD C.	E $\frac{1}{2}$ -SE $\frac{1}{4}$, Section 34 and Part of W $\frac{1}{2}$ -SW $\frac{1}{4}$, Section 35.	Sand & Gravel	1962	20
<u>FITCHBURG TOWNSHIP</u>				
✓ CONNOR, DOT	S $\frac{1}{2}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36.	Sand & Gravel	1950	15
✓ HAEN, A. J.	SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 7.	Sand & Gravel	1955	10
✓ LEASE, JAMES	NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36.	Sand & Gravel	1968	20
<u>MEDINA TOWNSHIP</u>				
✓ BARTZ, ROBERT	SE-NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 24.	Sand & Gravel	1952	5
✓ POWELL, FRED	SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, W $\frac{1}{2}$ - NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 24.	Sand & Gravel	1965	5
<u>MIDDLETON TOWNSHIP</u>				
✓ ROWELL, R. J.	N $\frac{1}{2}$ -SE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 35.	Sand & Gravel	1958	5
<u>MONTROSE TOWNSHIP</u>				
✓ BALDWIN, FRANK & FRED	NW $\frac{1}{4}$, Section 11.	Sand & Gravel	1960	10
✓ HENDRICKSON, GERALD	SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 32.	Rock Quarry	1949	5

County Zoning Supervisor

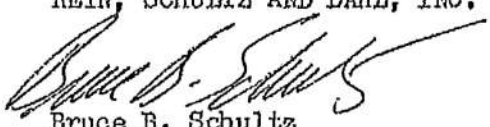
- 3 -

April 15, 1969

<u>OWNER</u>	<u>LOCATION</u>	<u>TYPE OF DEPOSIT</u>	<u>EST. YEAR DEPOSIT OPENED</u>	<u>EST. ACREAGE RESERVED FOR DEPOSIT</u>
<u>OREGON TOWNSHIP</u>				
✓ REIN, SCHULTZ AND DAHL, INC. (FELLER)	SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 17.	Sand & Gravel	1967	5
<u>PLEASANT SPRINGS TOWNSHIP</u>				
✓ JENSEN, DELLA AND SPILDE, ARLAN	E $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 17.	Sand & Gravel	1968	10
✓ PETERSON, HILMA	N $\frac{1}{2}$ -SW $\frac{1}{4}$, Section 9.	Sand & Gravel	1962	5
<u>RUTLAND TOWNSHIP</u>				
✓ COMBS, ORBIN	S $\frac{1}{2}$ -SE $\frac{1}{4}$, Section 15.	Sand & Gravel	1965	5
✓ COYLE, HUBERT	NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 7.	Sand & Gravel	1966	10
✓ HULL, JOSEPHINE ESTATE	S $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 6.	Sand & Gravel	1954	20
<u>SPRINGFIELD TOWNSHIP</u>				
✓ ENDRES, ADOLPH	NW $\frac{1}{4}$, Section 8.	Sand & Gravel	1960	
<u>SUN PRAIRIE TOWNSHIP</u>				
✓ MCCARTHY, RUSSELL	NE $\frac{1}{4}$ -SE $\frac{1}{4}$ and E $\frac{1}{2}$ -NE $\frac{1}{4}$, Section 33, and W $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 34.	Sand & Gravel	1964	20
<u>VERONA TOWNSHIP</u>				
✓ REIN, SCHULTZ AND DAHL, INC. (HERRINGTON)	W $\frac{1}{2}$ -NE $\frac{1}{4}$, Section 13.	Sand & Gravel	1968	20
✓ REIN, SCHULTZ AND DAHL, INC. AND WINGRA STONE CO. (MARTY)	SE $\frac{1}{4}$ -NW $\frac{1}{4}$ and NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 9.	Sand & Gravel	1968	60

