

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 20, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

No. 97-3396

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

WEST MADISON LAND LIMITED PARTNERSHIP,

PLAINTIFF-APPELLANT,

v.

DANE COUNTY,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Dane County:
ANGELA B. BARTELL, Judge. *Affirmed.*

Before Dykman, Roggensack and Vergeront, JJ

PER CURIAM. West Madison Land Limited Partnership appeals from an order affirming the decision of the Dane County Zoning and Natural Resources Committee to deny the appellant's application for preliminary plat approval. We affirm.

The appellant filed a preliminary plat which the Committee rejected for six stated reasons in July 1996. The appellant submitted a new preliminary plat which the Committee rejected for nine stated reasons in January 1997. The appellant sought circuit court review of that decision by statutory certiorari, and the court affirmed the decision.

The Partnership's argument on appeal proceeds as follows: (1) the Committee's first rejection of the plat was required to state all possible reasons for rejecting the plat; (2) if the applicant satisfies all those reasons for rejection, the Committee must approve the plat; and (3) the Partnership's second submittal satisfied all the reasons for rejecting the first plat, and therefore must be approved.

We conclude that the third part of the argument fails. Dane County Ordinance § 75.15(3)(L) requires that the preliminary plat "show correctly on its face ... [a]ll existing and proposed land use and zoning included within ... the proposed subdivision." One of the Committee's reasons for the first rejection was that the plat did not show the proposed land use and zoning. One of the Committee's reasons for the second rejection was that the plat did not show on its face the proposed use of outlots 1, 2 and 3. The appellant makes a number of arguments on this point, but nowhere does it argue that the proposed uses of the outlots were shown on the face of the plat. Our review of the plat shows that the proposed uses are not stated. Therefore, the applicant did not satisfy the original reasons for rejection, and the Committee could properly reject the second preliminary plat submitted. For purposes of our review, if one of the city's reasons for rejection is adequate, the validity of any of its other reasons is irrelevant. See *Busse v. City of Madison*, 177 Wis.2d 808, 813, 503 N.W.2d 340, 342 (Ct. App. 1993).

By the Court.—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5., STATS.

