

From: outdoorsmadison@yahoo.com <outdoorsmadison@yahoo.com>

Sent: Tuesday, April 30, 2024 6:14 PM

To: Park Commission <pacommission@cityofmadison.com>

Subject: Re: FOIA Request - City owned parcels along Lake Monona

You don't often get email from outdoorsmadison@yahoo.com. [Learn why this is important](#)

Dear City of Madison Board of Park Commissioners,

There is a very serious ongoing issue that our group believes needs to be discussed by the park commission so that the commission is at least aware of this situation. Please see the email chain below for further details. As of the time of this email, no response from the city has been received, however we wanted to forward this important issue to the commission so that it can be placed on an upcoming agenda to discuss.

Should you have any questions, please do not hesitate to contact us at outdoorsmadison@yahoo.com.

-The Outdoors Madison Group

On Thursday, April 11, 2024 at 02:44:15 PM CDT, outdoorsmadison@yahoo.com <outdoorsmadison@yahoo.com> wrote:

Hi Lisa and other City Staff,

First and foremost, I want to thank you and the City parks department for getting this information to us in such a timely manner. We were very thankful for such a quick and professional response to our information request. We would like to specifically thank you and other City staff for your efforts.

As we discussed a few weeks ago, we are following up with several questions. Before we pose our questions, we would like to provide quick summary that gives context to our original information request as well as these follow up questions.

General Background:

We believe that there is some unresolved ambiguity regarding the four parcels along the shoreline of Lake Monona referred to in the original request (the parcels). After reviewing all information, it is apparent that the City of Madison is the owner of these parcels of land. We have not been able to locate a clear legal document or other legitimate agreement that allows the adjacent property owners exclusive use of these parcels and or allows these adjacent property owners to act as riparian owners and place a pier, etc. We acknowledge that we are dealing with old documents, and there could be a formal agreement we have not yet found, but after initial review of the information request, no such legal document or agreement was found.

Overall/ Long Term Goal:

To really sum it up, we eventually would like the city to take proper control of these lands and have them treated as other public park lake front lands are treated. Many pieces of city owned land exist between private homes and the lake, and we believe this can be a great addition of public land for people to enjoy. Again, the ultimate goal would be to never have these parcels sold and eventually have them become proper public park spaces. Footage on Lake Monona is some of the most valuable and finite real estate in Dane County. With the population of Madison and Dane County increasing year after year, lakefront parkland is an extremely important asset. The three

parcels furthest west (adjacent to Yahara Place Park), would be an easy and very welcome addition to Yahara Place Park.

We would also like to note that we greatly appreciate the work of the City of Madison, the Parks Department, and City Staff persons. We think of ourselves as an advocate for the preservation continued success of all City of Madison parkland. We understand that these questions are difficult to parse through and may put the City in an uncomfortable situation with the adjacent property owners. However, we believe that this discussion is vital to ensure a fair, and equitable solution that benefits the 99.99% of City residents who do not live adjacent to these parcels. If these parcels truly are public lands that should be open and accessible to the people, we believe the correct thing to do would be to start treating them as such, as soon as possible. With that context in mind, we pose the questions below.

Questions:

- 1) Are these parcels of land publicly accessible? (i.e. can members of the public walk along this land, access the water from this land, and otherwise use this land as they would any other city-owned lake frontage parcel)
- 2) Does a formal agreement and/or legal document exist that allows the adjacent property owners to construct permanent buildings or other structures/hardscape on these city-owned parcels?

Note: This is especially relevant for the parcel located between the lake and 2201 Lakeland Avenue. The adjacent property owners at that address have constructed a treehouse, a stone wall, and potentially part of a paved driveway on city owned property. *See attached screenshot from Google Maps.* Other adjacent property owners have permanent structures and/or hardscape as well.

- 3) Since the adjacent property owners do not own any lake frontage, does a formal agreement and/or legal document exist that gives them the right to act as riparian owners (construct piers, etc) along Lake Monona?

Notes/Comments Regarding Question 3: If there is not a formal agreement or legal document giving the adjacent property owners these rights, we believe these property owners may be in violation of Wis. Stat 30.15(d), and potentially several other provisions in Chapter 30 of the Wisconsin Statutes. Additionally If no formal conveyance or other legitimate legal agreement was previously made, we believe Wis. Stat. 30.133 would prohibit any such agreement from being made at the present day or at any time in the future.

Wis. Stat. 30.15: Penalty for unlawful obstruction of navigable waters.

(1) Obstructions penalized. Any person who does any of the following shall forfeit not less than \$10 nor more than \$500 for each offense:(a) Unlawfully obstructs any navigable waters and thereby impairs the free navigation thereof. (b) Unlawfully places in navigable waters or in any tributary thereof any substance that may float into and obstruct any such waters or impede their free navigation. (c) Constructs or maintains in navigable waters, or aids in the construction or maintenance therein, of any boom not authorized by law. (d) Constructs or places any structure or deposits any material in navigable waters in violation of s. 30.12 or 30.13. (3) Each day a separate violation. Each day during which an obstruction, deposit or structure exists in violation of sub. (1) is a separate offense.

Wis. Stat. 30.133 Prohibition against conveyance of riparian rights.

(1) Beginning on April 9, 1994, and except as provided in s. 30.1335, no owner of riparian land that abuts a navigable water may grant by an easement or by a similar conveyance any riparian right in the land to another person, except for the right to cross the land in order to have access to the navigable water. This right to cross the

land may not include the right to place any structure or material, including a boat docking facility, as defined in s. [30.1335 \(1\) \(a\)](#), in the navigable water.

