

July 18, 2009

Board of Public Works  
215 Martin Luther King, Jr. Boulevard  
Madison, WI 53701

RE: Notice of Violation of Madison General Ordinance Section 10.31

Dear Members of the Board of Public Works,

We recently received a Notice of Violation regarding removal of trees and placement of a tree swing in the alley behind our lot at 1425 Chandler St. The swing will be removed, per the city's request, within 30 days unless I am able to obtain approval before that time.

However, I would certainly like to appeal this Notice of Violation. The information you received about removal of city trees and shrubs is completely inaccurate. We were careful to remove no trees and trim no shrubs located on the city's land. In fact, there are several dead trees and limbs we plan to contact the city about. We did, however, pull very large weeds and cut down small stumps from the city area. We felt this would be permissible and necessary before hanging the swing, as we feared a child may be injured if they landed on a stump.

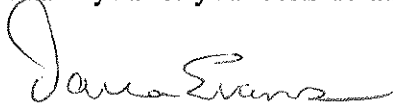
We are well aware of our lot limits and that the city owns the right-of-way behind our lot, as we purchased this property and constructed our home only 2 years ago. This lot had not been cared for in decades, and the entire lot was surrounded by invasive honeysuckle and buckthorn, especially the back end of our lot. We had two separate experts come to evaluate and advise us on the appropriate actions to improve the health of this back area before we began any work. Since then, we have spent hours removing these extremely invasive and damaging plants, pulling weeds, mulching and planting appropriate shade shrubs and perennials. We feel these will benefit our space as well as the desirable trees in the city's right-of-way.

I understand that some mulch and a handful of perennial plants are indeed on the edge of the right-of-way. I was under the impression that this area was similar to a front terrace, where the city has ownership while the homeowner helps to maintain and improve it. Perhaps a right-of-way is different; I apologize for this mistake and appreciate the city allowing me to leave the plantings there. All surrounding neighbors we have spoken with, other than the hostile one who contacted you, are happy to finally see improvements and maintenance, and have absolutely no problem with the tree swing (please see enclosure with signatures).

In regard to the tree swing, we hope you will agree to give us approval to keep it where it is. We personally spoke with the neighbor who owns the tree before we placed the swing, and he gave us his permission with a smile. We were also planning to place a sign near the swing that reads: Please swing at your own risk. And, of course, we plan to maintain the swing ourselves.

We apologize for not obtaining city permission prior to placing the tree swing. We did not realize it was necessary to involve the city. Hopefully we can obtain approval at this time and turn this into a situation from which everyone benefits.

Thank you for your consideration,



Jim and Dana Evans  
1425 Chandler St.  
Madison, WI 53711  
(608) 280-8095

ALLISON EVANS  
Allison Evans (6 years old)

Cc: Heidi J. Fischer, Real Estate Agent III, Community and Economic Development Unit, Department of Planning and Development (w/enclosure)

Christy Bachmann, P.E., City of Madison Engineering Division (w/enclosure)

July 2009

Neighbors bordering the alley who support the placement of a tree swing in the alley's wooded area behind 1425 Chandler St.

SIGNATURE

ADDRESS

Carol Parnass	314 S. Randall Ave
Nan Marie Gmca	1416 Chandler St
Mary Struba	1414 Vilas Ave
Heidi Holmes	1414 Vilas Ave.
Robert Hayes	1414 Vilas Ave.
Meredith Harro	1413 Chandler St
John Selbo	1436 Vilas Ave
Al E. Stinson	1431 Chandler St
Jim + Dana Evans	1425 Chandler St.
Marilyn O. Halseh	1408 Vilas Ave.
Suzanne & Bill	1428 Vilas Ave
Joe & El	1438 Vilas Ave
Susan Berrist	1440 Vilas Ave.
Paul Blumhagen	310 S. Randall Avenue

(Unable to reach neighbors at 1407 Chandler St.  
and 1420 Vilas Ave.)



State of Wisconsin  
Dane County J<sup>ss</sup>

I hereby certify that the accompanying plat is a correct representation of a survey made by me of parts of sections 22 and 27 T<sup>1</sup>N R<sup>9</sup>E Dane County more particularly by described as follows: Beginning at a point on the shore of Lake Kegonsa 1323.4 feet west (lat 5° 40') and 427 feet south (lat 6° 24') of the section corner of sections 22-23-26-27 T<sup>1</sup>N R<sup>9</sup>E Dane County; thence north (lat 6° 24') 497 feet; thence north (lat 5° 27') 1599.8 feet to land owned by Illinois Central Ry Co; thence west (lat 4° 45') 608 feet; thence N 45° W (lat 5°) 1054 feet to the centre of Monroe Road; thence southwesterly along the centre of said road 2148 feet; thence S 43° 15' E (lat) 1262 feet to the shore of Lake Kegonsa; thence in an easterly direction along the shore of said lake to the place of beginning being 7.6 acres more or less. I further certify that the survey subdivisions and map were made by me by the order and under the direction of Wm T. Fish; that the map is a correct representation of all the exterior boundaries of the land surveyed and of the divisions thereon made, and that in all respects they fully comply with the provisions of Chapter 101 of the Revised Statutes.

All regular lots are 60 feet by 120 feet, all streets 66 feet wide and all alleys 18 feet wide unless otherwise noted. The Park is 112 feet by 32 feet in diameter to the outside circumference with its center in the centre of Washington Ave. 19.5 feet east of the west side of Washburn Street. Monuments are placed as represented. The plat is drawn to a scale of 200 feet to an inch.

McC Dodge  
Surveyor

State of Wisconsin  
Dane County J<sup>ss</sup>

I hereby certify that I caused the land described in the foregoing certificate of McC Dodge, Surveyor, to be surveyed and mapped as represented on the within map. It is my intention that when the owners of all the lots in any block shall consent to vacate the alley in such block, it shall be so vacated.

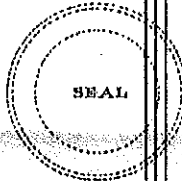
Wm T Fish

Witnesses: Burt W Jones  
Henry Welsch

State of Wisconsin  
Dane County J<sup>ss</sup>

Be it remembered that on this the 23<sup>rd</sup> day of October 1889 personally came before me the above named Wm T Fish to me known to be the person who executed the above certificate and acknowledged the same to be his free act for the purposes therein mentioned.

Burt W Jones  
Notary  
Dane County



Office of Register of Deeds  
DANE COUNTY  
Received Oct 23<sup>rd</sup> 1889  
at 11:24 o'clock AM and filed  
C F Powell  
Register

Recorded 9 A.M. April 2<sup>nd</sup> 1892