



# Madison Parks Division

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**MADISON  
PARKS**

DATE: August 26, 2025

TO: Mayor and All Alders

FROM: Lisa Laschinger, Interim Parks Superintendent

RE: Authorizing the Mayor and Clerk to enter into an Amended View Preservation Easement for Merrill Springs Park (District 19) (Legistar [88148](#))

Greetings Mayor and All Alders,

Merrill Springs Park is a .7-acre mini park on the southwest shore of Lake Mendota in the Spring Harbor neighborhood. The park features three stone benches, and a spring cistern built in 1934 by the Wisconsin Emergency Relief Administration. The Friends of Merrill Springs is an active volunteer group that assists in maintenance and preserving the cultural and historic aspects of the park.

## **History of Parcel in Question:**

In 2012, the Parks Division purchased the lot adjacent to Merrill Springs Park from the Margetis Trust to expand the park (Leg File #[24359](#)). A condition of the sale was a View Preservation Easement, which guarantees that the City may never construct improvements or plant trees obstructing the existing view. The view was supposed to be recorded photographically following the sale of the property, however this did not happen. The View Preservation Easement allows the property owners of 5050 Lake Mendota Drive to perform tree trimming in the new park area to preserve the view from their property, with written permission from the Parks Division. The parcel purchased from the Margetis Trust has seen considerable change since 2012, including the demolition of the cottage and storm loss of a few mature trees. In 2014, parks staff filled in the cottage foundation and rough graded the hillside. Since then and until 2022, the area was allowed to go fallow with minimum maintenance performed by park staff.

In 2022, the current owners of 5050 Lake Mendota Drive contacted the Parks Division seeking permission to implement a restoration plan on the hillside which would remove the volunteer trees and vegetative overgrowth which had grown-in over the previous ten years and replace it with native plantings. The Parks Division authorized this restoration plan, as it would improve the ecology of the park and it followed the terms of the View Preservation Easement. Upon implementation of the restoration plan, the Friends of Merrill Springs Park expressed their concern that the plan did not follow the terms of the View Preservation Easement, as the property previously had large, mature trees. This

highlighted the fact that the original easement was vague in its description and there was no photographic documentation, which left it open to interpretation.

**Clarification Provided via Amended View Preservation Agreement:**

In order to provide clarification on the View Preservation Easement Agreement, Staff and the current owners of 5050 Lake Mendota Drive negotiated a proposed amendment to the easement, based on the intent of the original agreement, the current conditions of the park, and the foreseeable needs of the park. The proposed amended easement uses quantifiable height zones to limit the vegetation, which creates standards that will be able to be enforced in the future. It also narrows the actual easement area. The original easement area included the entire lot sold to the City, whereas the amended area is only a fraction of the lot.

The amendment restricts new trees from being planted that would encroach upon the view easement. This has been a sticking point for some members of the public who have expressed that since there were mature trees within the view easement when the City purchased the lot, new trees should be allowed to be planted. The Parks Division has listened to and considered the concerns of the public and revised the proposed language to balance the requests of all parties. Staff recommends that this amendment not allow trees in the narrower easement area because when the lot was purchased the mature trees were tall enough that their canopy did not affect the view of the lake in any material way. Any new trees would have canopy that would significantly encroach upon the view for a significant amount of time.

The proposed amended agreement provides a clear definition of what height vegetation can grow to in the easement area will support future collaboration between the property owners at 5050 Lake Mendota Drive, the Friends of Merrill Springs Park, and the Parks Division. The amended view easement area is now being actively managed by the Parks Division, consistent with the Parks Division's Adopted Land Management Plan. Invasive species management has been performed and a mixture of native plants have been installed in recent years. With continued community support, this park will be a valuable shoreline resource for generations to come.