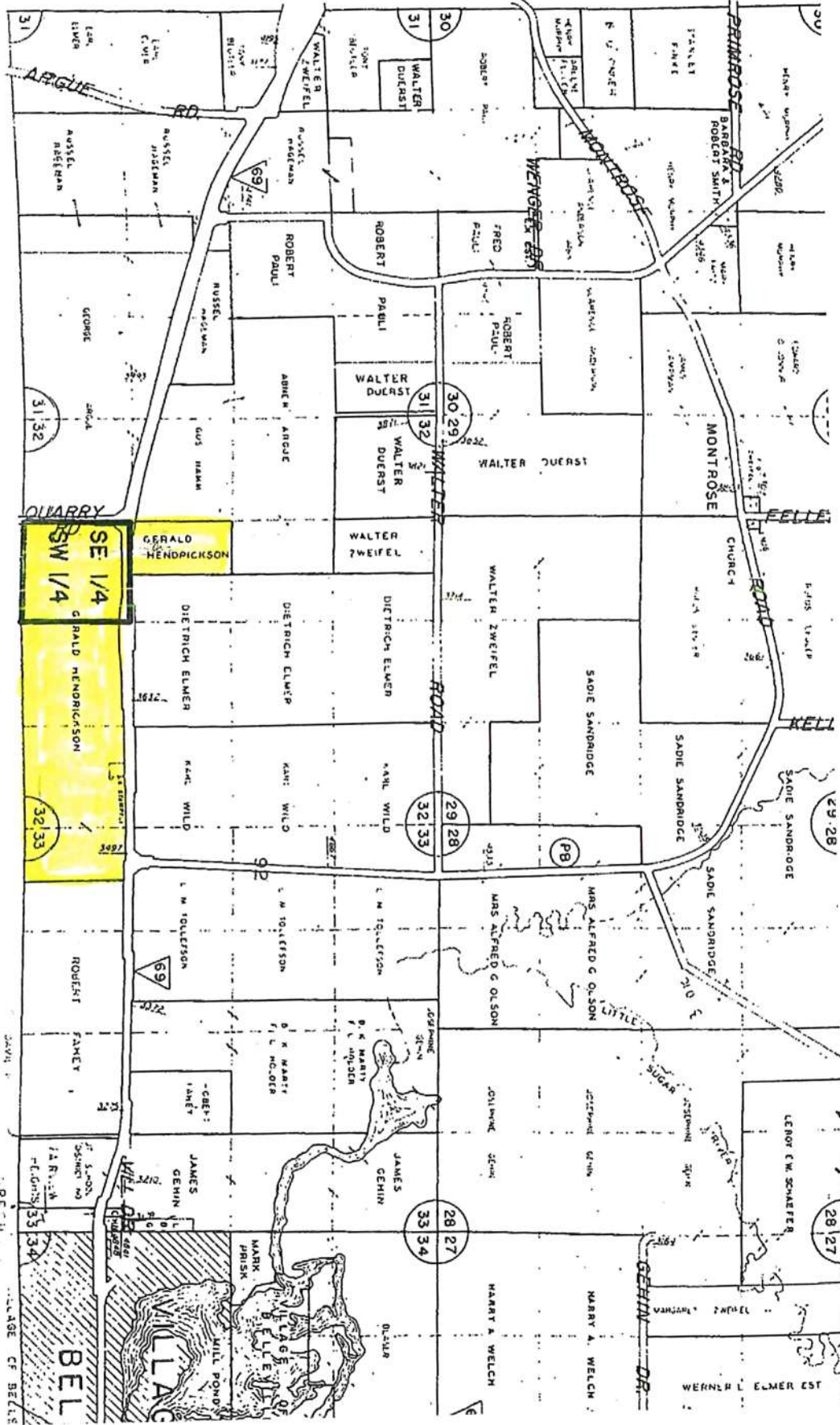
Sincerely,

REIN, SCHULTZ AND DAHL, INC.

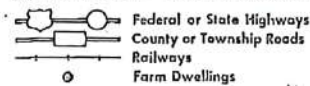

Bruce B. Schultz
Vice President and Treasurer

BBS:cec

Exhibit B



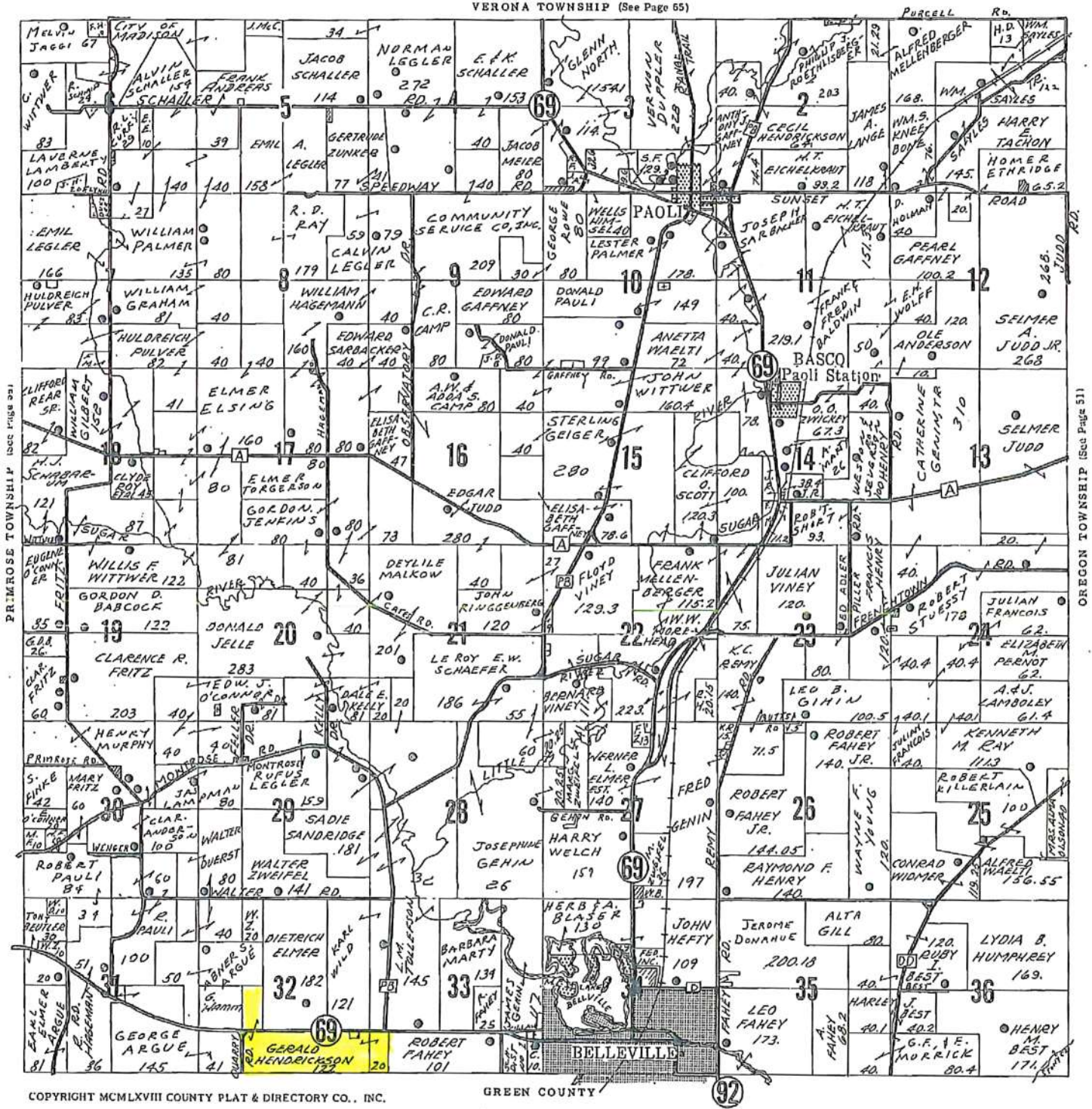
TOWNSHIP 5 N. RANGE 8 E



MONTROSE

SEE PAGE 74 FOR STREET MAP OF BELLEVILLE

VERONA TOWNSHIP (See Page 65)



COPYRIGHT MCMLXVIII COUNTY PLAT & DIRECTORY CO., INC.

GREEN COUNTY



THE RASMUSSEN AGENCY
 INSURANCE IN ALL ITS BRANCHES
 Harley Rasmussen - Wm. J. Fahey
 PHONE 424-4832
 BELLEVILLE, WISCONSIN

- * SERVICE
- * SECURITY
- * SATISFACTION

Exhibit C

NOTICE

Use black ink

 COPY

WHEREAS, **DANE COUNTY**, pursuant to Ch. 10.0004(1)(b)3., hereby gives notice that the following described property in the Town of **MONTROSE** indicates the presence of an active nonconforming mineral extraction site.

