

September 26, 2005

**VIA FACSIMILE
& REGULAR MAIL**

City Clerk
City-County Building, Room 103
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703-3342

**RE: Notice of Appeal
Prohibited Use of Public Greenway**

Dear City Clerk:

I received a letter of September 12, 2005 from Kathy Cryan regarding a field inspection of the greenway abutting the property at 7325 Blue Maple Trail. This letter indicated that five large trees are located in the greenway and deemed a public nuisance and need to be removed. I am very troubled that I would be asked to remove such things of grandeur and purpose thus, I am requesting that you have this public nuisance overturned.

Public Nuisance is an interference with the common right of the general public or indefinite number of persons, an unreasonable interference with the **health, safety, peace or comfort** of the community. "A public nuisance offends the public at large."

Nuisance is a wrong arising from the **unreasonable, indecent or unlawful** use of property to the **annoyance or damage** of another or the general public. These trees are not a nuisance that unreasonably interferes with the right that is common to the general public (the right to breath clean air) and these trees aid in that purpose absorbing carbon monoxide and emitting oxygen.

In 2004 Madison was named a Tree City, USA for the 15th year in a row. The Parks Forestry provides tree planting, trimming and maintenance for over 100,000 trees along Madison's 700 miles of city streets; in addition, trees that are located in the City's parks, golf courses, cemetery and greenways. Many of the green way areas throughout Madison have trees located within them along with many property owners who have trees/shrubs outside their lot lines encroaching into the green ways.

These trees abutting the property at 7325 Blue Maple Trail: 1) provides shelter thus increasing habitat for wildlife; 2) generates revenue to Madison water utility; 3) prevents soil erosion and aids in the filtration of sediment; 4) absorbs harmful carbon monoxide thus aiding in air pollution control and Madison's air quality concerns.

City Clerk
September 26, 2005
Page Two

Through conscientious efforts to sustain habitat and improve the environment as well as enhance the city of Madison, please consider my Notice of Appeal. These trees are not a public nuisance as defined above. These trees offer "TREE-mendous" benefits; they provide shelter, place to raise young and filter sediments, absorbs harmful carbon monoxide, prevents soil erosion and generates revenue to Madison's water utility from frequent watering from the abutting property owner, in contrast to potential risks/liabilities such as play sets, toys, sandboxes that have been noticed in greenways. These particular risk items do not outweigh what trees (these trees) have to offer to the city and the environment. *"A single tree can hold several species in a web of relationships."*

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

- Aldo Leopold (from the essay, "The Ecological Conscience")

Sincerely,



Rhonica Lemanski
7325 Blue Maple Trail
Madison WI 53719

cc: ~~Larry D. Nelson, P.E. (via facsimile & regular mail)~~