



August 13, 2026

Dane County Zoning and Land Regulation Committee
210 Martin Luther King Jr. Boulevard
Madison, WI 53703

Re: Town of Verona Comprehensive Plan Amendment – JMM LLC Property

Dear Chair and Members of the Committee:

Our firm represents JMM LLC ("JMM"), the owner of approximately 159.38 acres located at 7228 and 7230 Pine Row Road in the Town of Verona, Dane County, Wisconsin (the "Subject Property"). In this letter, the Town of Verona is referred to as the "Town," the City of Verona is referred to as the "City," and Dane County is referred to as the "County." JMM submits this letter to respond to the City's August 6, 2026, memorandum and to assist the Committee in evaluating the Town's property-specific Comprehensive Plan amendment based on the correct record and under the correct planning framework. The issue is not whether to approve a quarry, authorize mining, or set CUP terms. The issue is whether the County should adopt the Town-approved amendment recognizing the Subject Property as a potential nonmetallic mineral extraction site based on the documented resource, JMM's recorded registration, the Town's public review, and County mineral-resource planning objectives.

Although the Committee is considering multiple amendments to the Town's Comprehensive Plan, this letter addresses only the amendment relating to JMM's Subject Property. The City's memorandum largely objects to the Town amendments as a group and focuses on rural residential growth, future urban expansion, and infrastructure planning. Those broader concerns should not be used to defeat JMM's separate, resource-specific amendment, which is supported by a distinct factual record, a registered marketable nonmetallic mineral deposit, and the Town's public review and approval.

The requested amendment is narrow, fact-based, and consistent with the Town's planning framework, the County's Comprehensive Plan, and the City's own prior mineral-resource mapping. It does not approve a quarry or excuse JMM from any future CUP, reclamation, stormwater, environmental, road access, or other required approval. It simply updates the Town's Comprehensive Plan to recognize what the technical record already shows: the Subject



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Property contains a significant, marketable nonmetallic mineral deposit that may be considered for future extraction subject to County permitting standards.

In summary, the Committee should approve JMM's property-specific amendment for the following reasons:

- The JMM amendment does not approve mining; it only recognizes the Subject Property as a potential nonmetallic mineral extraction site, with any future operation still subject to County CUP, reclamation, environmental, traffic, and operational review.
- The technical record for JMM's property shows a significant marketable sand and gravel deposit, and Dane County and City mineral-resource mapping both identify the area as having high potential for quality aggregate.
- JMM registered the deposit, and Wisconsin law protects registered marketable deposits from later planning or land-use decisions that would permanently interfere with extraction. Wis. Admin. Code §§ NR 135.59, 135.62.
- JMM followed the Town's established comprehensive plan amendment process, and the Town approved JMM's amendment after public review; the City's objection should not displace that Town process based on speculative annexation preferences.
- The City had actual notice of JMM's registered deposit during its own Envision Verona planning process, yet its planner stated the City would have no reason to annex the property if used for mineral extraction.
- Extracting local aggregate from JMM's property before permanent development is sound planning: the use is temporary, reclamation is required, future development remains possible after extraction, and City and regional growth will require the very aggregate present on the Subject Property.

JMM respectfully requests that the Committee recommend approval and adoption of the Town's Comprehensive Plan amendment.

Background and Procedural History

On September 29, 2025, JMM filed its application for an amendment to the Town's Comprehensive Plan. The application requested that the Town recognize and identify the Subject Property as a potential nonmetallic mineral extraction site. The application included a detailed narrative, legal description, survey, future land use mapping, boring information, geological mapping, Dane County mineral-resource mapping, City mineral-resource maps, vegetation information, wetland information, and topographic mapping.