The described property is as follows:

040/0508-323-9500-1
SE ¼ of the SW ¼ of Section 32, T5N, R8E

040/0508-324-9000-5
SW ¼ of the SE ¼ of Section 32, T5N, R8E

Recording area

Name and return address:

Yahara Materials, Inc.

6117 County Hwy. K,
Wauanakee, WI 53597

040/0508-323-9500-1

040/0508-324-9000-5

PARCEL IDENTIFICATION NUMBER(S)

This Deed Notice provides information regarding the presence of a nonconforming mineral extraction site and its location satisfying one of the requirements of DCCO Ch. 10.004(1)(b)3.

Cancellation of this Notice may be accomplished by filing a **Cancellation of Notice** form with the Dane County Register of Deeds Office. The Cancellation of Notice form is available from the Register of Deeds office and requires the following:

- 1) Signature of the County/Town official listed on the original Notice, or an equivalent office-holder.
- 2) Reference document number of original Notice.
- 3) Legal description of property.
- 4) Explanation of reason for cancellation.

This document was drafted by:
(print or type name below)

Dane County Zoning Administrator

*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001

Signature of Landowner

Date

Joseph A Krueger 1-29-2020
Name printed Title

STATE OF WISCONSIN, County of Dane

Subscribed and sworn to before me on 1/29/2020 by the above named person(s).

Signature of notary or other person
authorized to administer an oath
(as per s. 706.06, 706.07)

Print or type name: Christopher Kromm

Title Notary Public Date commission expires: 2/18/2022

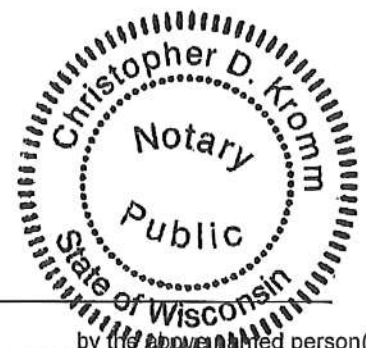


Exhibit D

Subject: RE: Montrose Deed Notices

From: "Lane, Roger" <lane.roger@countyofdane.com>

Date: February 25, 2020 at 3:26:53 PM CST

To: "Everson, Daniel" <Everson.daniel@countyofdane.com>, Renee Burcalow <Renee@yahara.com>

Subject: RE: Montrose Deed Notices

Dear Renee,

Thank you for pointing this out. It appears that there is a clear intent by the original landowner that they claimed 5 acres for mineral extraction on their property. The map will need to be revised to show 5 acres. Please let us know where the 5 acres are so we could adjust the boundary description.

Thank you.

Roger Lane
Dane County Zoning Administrator

From: Everson, Daniel <Everson.daniel@countyofdane.com>

Sent: Tuesday, February 25, 2020 2:17 PM

To: 'Renee Burcalow' <Renee@yahara.com>

Cc: Lane, Roger <lane.roger@countyofdane.com>

Subject: RE: Montrose Deed Notices

Because the site was originally registered for 5 acres and not even 40. You may want to talk with Roger on whether or not additional lands are considered non-conforming.

MONTROSE TOWNSHIP

• BALDWIN, FRANK & NW $\frac{1}{4}$, Section 11.
FRED

Sand

• HENDRICKSON, GERALD SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 32.

Rock

Thank you,

Dan Everson

Assistant Zoning Administrator

608.267.1541

everson.daniel@countyofdane.com

From: Renee Burcalow <Renee@yahara.com>
Sent: Tuesday, February 25, 2020 2:13 PM
To: Everson, Daniel <Everson.daniel@countyofdane.com>
Subject: Montrose Deed Notices

Dan-

Regarding the Montrose site, could you tell me what information you are using to grant the 40ac as non-conforming vs. the 80 that has been commonly owned?

Sincerely,
Renee

From: Everson, Daniel <Everson.daniel@countyofdane.com>
Sent: Monday, February 17, 2020 10:44 AM
To: Christopher Kromm <Chris@yahara.com>
Subject: RE: Deed Notices

I'm starting to review these and if they are ready I will have Roger sign them and drop them off to be recorded. The one in Montrose will need to be re-done as they are tow parcel listed and the only parcel that is considered to be non-conforming is 050832395001. I will let you know which ones are sent over to the Register of Deeds.

Thank you,

Dan Everson
Assistant Zoning Administrator
608.267.1541
everson.daniel@countyofdane.com

From: Christopher Kromm <Chris@yahara.com>
Sent: Friday, February 14, 2020 3:25 PM
To: Everson, Daniel <Everson.daniel@countyofdane.com>
Subject: RE: Deed Notices

Thanks Dan. I dropped them off in a Manila envelope with additional envelopes inside that each contain a deed notice, a check to record, a postage-paid return envelope, and a cover letter that may be unnecessarily formal.

The Krueger site in Montrose was the only one that did not have a map included, and my understanding is you were in communication with Dan Kremer about that site this past fall. When you review next week, will you please call me to discuss the Krueger site?

Thank you,

Chris Kromm

Yahara Materials, Inc.

Direct: 608.849.0014

From: Everson, Daniel <Everson.daniel@countyofdane.com>

Sent: Friday, February 14, 2020 2:08 PM

To: Christopher Kromm <Chris@yahara.com>

Subject: RE: Deed Notices

I will not be here this afternoon, but you can still drop them off at the counter. I will go through them sometime next week.

Thank you,

Dan Everson

Assistant Zoning Administrator

608.267.1541

everson.daniel@countyofdane.com

From: Christopher Kromm <Chris@yahara.com>

Sent: Friday, February 14, 2020 1:58 PM

To: Everson, Daniel <Everson.daniel@countyofdane.com>

Subject: Deed Notices

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

Hi Dan-

I hope you're doing well. Will you be in your office yet this afternoon? I have several signed Deed Notices for the new Chapter 10 non-conforming provisions, and will bring them to you if you have availability to meet for about 5 minutes.

Please just let me know either way.

Thank you,

Chris Kromm

Yahara Materials, Inc.

P.O. Box 277

Waunakee, WI 53597

Direct: 608.849.0014

Fax: 608.849.5062

Note: This correspondence may contain confidential and/or privileged material and is intended only for the use of the recipient(s) named above. Any review, retransmission, conversion to hard copy, copying reproduction, circulation, publication, dissemination or other use of, or taking of any action, or omission to take action , in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this message in error, please return it to the sender immediately and delete the original message and any copies from all computer storage systems and media.