We would greatly appreciate the City of Madison's input on the above three questions. We would like to thank you all again very much for your time and efforts with this information request and subsequent follow up. We understand this is a complicated situation that will likely take some time to investigate and respond to. If there is another city agency or other government body that you believe these questions are better posed to, please advise accordingly.

We can be reached at the following email address: outdoorsmadison@yahoo.com

Sincerely,
The Outdoors Madison Group
(T.O.M. G.)

On Thursday, March 14, 2024 at 03:24:48 PM CDT, Laschinger, Lisa <llaschinger@cityofmadison.com> wrote:

Greetings once again,

In addition to the document I provided earlier, I need to follow-up with several additional documents that were not included in the pdf of my original response. These were inadvertently missed when I compiled the pdf.

With this message, my previous message from earlier today, and the attached responsive documents, your request is now closed.

Thank you,

Lisa

Lisa Laschinger
Assistant Parks Superintendent
City of Madison Parks Division

From: Laschinger, Lisa

Sent: Thursday, March 14, 2024 2:54 PM

To: outdoorsmadison@yahoo.com

Cc: Mayor <Mayor@cityofmadison.com>; Knepp, Eric <EKnepp@cityofmadison.com>; Madison Parks <parks@cityofmadison.com>

Subject: RE: FOIA Request - City owned parcels along Lake Monona

Good Afternoon,

This message and the attached documents are the City's reply to your March 12, 2024 public records request for *"information regarding four parcels of land owned by the City of Madison. The parcels in question are located in-between private residences and Lake Monona. The private residences the parcels are located adjacent to are: 2201 Lakeland Avenue, 2205 Lakeland Avenue, 2209 Lakeland Avenue, 2219 Lakeland Avenue"*

With the successful electronic transmission of this letter and the attached responsive records, the City considers your record request closed.

Thank you,
Lisa

Lisa Laschinger
Assistant Parks Superintendent
City of Madison Parks Division

From: Laschinger, Lisa
Sent: Thursday, March 14, 2024 12:44 PM
To: outdoorsmadison@yahoo.com
Subject: FW: FOIA Request - City owned parcels along Lake Monona

Good afternoon,

I am reaching out to let you know we received your request and have begun processing it. We will respond as soon as we are able.

Thank you,
Lisa

Lisa Laschinger
Assistant Parks Superintendent
City of Madison Parks Division

From: Madison Mayor <madisonmayor@cityofmadison.com>
Sent: Wednesday, March 13, 2024 8:33 AM
To: Crawley, Katie <KCrawley@cityofmadison.com>
Subject: FW: FOIA Request - City owned parcels along Lake Monona

FYI
Diana

From: Mayor <Mayor@cityofmadison.com>
Sent: Wednesday, March 13, 2024 8:16 AM
To: Madison Mayor <madisonmayor@cityofmadison.com>
Subject: FW: FOIA Request - City owned parcels along Lake Monona



Nicole Stevens, Executive Assistant to the Mayor
(She/her)
Office of Mayor Satya Rhodes-Conway
Room 403, City-County Building
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703
Tel 608 266 4611 • **Fax** 608 267 8671

Email nstevens@cityofmadison.com
Web <http://www.cityofmadison.com/mayor/>

» » » **Please consider the environment before printing this email.** « « «

From: outdoorsmadison@yahoo.com <outdoorsmadison@yahoo.com>
Sent: Tuesday, March 12, 2024 10:12 PM
To: Assessor <assessor@cityofmadison.com>; Madison Parks <parks@cityofmadison.com>; Mayor <Mayor@cityofmadison.com>
Subject: FOIA Request - City owned parcels along Lake Monona

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear City of Madison staff,

I am writing today to request information under the Freedom of Information Act.

Background:

I am seeking information regarding four parcels of land owned by the City of Madison. The parcels in question are located in-between private residences and Lake Monona. The private residences the parcels are located adjacent to are: 2201 Lakeland Avenue, 2205 Lakeland Avenue, 2209 Lakeland Avenue, 2219 Lakeland Avenue.

Additionally, I have attached four screenshots from the Wisconsin Statewide Parcel Map with the parcels I am referring to selected and highlighted.

Specific Information Requested:

1) I am specifically requesting all information the City has pertaining to these parcels as it relates to the aforementioned homeowners use of this land. This may include agreements the City has with the homeowners, original deeds the City may have on file, or other historical agreements that were made between private landowners and the City.

Essentially I am requesting any legal documents the City has on file that allow these homeowners to maintain exclusive use of these parcels of land while ownership is still held by the City of Madison. If the homeowners do have exclusive rights to use this land- are there restrictions as to what they can do with it? (ie, build a stone wall, put up a shed, install a pier, etc).

2) Information the City of Madison has regarding who owns the riparian water rights along these parcels in Lake Monona. (Typically, the actual landowner is the only entity who is entitled to riparian rights- in this case the landowner is the City)

Context:

In case it helps put context to this request, I am generally hoping to more fully understand the following questions:

- 1) How and why are the private homeowners that border these City owned parcels of land able to use this lakefront property exclusively?
- 2) Why has the City retained ownership of this land / when did the City acquire these parcels?
- 3) Is this land technically accessible to the public?
- 4) Are there restrictions on what type of structures or improvements the homeowners may construct on these parcels?

I can be reached via email at the following address: outdoorsmadison@yahoo.com

I greatly appreciate your assistance in this matter.

Sincerely,
The Outdoors Madison Group