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On October 15, 2025, JMM, through counsel, provided formal notice to the City, the Town, Dane County, and WDNR of its intent to register the marketable nonmetallic mineral deposit on the Subject Property pursuant to Wis. Stat. § 295.20 and Wis. Admin. Code ch. NR 135, subch. VI. Those provisions protect landowners' ability to register marketable deposits, including sand, gravel, and stone, when statutory and administrative requirements are met. The notice included JMM's proposed registration and supporting documentation for the Subject Property, and City Administrator Jamie Aulik confirmed receipt by reply email that same day. A copy of the October 15, 2025, notice and confirmation email exchange is attached as Exhibit A. The registration was recorded with the Dane County Register of Deeds on February 27, 2026. JMM's registration did not create the resource; it documented an existing marketable deposit and invoked Wisconsin's public-notice and preservation framework.

At approximately the same time, the City was undertaking a complete update to its own comprehensive plan through the "Envision Verona" process. The City's public materials describe that process as an 18-month effort, with anticipated adoption in 2026, overseen by a Comprehensive Plan Task Force and supported by MKSK Studios and the 1861 Group. The City also created the Envision Verona project website as a central location for updates, meeting notices, and planning documents.

JMM also put the City on actual notice during the City's own planning process. On May 11, 2026, JMM's counsel wrote to City Administrator Jamie Aulik, copying City Planner Lucas Sivertsen, advising that the deposit had been registered and recorded, citing Wis. Admin. Code § NR 135.62, and asking what the City intended to include in its draft Comprehensive Plan to preserve the deposit. The relevant email chain is attached as Exhibit B.

The City's response, included in Exhibit B, undercuts its current objection. On May 21, 2026, after JMM followed up, Mr. Sivertsen responded that the Subject Property is in the Town, not the City, and that "the City would have no reason to annex the property if it will be used for a mineral extraction facility." The City therefore did not assert that the property was necessary for imminent City growth; it acknowledged that mineral extraction would eliminate any reason for annexation.

On June 2, 2026, JMM provided the requested ALTA/NSPS Land Title Survey and again urged the City either to remove the Subject Property from the City's plan or include provisions preserving the deposit, as reflected in Exhibit B. That request was consistent with Wis. Stat. § 66.1001(1)(a), (am), and Wis. Admin. Code § NR 135.62(4)(c), which requires land use plans and zoning ordinances adopted by a county, municipality, or agency to make all reasonable provisions to preserve identified marketable nonmetallic mineral deposits. The timing made



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JMM's request particularly reasonable: the City was not being asked to reopen a completed plan or take extraordinary action; it was already revising its entire comprehensive plan through Envision Verona.

The Town then conducted an extended public review process. JMM met with the Town Plan Commission on November 20, 2025, and the Plan Commission continued its review on December 18, 2025. The Town Board and Plan Commission held a public hearing on March 3, 2026. The Plan Commission recommended approval on March 18, 2026, by a 4-1 vote, and the Town Board approved the amendment on April 8, 2026, by a 4-1 vote.

The Amendment Is Consistent with the Town and County Planning Frameworks

The Town's Comprehensive Plan already recognizes the importance of mineral extraction sites as sources of construction material and agricultural lime, while also requiring appropriate regulation of potential impacts. The Subject Property is designated "Transitional Agriculture," zoned AT-35, and located in a district where the County conditionally allows nonmetallic mineral extraction. The amendment therefore aligns the Town plan with a conditional-use pathway already recognized by County zoning.

The amendment is also consistent with the County's Comprehensive Plan and mineral-resource policies. Dane County's mineral-resource mapping identifies the area as a "High Potential" source of high-quality sand and gravel, and the County's plan recognizes the importance of protecting nonmetallic mineral resources, where practicable, to supply local and regional needs. Relevant Dane County and City mineral-resource maps are attached as Exhibit C.

The Technical Record Supports Identification of the Subject Property as a Potential Mineral Extraction Site

The technical record supports the amendment. Soil borings identified high-quality sand and gravel reserves estimated at approximately 20 to 25 million tons, and geological mapping identifies much of the Subject Property as glacial stream deposits—outwash sand and gravel deposited by glacially influenced streams.

The Subject Property is also well located for potential extraction, with nearby access to State Highway 69 and U.S. Highway 18/151. Local extraction can reduce haul distances, transportation impacts, and aggregate costs for regional construction and public infrastructure projects.