Exhibit E



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

March 9, 2020

KRUEGER TR, JOHN L & JOSEPHINE A
7367 US HIGHWAY 69/92
BELLEVILLE WI 53508

RE: Nonconforming status of mineral extraction uses
Parcel: 050832395001, Town of Montrose, Section 32

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Thank you for your consideration and if you have questions, please contact me directly or Zoning Administrator, Roger Lane.

Dan Everson
Assistant Zoning Administrator
267-1541

CC: Town of Montrose



DANE COUNTY ZONING DEPARTMENT

Room 314, City-County Building
Madison, Wisconsin 53709
Telephone 266-4266



Dairy and Recreation
Center of America

APRIL 16, 1969 DEADLINE TO REGISTER OLD GRAVEL PITS AND OTHER MINERAL EXTRACTION OPERATIONS IN DANE COUNTY.

To all concerned:

The enclosed copy of Zoning Ordinance Amendment 1163 should be of interest to all owners of land where gravel pits, quarries and related activities take place, as well as to those who are conducting this kind of business.

Your attention is invited to the very last paragraph, (4), and to the last sentence therein, which reads as follows:

"All existing mineral extraction operations shall be deemed non-conforming uses and may be continued providing that they have been worked prior to the date of adoption of this ordinance and they have been registered with the County Zoning Supervisor within one year of the date of adoption of this ordinance."

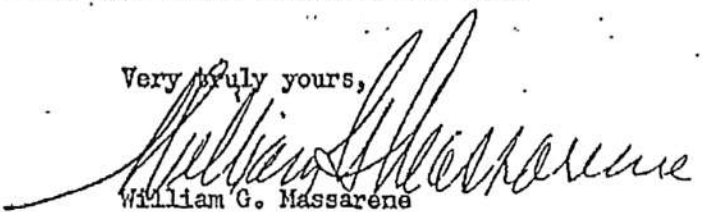
April 16, 1968 is the date this ordinance was adopted. Within Dane County a mineral extraction operation that began before that date may be continued, provided it is registered with the Dane County Zoning Supervisor, Room 314, City-County Building, Madison, Wisconsin 53709 no later than April 16, 1969.

Registration of mineral extraction operations that were worked prior to April 16, 1968 should be in writing, and may be accomplished by letter. The following information should be included:

1. Name of landowner
2. Name of Township
3. Section number and quarter; e. g. "NW $\frac{1}{4}$ M $\frac{1}{2}$, Section 12."
4. Approximate acreage of land claimed for mineral deposits
5. Type of operation, e. g. "quarry"
6. Approximate date operation first worked (must be earlier than April 16, 1968)
7. Signature of owner, or his agent (registration of deposits by parties who contract for their use will be recognized)

We hope that all interested parties will avail themselves of their rights.

Very truly yours,


William G. Massarene
Zoning Supervisor

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REIN, SCHULTZ & DAHL, INC.

ROAD CONTRACTORS SINCE 1924

6217 NESBITT ROAD
MADISON, WISCONSIN 53711

April 15, 1969

County Zoning Supervisor
City-County Building
Madison, Wisconsin 53701

Gentlemen:

In compliance with Zoning Ordinance Amendment No. 1163, we herewith submit the following list of sand and gravel pits and rock quarries for registration:

OWNER	LOCATION	TYPE OF DEPOSIT	EST. YEAR DEPOSIT OPENED	EST. ACREAGE RESERVED FOR DEPOSIT
<u>ALBION TOWNSHIP</u>				
✓ FURSETH, WILLIAM	$N\frac{1}{2}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 7.	Sand & Gravel	1964	20
✓ EASTMAN, BASIL	SE $\frac{1}{4}$ -SE $\frac{1}{4}$, -SE $\frac{1}{4}$, Section 23.	Sand & Gravel	1964	10
✓ EASTMAN, BASIL	SE $\frac{1}{4}$ -NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 26.	Sand & Gravel	1963	10
✓ VANCE, ANN LADD & GULDBERG, NANCY LAGG	S $\frac{1}{2}$ -NW $\frac{1}{4}$, North Part SW $\frac{1}{4}$, Section 24.	Sand & Gravel	1945	20
✓ WILEMAN, JAMES	SE$\frac{1}{4}$-NE$\frac{1}{4}$ ^{N$\frac{1}{4}$ SE} , Section 23.	Sand & Gravel	1965	10
<u>CHRISTIANA TOWNSHIP</u>				
OK SKAALLEN, LLOYD	OK NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 30 and NO SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 19.	Sand & Gravel	1968	40
OK VOLLENBERG, EMMET & RICHARD	NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 19.	Sand & Gravel	1964	10
<u>COTTAGE GROVE TOWNSHIP</u>				
OK CHANDLER, STANLEY AND KOPPHMACHER, MRS. C.	NE $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 30 and SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 29.	Sand & Gravel	1962	10
OK GOODMAN, KENNETH	N $\frac{1}{2}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 11.	Sand & Gravel	1965	10



