

From: outdoorsmadison@yahoo.com
To: [Park Commission](#)
Subject: Encroachments at Hudson Park - Public Comment
Date: Wednesday, July 10, 2024 1:12:43 PM
Attachments: [Hudson Park - Schiller Court.png](#)

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

Dear City of Madison Board of Park Commissioners,

Please accept this email as The Outdoors Madison Group's public comment for the Board's July 10, 2024 meeting.

We hope the Board is able to look into the situation at Hudson Park and ensure that the encroachments and property boundary issues are handled in a way that is in the best interest for all citizens of Madison- and not just the very few property owners adjacent to these public land parcels.

The below email chain is long; but provides all of the background and information one would need to fully grasp this situation. We are sending this information to the general Board's email as well as cc'ing all individual email addresses listed on the Board's website for ease of access.

Thank you for all you do for our community.

Sincerely,

The Outdoors Madison Group

----- Forwarded Message -----

From: outdoorsmadison@yahoo.com <outdoorsmadison@yahoo.com>
To: Knepp, Eric <eknepp@cityofmadison.com>
Cc: Laschinger, Lisa <llaschinger@cityofmadison.com>; Mayor <mayor@cityofmadison.com>; assessor@cityofmadison.com <assessor@cityofmadison.com>
Sent: Sunday, June 30, 2024 at 11:52:50 PM CDT
Subject: Re: FOIA Request - City owned parcels along Lake Monona

Hello Eric and City Staff,

We are emailing to kindly see if the City has an update on providing a response to the questions posed previously. In addition to checking on a status update, our group would like to provide some additional information and file a formal complaint regarding the other "set" of serious encroachments within Hudson Park. Our group was going to wait to raise these additional concerns until after a response from the initial email was received so that the main issues could begin to be resolved. However, we have decided that it would be best to have all of these Hudson Park encroachment concerns compiled into one overall issue regarding encroachments and public access at Hudson Park.

In addition to the issues identified in the previous emails, there are three additional private property owners who are seriously encroaching into Hudson Park. The addresses where these encroachments are taking place are: 706 Schiller Court, 705 Schiller Court, and 2309 Lakeland Avenue. This is the part of Hudson Park that exists where Schiller Court dead ends

at the lake.

Unlike the other addresses identified in the initial email, there is really no uncertainty regarding the ownership or property boundaries in this section of Hudson Park. The land along the lake is owned by the City and the homeowners have no riparian rights, have never been able to install piers, and do not have any authority to maintain the property between their homes and the lake. Our group was unable to find any sort of easement or other legal agreement that allowed these property owners to encroach on this City owned land.

First and foremost- please let us know if we are mistaken and the City is aware of some legal and legitimate agreement that allows these property owners to use this part of Hudson park in the ways that are described below.

Description of the encroachments:

The encroachments between these parcels and the lake are not only obvious, but also extremely egregious.

706 Schiller Court:

The property owners at 706 Schiller Court own a parcel of land that is 45 feet wide (45 feet of frontage on Schiller Court). Their private property ends just a few feet south of their home (see attached "706 Schiller Court Boundary" screenshot). A good estimate of the end of their property is where the sidewalk ends on their side of Schiller Court (see google maps screenshot).

These property owners have encroached in the following ways:

- 1) They have installed a wooden staircase structure directly through Hudson Park and down to the lake. This structure exists entirely on City of Madison land.
- 2) They have maintained a large section of Hudson Park between their home and the lake (see google maps screenshot). This includes planting trees and creating garden beds and other landscaping not approved by the city.

City of Madison official property information for 706 Schiller Court:

Property Details For Parcel 071007102066 - Property Look-up - Property Information - City Assessor - City of Madison, Wisconsin

705 Schiller Court:

The property owners at 705 Schiller Court own a parcel of land that is 59 feet wide (59 feet along Schiller Court).

These property owners have encroached in the following ways:

- 1) They have installed a wooden staircase structure directly through Hudson Park and down to the lake. This structure exists completely within Hudson Park.
- 2) They maintain a section of Hudson Park between their home and the lake. Personal property has been observed to be stored in the park at times.

City of Madison official property information for 705 Schiller Court:

Property Details For Parcel 071007102040 - Property Look-up - Property Information - City

Assessor - City of Madison, Wisconsin

2309 Lakeland Avenue:

The property owners at 2309 Lakeland Avenue own a parcel of land that is 60 feet wide (60 feet along Lakeland Avenue). Their parcel is 5039 square feet and terminates well before the lake. Their property boundary on the lake side is in line with 705 Schiller Court.