Importantly, the City's own Comprehensive Plan Mineral Extraction Map 5-11 identifies this area as having high potential for deposits with the best potential to provide economically viable, high-quality aggregate, as reflected in Exhibit C. The City's present objection to County



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adoption of the Town's amendment is difficult to reconcile with the City's own prior recognition that this same general area contains valuable mineral resources.

These facts strongly support adoption of the Town's amendment. The City had notice of the registered deposit, an opportunity to address it in its own draft plan, and a prior stated position that mineral extraction would eliminate any reason for annexation. Its current growth-planning preference should not displace the Town's resource-specific amendment for land outside the City's jurisdiction. See Wis. Admin. Code § NR 135.62; Wis. Stat. § 66.1001.

The City's Objection Does Not Provide a Basis to Reject the Town's Amendment

The Subject Property is located in the Town, not the City. The Town's Comprehensive Plan is the applicable local planning framework, and JMM followed the Town's amendment process by submitting the application, supporting materials, participating in public review, and obtaining Town approval. Nothing in the City's objection justifies allowing a neighboring municipality to override a Town-approved, resource-specific amendment for property outside the City's jurisdiction based on speculative annexation or growth preferences.

The City's August 6, 2026, memorandum relies on broad concerns about farmland preservation, future urban growth, compact development, infrastructure, housing supply, and employment planning. Those concerns do not address JMM's property-specific amendment. JMM is not asking the County to approve rural residential development or a mining operation; it asks only that the County adopt a Town-approved plan amendment recognizing an existing mineral resource for later review under the County's CUP and nonmetallic mining standards.

The City's characterization of the Town amendments as premature rural residential conversion does not fit JMM's amendment. Mineral extraction is temporary, regulated, and subject to reclamation. The amendment preserves the ability to evaluate and extract a finite local resource before permanent development forecloses it without preventing future development after extraction and reclamation.

The County also has an independent planning interest in protecting access to high-quality aggregate. Sand and gravel are finite, location-dependent resources. Once sterilized by incompatible development, they cannot be relocated or recovered, and demand shifts to more distant sources with greater haul distances, costs, and transportation impacts.

The timing point is also important. JMM's recorded registration is not a short-term placeholder. A registration of land containing a marketable nonmetallic mineral deposit generally remains effective for ten years after recording and may be renewed if the deposit has not been



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commercially depleted. Wis. Admin. Code § NR 135.59(1), (2). Zoning changes adopted to implement a comprehensive plan do not apply to registered land until the current registration period or one-time renewal period expires, whichever comes last. Wis. Admin. Code § NR 135.62(4)(b). The registered mineral resource therefore must be accounted for in any realistic planning analysis.

That is not a planning obstacle; it is a planning opportunity. The better long-range sequence is to evaluate and, if approved through the County's CUP process, extract the resource before permanent development occurs. Mining is temporary, reclamation is required, and future housing, roads, utilities, and commercial development can still be planned after extraction. The City seeks growth, and growth will require local aggregate—the material documented on the Subject Property.

The City's utilities argument is incomplete. The SSM Health utility infrastructure arose from the City's development arrangement with SSM Health and was required to serve that annexed development. JMM and its predecessor owner were not parties to that arrangement, did not request municipal sewer or water service, and do not need such service for this amendment. Oversized lines in the SSM system are not completed utility service to the Subject Property, particularly where a permanent lift station and connector piping have not been built or paid for.

The City also identifies no action by JMM that would require annexation of the Subject Property. Annexation in Wisconsin is governed by statute and is generally a property owner- or elector-driven process, not a mechanism by which a municipality may unilaterally force a specific privately owned parcel into the City based on speculative future planning preferences. See Wis. Stat. § 66.0217. The City's separate agreement with SSM Health does not bind JMM and should not turn speculative future utility extensions into a basis for denying the Town's property-specific amendment.