April 15, 1969

<u>OWNER</u>	<u>LOCATION</u>	<u>TYPE OF DEPOSIT</u>	<u>EST. YEAR DEPOSIT OPENED</u>	<u>EST. ACREAGE RESERVED FOR DEPOSIT</u>
<u>DEERFIELD TOWNSHIP</u>				
✓ HEIMAN, EDWARD H.	N $\frac{1}{2}$ -SW $\frac{1}{4}$, Section 11.	Sand & Gravel	1967	15
✓ SIMONSON, RAY & C.	S $\frac{1}{2}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 27 and N $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 34.	Sand & Gravel	1960	15
<u>DUNKIRK TOWNSHIP</u>				
✓ ELLIS, ROBERT	S $\frac{1}{2}$ -NE $\frac{1}{4}$, Section 18.	Sand & Gravel	1960	40
WENTLER, DUANE	S $\frac{1}{2}$ -NE $\frac{1}{4}$, Section 35.	Sand & Gravel	1965	10
<u>DUNN TOWNSHIP</u>				
ANDERSON, CHARLES	NW $\frac{1}{4}$ -Section 36.	Sand & Gravel	1945	20
BARRY, PHILLIP	W $\frac{1}{2}$ -NW $\frac{1}{4}$, Section 30.	Sand & Gravel	1940	10
GEARY, GEORGE	W $\frac{1}{2}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 30.	Sand & Gravel	1940	20
HAWKINSON, LLOYD C.	E $\frac{1}{2}$ -SE $\frac{1}{4}$, Section 34 and Part of W $\frac{1}{2}$ -SW $\frac{1}{4}$, Section 35.	Sand & Gravel	1962	20
<u>FITCHBURG TOWNSHIP</u>				
✓ CONNOR, DOT	S $\frac{1}{2}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36.	Sand & Gravel	1950	15
HAEN, A. J.	SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 7.	Sand & Gravel	1955	10
LEASE, JAMES	NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36.	Sand & Gravel	1968	20
<u>MEDINA TOWNSHIP</u>				
BARTZ, ROBERT	SE $\frac{1}{4}$ -NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 24.	Sand & Gravel	1952	5
POWELL, FRED	SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, W $\frac{1}{2}$ - NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 24.	Sand & Gravel	1965	5
<u>MIDDLETON TOWNSHIP</u>				
ROWELL, R. J.	W $\frac{1}{2}$ -SE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 35.	Sand & Gravel	1958	5
<u>MONTROSE TOWNSHIP</u>				
BALDWIN, FRANK & FRED	NW $\frac{1}{4}$, Section 11.	Sand & Gravel	1960	10
HENDRICKSON, GERALD	SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 32.	Rock Quarry	1949	5



Dane County Planning & Development

Division of Zoning

April 11, 2019

Attn: KRUEGER TR, JOHN L & JOSEPHINE A

Re: Registered and approved non-conforming - non-metallic mining sites; abandoned uses.

On January 17, 2019, the Dane County Board of Supervisors adopted 2018-OA-20, which comprehensively revised the Dane County Zoning Ordinance (Chapter 10, Dane County Code). In addition, the town of Montrose has adopted the new Dane County Zoning Ordinance on April 2, 2019.

What does this mean for you?

The Dane County Zoning division has identified that your property or portions of your property are registered with the county as a non-conforming mineral extraction site or use. This notice is to inform you that registered nonconforming mineral extraction sites are subject to the provisions of the new zoning ordinance under section 10.102(7)(b).

1. Abandonment or Discontinuation of a Nonconforming Use.

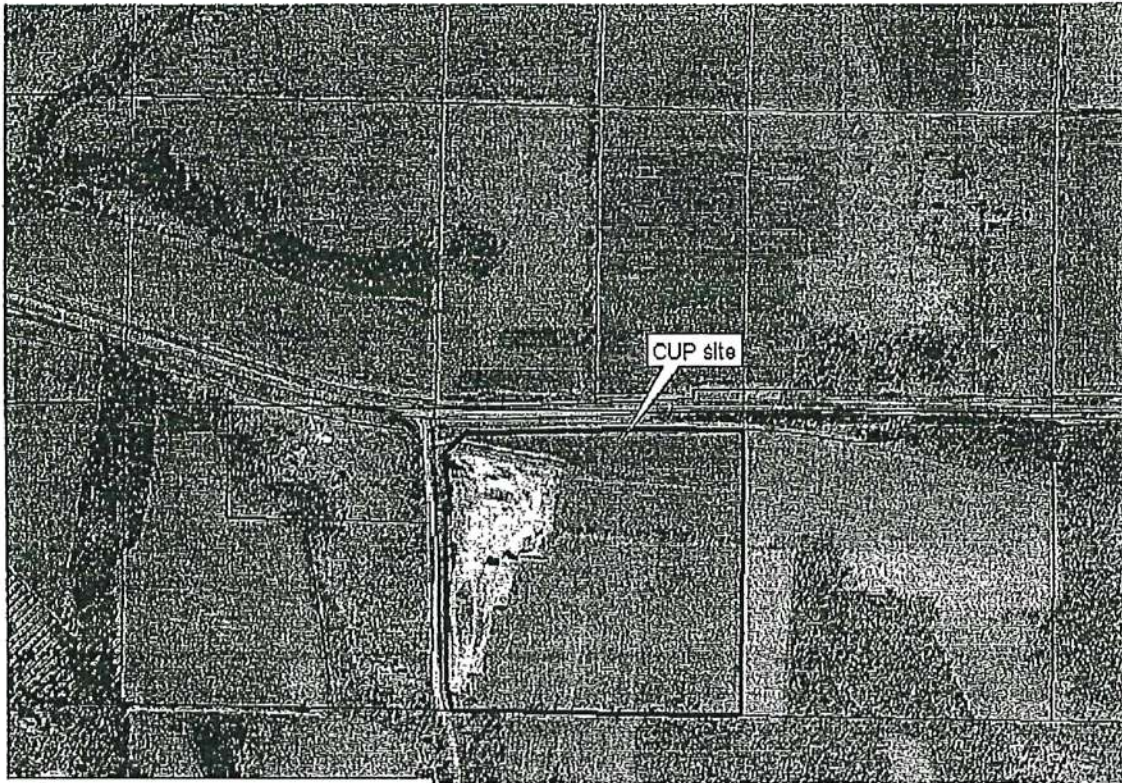
- *Any use that is discontinued or abandoned for a period of one (1) year shall be considered terminated and shall lose its nonconforming status. Any future use or reestablishment of a previously nonconforming use on the premises must conform to the provisions of this ordinance, except as specifically exempted below.*
- *The relocation or expansion of any nonconforming use beyond areas where such use was originally established shall conform to all standards and requirements of this ordinance, except as otherwise provided by law.*

This memo serves as notification that in order for any registered non-conforming mineral extraction site to exist and to maintain its non-conformity; the following requirements must be adhered to.