These property owners have encroached in the following ways:

- 1) They have installed a wooden staircase structure directly through Hudson Park and down to the lake. This structure exists completely within Hudson Park.
- 2) They maintain a section of Hudson Park between their home and the lake. Personal property has been observed to be stored in the park at times.

City of Madison official property information for 2309 Lakeland Avenue: Property Details For Parcel 071007102024 - Property Look-up - Property Information - City Assessor - City of Madison, Wisconsin

Questions:

Just like the parcels from the initial set of emails, our group has a similar (but slightly different) set of questions that we would greatly appreciate guidance from the city regarding.

- 1) Is the City of Madison aware of a formal agreement or legal document that exists that give these property owners the right to construct permanent staircase structures between their homes and the lake?
- 2) If these homeowners were not given permission to install these structures, will the City of Madison remove them?
- 3) Since these structures exist entirely within a publicly accessible area of Hudson Park, is the City of Madison liable for injuries that a member of the public could potentially sustain on these structures? Relatedly- is the City of Madison's relevant insurance provider aware that these structures exist?

Proposed Solution:

Our group proposes the following solution to these three encroachments.

- 1) Require removal of all "staircase" type structures between these three homes and the lake. The City has never encouraged people to access the lake via this area of Hudson Park. If the City someday wanted to provide a staircase access, it should be built properly and up to relevant codes. These structures really only serve the three homeowners as "private" access points.
- 2) Post property boundary clearly for members of the public to see. An average member of the public could very well believe that these three homes own frontage along Lake Monona. There

is no reason for the public to not know where the property boundary for Hudson Park begins. The property boundary should be marked on all corners. The Wisconsin DNR does this for all state parks to allow people to clearly see what is private and public property.

Note: Property boundary marking is especially important for 706 Schiller Court. This property owner mows a very large part of Hudson Park, and has a large garden bed in the park. Members of the public should be aware that they have the right to walk on this grass and use this area as a public park.

We believe these two items will completely address the issues along this section of Hudson Park. If the staircases are removed and the property boundaries are marked, members of the public will be able to enjoy this part of Hudson Park just as they enjoy the rest of the park.

We understand this entire ordeal is a lot of information for the City to digest. As we have previously stated, our group wants to see the City maintain control over Hudson Park and take back proper management of City-owned parcels of land.

We kindly submit this formal complaint regarding these three additional parcels of land in addition to our previous emails regarding encroachment issues directly West of this area.

Sincerely,
The Outdoors Madison Group

On Thursday, May 16, 2024 at 12:36:18 PM CDT, outdoorsmadison@yahoo.com <outdoorsmadison@yahoo.com> wrote:

Eric,

Thank you for the response, it is much appreciated. We completely understand the complexity of the situation and that the city needs time to sort through this quagmire.

Although it is true we are staying anonymous at the moment, we want the city to know we have been 100% transparent with our intentions (first- figuring out the legal situation with these parcels, and second- advocating to ensure they remain owned by the city and hopefully one day available for the public to use and enjoy as much as the law/legal situation allows).

Thank you again for the response
On Thursday, May 16, 2024 at 08:44:36 AM CDT, Knepp, Eric <eknepp@cityofmadison.com> wrote:

I apologize for the delay, but a proper response here will require thought and conversation with a number of City agencies. There are underlying legal and real estate strategy issues at play. Frankly, given your anonymity, I need to ensure that what we are communicating is

completely accurate and not in any way damaging to the City's interest here. This is on the list, and I do plan to respond, but I cannot give you a solid commitment on timeline. My best guess is by early June.

From: outdoorsmadison@yahoo.com <outdoorsmadison@yahoo.com>
Sent: Thursday, May 16, 2024 8:40 AM
To: Knepp, Eric <EKnepp@cityofmadison.com>
Cc: Laschinger, Lisa <LLaschinger@cityofmadison.com>; Mayor <Mayor@cityofmadison.com>; Park Commission <pacommission@cityofmadison.com>
Subject: Re: FOIA Request - City owned parcels along Lake Monona

You don't often get email fromoutdoorsmadison@yahoo.com. Learn why this is important
Hello,

We were wondering if the City would be able to tell us if they are planning to respond to the email we sent on April 11? If the City is not or cannot respond to the email, we would appreciate knowing that information. As we continue to look into this situation, we wanted to be sure to give the city a chance to respond.

Thank you,

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 this 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