The City's utility position is difficult to reconcile with Mr. Sivertsen's May 21, 2026, response that the City "would have no reason to annex the property if it will be used for a mineral extraction facility." The City now asks the County to preserve the Subject Property for possible future annexation and utility extension, even though mineral extraction is temporary and future development can still occur after reclamation.

The adjacent SSM Health development is relevant only because the City relies on it to suggest utility extension or urban growth near the Subject Property. Any assumptions about extending utilities beyond that development were made at the City's own planning risk and should not be shifted to JMM, used to burden a registered mineral deposit, or treated as a reason



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to reject the Town's amendment. Unrelated City planning priorities—including the Fitchrona Road corridor, Liberty Business Park, or other City growth areas—do not change that analysis.

Adoption of the Amendment Does Not Predetermine Any Future CUP Decision

Adoption of the Town's amendment is not approval of a mining operation. Any future nonmetallic mineral extraction use will require County review through the CUP and nonmetallic mining processes, including conditions addressing operations, setbacks, screening, dust, noise, traffic, hours, environmental protection, stormwater, wetlands, reclamation, and other site-specific issues.

The only question now is whether the Subject Property should be identified as a potential nonmetallic mineral extraction site based on the known resource, the Town's plan, the County's mineral-resource policies, and the record developed before the Town. On that record, the amendment is appropriate for approval.

Conclusion

JMM proceeded transparently and in accordance with Wisconsin's planning and mineral-resource procedures. It filed a detailed amendment petition, documented the deposit, notified the affected jurisdictions, recorded the registration, participated in the Town's review process, and obtained Town approval.

The City's objection does not overcome that record. It does not rebut the mineral-resource evidence or the protections afforded to registered deposits, and it relies on annexation, utility, and growth assumptions that conflict with the City's own prior response to JMM.

For these reasons, JMM respectfully requests that the Dane County Zoning and Land Regulation Committee recommend approval and adoption of the Town's Comprehensive Plan amendment. Approval recognizes an existing, registered, high-quality aggregate resource; respects the Town's public planning process; preserves the County's later CUP and reclamation review; and promotes orderly long-range planning by allowing a temporary mineral resource to be evaluated and, if approved, extracted before permanent urban development forecloses it.

Regards,

NOWLAN LAW LLP



William F. Springer



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F: 608.755.8110



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EXHIBIT A

From: [William Springer](#)
To: [Sarah Gaskell](#); todd@danecounty.gov; Roberta.Walls@wisconsin.gov; jaulik@veronawi.gov
Cc: [Lane, Roger](#); [Mike Marquette](#)
Bcc: [William Springer](#)
Subject: Statement of Intent to Register a Nonmetallic Mineral Deposit - JMM LLC - Town of Verona, Dane County, WI
Date: Wednesday, October 15, 2025 12:08:26 PM
Attachments: [Letter re Statement of Intent Mailed 10-15-25 001.pdf](#)

Good afternoon,

As a courtesy, attached you will find a copy of JMM LLC's Notice of Intent to Register a Nonmetallic Mineral Deposit, including its proposed Registration of Marketable Nonmetallic Mineral Deposit and supporting documents thereto, relating to approximately 159 acres of land it owns in Section 28, Town of Verona, Dane County, WI [Parcel IDs: 0608-282-8000-6; 0608-282-8500-1; 0608-282-9000-4; and 0608-282-9500-9]. An original, colored version of the attached was mailed to each of you on today's date.

Regards,

Will Springer



WILLIAM F. SPRINGER
ATTORNEY

Office: 608.755.8100

Fax: 608.755.8110

Email: wspringer@nowlan.com

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From: [Jamie Aulik](#)
To: [William Springer](#)
Subject: RE: Statement of Intent to Register a Nonmetallic Mineral Deposit - JMM LLC - Town of Verona, Dane County, WI
Date: Wednesday, October 15, 2025 12:26:56 PM

Received – thank you, Attorney Springer.