(b) Mineral extraction uses shall be considered abandoned or discontinued if the use ceases for twelve months or longer, unless the landowner or operator complies with all of the following:

- Within twelve months of the effective date of this ordinance has submitted a reclamation plan under Chapter 74, Dane County Code.
- By January 31 of each year after submitting a reclamation plan, submits an annual report that meets all the requirements of s.74.251, Dane County Code and indicates the site was active during the previous year.
- Within twelve months of the receipt of notice under s. 10.102(7)(b)2., records a deed notice document, that:
 - (a) *indicates the presence of a nonconforming mineral extraction site;*
 - (b) *describes the boundaries of the nonconforming mineral extraction site, and;*
 - (c) *is signed by the landowner and the zoning administrator.*

Exhibit F



I. BACKGROUND

CUP 1778 Krueger, Montrose, CUP for Temporary Asphalt Plant in the A-1EX Exclusive Agriculture district

John and Josephine Krueger own 132 acres zoned A-1EX according to Don Sotkowski, Project Manager for Payne & Dolan Inc., the agent for this petition. Payne and Dolan wishes to designate a 40-acre area (not a separate parcel) of the Krueger farm as the location of a "temporary portable hot mix asphalt plant" to be used for "the STH 69... WDOT project [from] Gehin Street in Belleville to the Dane County/Green County line."

The proposed portable plant would "arrive sometime between June and September 2002 depending on when the job is started. This is a 30-day working project. Payne & Dolan may do some township work out of this site. The plant will leave the site prior to October 31, 2002."

The 40 acres for the asphalt plant CUP is also an existing non-conforming mineral extraction site on which Wingra Stone operates a quarry. See attached site plan. Trucks serving the asphalt plant would use the quarry driveway on Quarry Road. The asphalt plant would be "completely self-contained. There is no water used and it produces its own electricity." Three employees will operate the plant from 6:00 a.m. to 8:00 p.m. Mon.-Sat., with no Sunday or holiday work.

II. ANALYSIS

A. Compliance with County Ordinances

- Applicable ordinances: The A-1 (Exclusive) Agriculture District allows such a plant. Section 10.123(3)(k) describes "Asphalt plants or ready-mix concrete plants for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration" as a conditional use in the A-1EX district.

B. Compliance with Adopted Plans

- Town Land Use Plan: The purpose statement of the Town of Montrose Land Use Plan states:

"The ultimate goal of this plan is to preserve the productive farmlands of the town for continued agricultural use and to protect farm operations from conflict with non-farm uses. Therefore, all lands within the town are designated as agricultural except those that are zoned for another use. Any request for rezoning or development will be evaluated in light of the policies of this plan by the Planning Committee and Town Board".

C. Site and Environmental Features

- Soils: 5% Class I-II, 40% Class IV, 55% Class V-VIII
- Uses: 70% Cropland, 30% Active limestone quarry

D. Public, Local Government, And Agency Input

- Town Plan Commission Recommendation: As of May 21, 2002, the county has not received a town action report.
- Town Board Action: As of May 21, 2002, the county has not received a town action report.
- Division of Environmental Health: As of May 21, 2002, there is no agency comment.
- Highway Department: As of May 21, 2002, there is no agency comment.

III. CONCLUSIONS

A. Summary of main issues/findings

Payne and Dolan wishes to designate a 40-acre area (not a separate parcel) of the Krueger farm, zoned A-1EX, as the location of a "temporary portable hot mix asphalt plant" to be used for "the STH 69... WDOT project [from] Gehin Street in Belleville to the Dane County/Green County line."

B. Any recommended conditions of approval

The committee should consider conditions, including some from the previous CUP, such as the following:

1. The permit is issued for an asphalt plant to be utilized solely for the production of asphalt for the WisDOT Hwy 69 project and town of Montrose projects occurring within the same project period.
2. Operations shall take place from June 1, 2002 through September 30, 2002 only.
3. Hours of operations shall be 6:00 am to 8:00 pm Monday through Saturday. There shall be no operations on Sundays or holidays.
4. Trucks will enter and exit on those existing entrances shown on the site plan dated 4/2/02.

5. Operator will meet requirements of Chapter 14 of the DCCO (erosion control and storm water management).
6. Reclamation of the plant sites shall consist of the following:
 - a. The areas of the plant sites and aggregate piles shall be restored.
 - b. The areas shall be leveled and any remaining aggregate, blacktop, etc., shall be removed. The topsoil removed for the preparation of the sites shall stored and replaced.
 - c. Care shall be taken that the restoration will not cause or be subject to erosion.

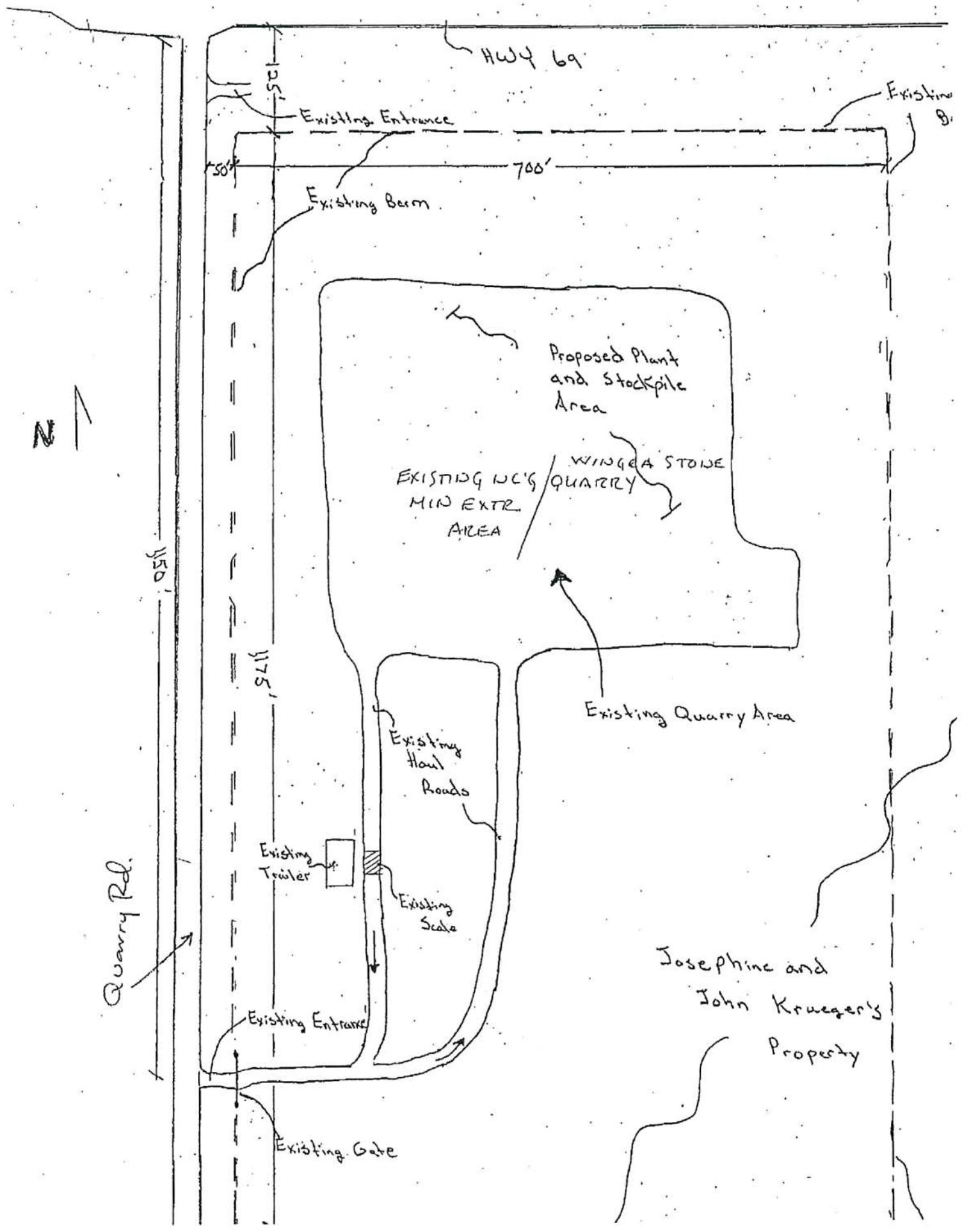


Exhibit G

WINGRA STONE COMPANY



ROAD CONSTRUCTION
ROCK PRODUCTS
REDI-MIX CONCRETE

October 23, 1968

Mr. William Mazarine
Dane County Zoning Board
City County Building
Madison, Wisconsin

Dear Mr. Mazarine:

Re: Dane Co. Zoning, Pit and Quarry List

In accordance with our conversation in your office last week, We, the Wingra Stone Company, are submitting to you our list of existing pits and quarries, as required under the amended Dane County Zoning ordinance effective as of May 27, 1968.

We submit this list to you at this time in order to give your office this information before the deadline of May 27, 1969 as set by the ordinance. Since our original plans called for review and revision of this list this winter in our off-season, we do not submit this list as our final listing, but submit this list as a partial listing which may be amended and added to after we spend more time checking our files.

Our listing of pits and quarries in Dane County is as follows:

- Anderson Pit - (Milford Anderson) - NE 1/4 Sec. 34, T7N, R10E, Town of Blooming Grove.✓
- Berg Pit - (Erling Berg) - SW 1/4, Sec. 1, T9N, R9E, Town of Vienna.✓
- Chandler Pit - (Don Chandler) - SE 1/4, Sec. 30, T7N, R11E, Town of Cottage Grove.
- Chapman Quarry - (Florence & Fred Chapman) - SE 1/4, Sec. 11, T8N, R9E, Town of Westport.
- Clason Quarry - (Virgil Clason) - NE 1/4, Sec. 4, T7N, R6E, Town of Vermont.
- Clark Pit - (Mary & Nancy Clark) - NW 1/4, Sec. 9 and SW 1/4, Sec. 4, T7N, R11E, Town of Cottage Grove.
- Connors Pit - (Connor Estate) - Sect. 36, T6N, R9E, Town of Fitchburg.
- Egre Pit (Lloyd Egre) - S 1/2, Sect. 26, T9N, R10E, Town of Windsor.
- Erb Quarry - (John Erb) - SW 1/4, Sec. 23, T6N, R7E, Town of Springdale.
- Farwell Pit - (Coyt Farwell) - W 1/2, Sec. 19, T7N, R11E, Town of Cottage Grove.
- Fassbind Pit - (Carl Fassbind) - SW 1/4, Sec. 9, T6N, R8E, Town of Verona.

WINGRA STONE COMPANY



ROAD CONSTRUCTION
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October 23, 1968

- Getz Quarry - (Garnet Getz) - W 1/2, Sec. 6, T6N, R7E, Town of Springdale.
- Goodman Pit - (Kenneth Goodman) - NW 1/4, Sec. 11, T7N, R11E, Town of Cottage Grove.
- Gremeinder Pit - (Urban Gremeinder) - NE 1/4, Sec. 19, T9N, R7E, Town of Roxbury.
- Groves Quarry - (H. C. & C. W. Groves) - NE 1/4, Sec. 5, T9N, R11E, Town of Bristol.
- Gullickson Pit - (Clarence or Arthur Gullickson) - SE 1/4, Sec. 7, T9N, R11E, Town of Bristol.
- Haag Quarry - (Lawrence Haag) - NE 1/4, Sec. 7, NW 1/4, Sec. 8, T5N, R7E, Town of Primrose.
- Haag Quarry - (William Haag) - NW 1/4, Sec. 14, T5N, R6E, Town of Perry.
- Hanley Quarry - (Florence Hanley) - NE 1/4, Sec. 34, T9N, R11E, Town of Bristol.
- Hanna Quarry - (Olin Hanna) - SW 1/4, Sec. 9, T5N, R7E, Town of Primrose.
- Havey Pit - (Alfred Havey) - W 1/2, Sec. 8, T6N, R11E, Town of Pleasant Springs.
- Hensen Quarry - (John Hensen) - SW 1/4, Sec. 16, T8N, R12E, Town of Medina.
- Hewitt Pit - (Jack Hewitt - Jim Tierney) S 1/2, Sec. 26, T9N, R10E, Town of Windsor.
- Hughes Quarry - (WSW) - NW 1/4, Sec. 35, T7N, R10E, Town of Blooming Grove.
- Iverson Quarry - (Carroll Iverson) - SE 1/4, Sec. 7, T5N, R6E, Town of Perry.
- Jacobsen Pit - (Hans Jacobsen) - SW 1/4, Sec. 29, T7N, R11E, Town of Cottage Grove.
- Johnson Quarry - (Charles & Sadie Johnson) - W 1/2, Sec. 14, T9N, R9E, Town of Vienna.
- Kampmeier Quarry - (Arthur Kampmeier) - SW 1/4, Sec. 26, T7N, R10E, Town of Blooming Grove.
- Korfmacher Pit - (John Korfmacher) - NE 1/4, Sec. 30, T7N, R11E, Town of Cottage Grove.
- Lehnherr Quarry - (Ernest Lehnherr) - SW 1/4, Sec. 34, T6N, R7E, Town of Springdale.
- Losenegger Quarry - (A. Losenegger) - SW 1/4, Sec. 35, T7N, R6E, Town of Vermont.
- Lucas Quarry - (Mary Lucas)(Kapec) - NW 1/4, Sec. 7, T6N, R9E, Town of Fitchburg.
- Marty Pit - (R. S. D. and Watson) - Sec. 9, T6N, R8E, Town of Verona.
- Marquardt Quarry - (Wingra Stone Co.) - SW 1/4, Sec. 6, T6N, R9E, Town of Fitchburg.
- Maurer (Zingg) Pit - (Henry Maurer) - NE 1/4, Sec. 8, T6N, R8E, Town of Verona.
- Meineke Quarry - (Norman Meineke) - NW 1/4, Sec. 2, T6N, R9E, Town of Fitchburg.
- Melton Pit - (Lonas Melton) - SE 1/4, Sec. 14, T8N, R11E, Town of Sun Prairie.
- Middleton Quarry - (James Watson) - SW 1/4, Sec. 8, T7N, R8E, Town of Middleton.
- Natvig Bros. Pit - (Roger & Gerald Natvig) - W 1/2, Sec. 28, T7N, R11E, Town of Cottage Grove.