-Jamie

Jamie J. Aulik
City Administrator
City of Verona
111 Lincoln St.
Verona, WI 53593
(608) 848-9942
jaulik@veronawi.gov

From: William Springer <wspringer@nowlan.com>
Sent: Wednesday, October 15, 2025 12:09 PM
To: Sarah Gaskell <sgaskell@town.verona.wi.us>; todd@danecounty.gov;
Roberta.Walls@wisconsin.gov; Jamie Aulik <jaulik@veronawi.gov>
Cc: Lane, Roger <lane.roger@danecounty.gov>; Mike Marquette <akmjm8@gmail.com>
Subject: Statement of Intent to Register a Nonmetallic Mineral Deposit - JMM LLC - Town of Verona, Dane County, WI

Good afternoon,

As a courtesy, attached you will find a copy of JMM LLC's Notice of Intent to Register a Nonmetallic Mineral Deposit, including its proposed Registration of Marketable Nonmetallic Mineral Deposit and supporting documents thereto, relating to approximately 159 acres of land it owns in Section 28, Town of Verona, Dane County, WI [Parcel IDs: 0608-282-8000-6; 0608-282-8500-1; 0608-282-9000-4; and 0608-282-9500-9]. An original, colored version of the attached was mailed to each of you on today's date.

Regards,

Will Springer

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Office: 608.755.8100
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EXHIBIT B

From: [William Springer](#)
To: [Lucas Sivertsen](#)
Cc: [Jamie Aulik](#)
Subject: RE: City of Verona Comprehensive Plan Update - JMM LLC
Date: Tuesday, June 2, 2026 3:19:54 PM
Attachments: [2025-09-17-ALTA Survey -SIGNED - 4898-3778-5962.pdf](#)

Mr. Sivertsen,

I apologize for the delay; I took an extended vacation over the Memorial Day holiday weekend and have been playing catch up ever since.

You are correct in that my client's Property is in the Town of Verona, and not the City of Verona. Per your request, attached is a copy of an ALTA/NSPS Land Title Survey of the Property dated September 17, 2025.

I would agree that there doesn't appear to be a reason to annex the Property into the City of Verona. With that said, the City's DRAFT updated Comprehensive Plan still appears to plan for the Property. Accordingly, I believe the City should either not include the Property in its updated Comprehensive Plan or, if included in the updated Comprehensive Plan, make provisions within the updated Comprehensive Plan to preserve the identified marketable nonmetallic mineral deposit for mineral extraction purposes per Wis. Admin. Code § NR 135.62(4)(a).

Regards,

Will Springer



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ATTORNEY

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From: Lucas Sivertsen <lsivertsen@veronawi.gov>

Sent: Thursday, May 21, 2026 9:09 AM

To: William Springer <wspringer@nowlan.com>; Jamie Aulik <jaulik@veronawi.gov>

Subject: RE: City of Verona Comprehensive Plan Update - JMM LLC

Will,

Please send a plat showing the area of your client's land. It is my understanding that the property is within the Town of Verona and not the City. As such, the City would have no reason to annex the property if it will be used for a mineral extraction facility. The Comprehensive Plan is in a draft form at this point and has not been approved.

Lucas Sivertsen, AICP

City of Verona

From: William Springer <wspringer@nowlan.com>

Sent: Thursday, May 21, 2026 6:51 AM

To: Jamie Aulik <jaulik@veronawi.gov>

Cc: Lucas Sivertsen <lsivertsen@veronawi.gov>

Subject: Re: City of Verona Comprehensive Plan Update - JMM LLC

Mr. Aulik,

I'm following up on my email to you of May 11, 2026, below. Please let us know what provisions the City intends to make to preserve the identified marketable nonmetallic mineral deposit, as those provisions are absent from the current draft.

Again, JMM LLC welcomes the opportunity to meet with City representatives to discuss this issue and the City's draft comprehensive plan update.

Regards,

Will Springer



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From: William Springer <wspringer@nowlan.com>
Sent: Monday, May 11, 2026 4:27 PM
To: Jamie Aulik <jaulik@veronawi.gov>
Cc: "lsivertsen@veronawi.gov" <lsivertsen@veronawi.gov>
Subject: City of Verona Comprehensive Plan Update - JMM LLC

Mr. Aulik,

I am writing regarding the City of Verona's current draft comprehensive plan update as it relates to JMM LLC's property located in the Town of Verona (the "Property"). Per your reply email to me dated October 15, 2025, the City received JMM's Notice of Intent to register its marketable nonmetallic mineral deposit on the Property, and the Registration of the marketable nonmetallic mineral deposit was later recorded with the Dane County Register of Deeds on February 27, 2026.

Wis. Admin. Code § NR 135.62(4)(a) requires that land use plans and zoning ordinances adopted by a county, municipality, or agency "make all reasonable provisions to preserve identified marketable nonmetallic mineral deposits." The City has been working to update its comprehensive plan since receiving the Notice of Intent in October 2025, but it does not appear that Draft V4 – 04/14/2026 (attached) makes any provision to preserve this identified marketable nonmetallic mineral deposit.

It's my understanding, based on comments from Mr. Lucas Sivertsen at the May 4, 2026, City of Verona Plan Commission meeting, that the draft of the City's updated comprehensive plan is to go to the City's Public Works and Sewer on May 11th, the

City's Sustainability Task Force and Comprehensive Plan Task Force on May 12th, and to Parks and Rec and Forestry on May 20, 2026, for comment before going back to the Comprehensive Plan Task Force to put into a final draft form to be released to the general public for comment. Please let us know what provisions the City intends to make to preserve the identified marketable nonmetallic mineral deposit, as those provisions are absent from the current draft.

Also, we would welcome the opportunity to meet again to discuss this issue and the City's draft comprehensive plan update.

Regards,

Will Springer



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Mineral Resources



Dane County Comprehensive Plan
Dept. of Planning & Development
210 Martin Luther King Jr. Blvd.