WINGRA STONE COMPANY



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October 23, 1968

- Norland Quarry - (Thor Norland - Wingra Stone) - Sec. 7, T6N, R9E, Town of Fitchburg.
- Olson Quarry - (Ed Olson) - NW 1/4, Sec. 4, T7N, R11E, Town of Cottage Grove.
- Olson Pit - (Roger Olson) - NW 1/4, Sec. 34, T7N, R11E, Town of Cottage Grove.
- Packard Quarry - (P. Packard) - NW 1/4, Sec. 27, T5N, R9E, Town of Oregon.
- Paskey Pit - (Howard Paskey) - NW 1/4, Sec. 23, T8N, R11E, Town of Sun Prairie.
- Peterson Quarry - (Ilow Peterson) - SW 1/4, Sec. 23, T5N, R6E, Town of Perry.
- Peterson Quarry - (Maurice Peterson) - W 1/2, Sec. 34, T7N, R10E, Town of Blooming Grove.
- Pick Pit - (Stewart Watson) - NW 1/4, Sec. 11, T7N, R7E, Town of Cross Plains.
- Pollow Pit - (Anna Pollow) - NW 1/4, Sec. 16, T6N, R8E, Town of Verona.
- Reilly Quarry - (Francis Reilly) - SE 1/4, Sec. 32, T7N, R6E, Town of Vermont.
- Riley Quarry - (George Riley) - SE 1/4, Sec. 7, T8N, R12E, Town of Medina.
- Roelke Quarry - (Mrs. L. Roelke) - SW 1/4, Sec. 28, T9N, R7E, Town of Roxbury.
- Scheppert Quarry - (Joyce Scheppert)(Old Hustad Quarry) - NE 1/4, Sec. 19, T5N, R7E, Town of Primrose.
- Scheuerell Pit - (Clem Scheuerell) - SW 1/4, Sec. 22, T9N, R11E, Town of Bristol.
- Shivers Pit - (Dimetra Shivers) - SE 1/4, Sec. 35, T7N, R9E, Town of Madison.
- Skalitzky Pit - (Marlin Skalitzky) - SE 1/4, Sec. 13, T8N, R12E, Town of Medina.
- Skaar Pit - (T. Wesley & Gladys Skaar) - SW 1/4, Sec. 28, T7N, R11E, Town of Cottage Grove.
- Slotten Pit - (Rodney Slotten) - NE 1/4, Sec. 23, T6N, R8E, Town of Verona.
- Steiner Quarry - (Clarence Steiner) - NW 1/4, Sec. 34, T5N, R7E, Town of Primrose.
- Stone Pit - (John Stone) - Sec. 25, Town of Oregon.
- Stoppeworth Pit - (A. J. Stoppeworth) - NW 1/4, Sec. 12, T7N, R7E, Town of Cross Plains.
- Strause Pit - (Gerald Strause) - NE 1/4, Sec. 4, T7N, R11E, Town of Cottage Grove.
- Swalheim Pit - (Harold Swalheim) - NE 1/4, Sec. 33, T7N, R11E, Town of Cottage Grove.
- Swalheim Pit - (Percy Swalheim) - NW 1/4, Sec. 34, T7N, R11E, Town of Cottage Grove.
- Tanner Pit - (Normandy Farms, Inc.) - Sec. 25, T7N, R8E, Town of Middleton.
- Thomsen Pit - (F. C. Thomsen) - W 1/2, Sec. 22, T9N, R11E, Town of Bristol.

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October 23, 1968

Thrun Pit - (Lucille Thrun) - NE 1/4, Sec. 36, T7N, R10E, Town of Blooming Grove.
Torgerson Pit - (F. A. Torgerson) - SE 1/4, Sec. 32, T7N, R11E, Town of Cottage Grove.
Voss Pit - (Gilman Voss) - NW 1/4, Sec. 30, T7N, R8E, Town of Middleton.
Watson Mineral Springs Quarry - (James Watson) - NW 1/4, Sec. 2, T6N, R9E, Town of Fitchburg.
Watson Speedway Quarry - (Stewart Watson) - SE 1/4, Sec. 27, T7N, R8E, Town of Middleton.
Walser Quarry - (Horris Walser) - SE 1/4, Sec. 4, T8N, R7E, Town of Berry.
Weiland Pit - (Wingra Stone) - SW 1/4, Sec. 9, T6N, R8E, Town of Verona.
Wittwer Quarry - (Stewart Watson) - NW 1/4, Sec. 30, T7N, R7E, Town of Cross Plains.
Woodburn Quarry - (Delma Woodburn) - SE 1/4, Sec. 29, T6N, R7E, Town of Springdale.
W.S.W. McFarland Quarry - (W.S.W. Co., Inc.) - Sec. 35, T7N, R10E, Town of Blooming Grove.
Yanggen Pit - (Helen Yanggen) - NE 1/4, Sec. 7, T6N, R9E, Town of Fitchburg.

We respectfully submit this above listing as compliance with the present zoning ordinance of Dane County as amended.

Very truly yours,

WINGRA STONE COMPANY

Robert F. Shea

RFS:rcb