Room 116
Madison, WI 53703
www.daneplan.org

Potential Sources of High Quality Sand & Gravel

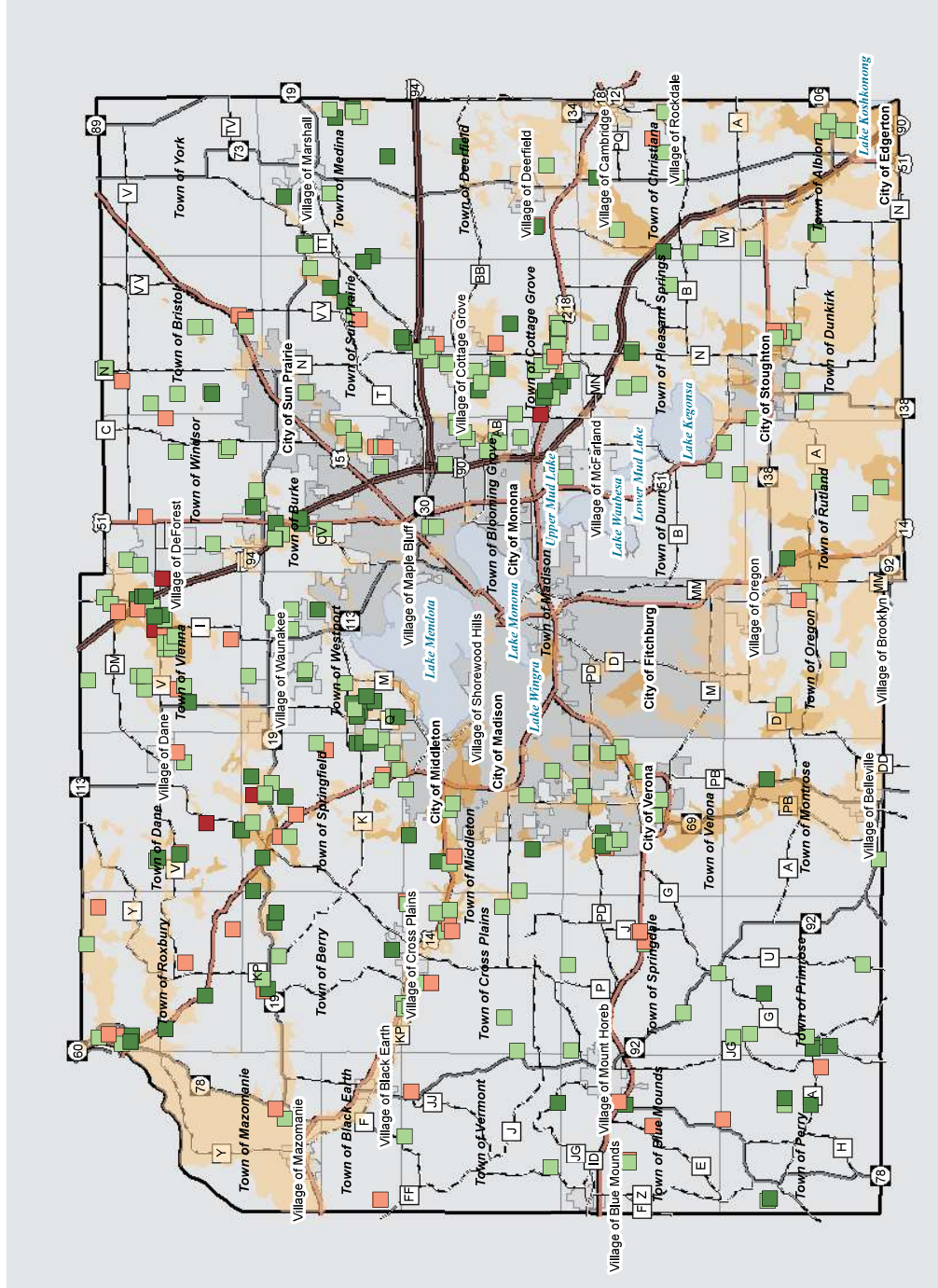
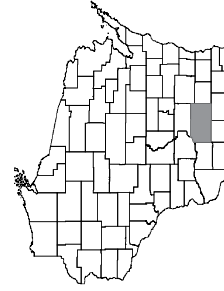
- High Potential
- Low Potential

Mineral Extraction Sites

- CUP Active
- CUP Expired
- Active
- Expired

Standard Legend

- Interstate
- US Highway
- State Highway
- County Highway
- City
- Village
- Town
- Major Lake

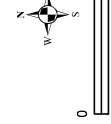


What you're looking at:

High Potential: This is land that has deposits of material that has the best potential for containing high quality aggregate that may be used in asphalt and concrete ready mix.
Low Potential: This is land that has deposits of material much less likely to contain high quality aggregate.

For more information:

contact the Dane County Zoning Department
at 608.266.4266, 608.266.9083
<http://www.countyofdane.com/plandev/>



June, 2007

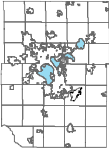
Source Info: Mineral Extraction Sites: 2005 (DCPD). Road Network: 2006, Parcel Derived (DCLIO). Municipal Boundaries & Water: 2006, Parcel Derived (DCLIO).

This map was prepared through the Department of Planning and Development in conjunction with the Land and Water Resources Department, Land Information Office and the Dane County Regional Planning Commission.

City of Verona Comprehensive Plan



Map 5-11

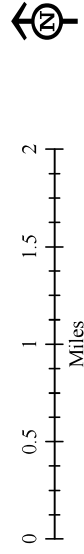


Mineral Extraction

Legend

- CUP - Conditional Use Permit
- NC - Non Conforming
- High Potential
- Low Potential
- Verona City Limits January 2009
- Madison City Limits January 2009
- Township Boundaries
- Lakes/Streams

September 14, 2009



Source Info:
City of Verona
Dane County Land Information Office
Dane County Planning and Development
Capital Area Regional Planning Commission

This map was prepared by the City of Verona in conjunction with the Dane County Land Information Office, Dane County Planning and Development, and the Capital Area Regional Planning Commission.

