



Madison Parks Division

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Date: July 14, 2025

TO: Mayor and All Alders

FROM: Lisa Laschinger, Assistant Parks Superintendent *LL*

SUBJECT: Revision of MGO 8.35(3)(f) Related to LakeWay Project (Leg File # 88846)

The Board of Park Commissioners reviewed and unanimously recommended the approval of Legislative File #88846: Creating Subdivision 8.35(3)(f) of the Madison General Ordinances to allow for construction and change in the legal status of certain lands associated with the Madison LakeWay Project. There were two registrants who opposed the revision, and the Parks Division received several email inquiries regarding the revision. As such, the Parks Division is providing additional clarification regarding this matter.

Madison LakeWay Background:

After decades of private advocacy and support by various groups to redesign the Lake Monona Waterfront, in 2019, the City of Madison Parks Division hired a multi-disciplinary consultant team to prepare a preliminary report for the Lake Monona Waterfront corridor. In 2022 Common Council created the Lake Monona Waterfront Ad-hoc Committee to select design challenge firms to make recommendations about the master plan to the Madison Common Council and Board of Park Commissioners. This thirteen-member body oversaw the Lake Monona Waterfront Design Challenge, by evaluating Request for Proposals from fourteen different firms, interviewing the top five teams, and selecting top three nationally renowned design firms who were given 14 weeks to prepare a master plan for the area. Sasaki Associates, Inc "Sasaki" was selected as the winning firm of the design challenge and moved forward with refinement of the master plan in 2023.

After more than forty meetings, nineteen months of work and hundreds of hours of community outreach and public engagement the Lake Monona Waterfront Ad-hoc Committee completed the draft master plan report in December 2023. The master plan was unanimously adopted by Common Council in April 2024, after having been referred to Plan Commission, Urban Design Commission, Monona Terrace Community and Convention Center Board, Madison Arts Commission, Transportation Commission and Board of Park Commissioners.

In June 2024, Common Council authorized the Parks Division to move forward with a contract with Sasaki to provide professional design consultant services for the Phase One of the implementation of the Lake Monona Waterfront master plan. In December 2024, the Lake Monona Waterfront was officially rebranded as the Madison LakeWay. The Parks Division along with Sasaki are nearing the final stages of Phase 1 design development for review at an additional public engagement meeting scheduled on July 21, 2025. The overarching goal is to bid the Phase 1 project in the fall of 2026, for construction in 2027, following the John Nolen Drive reconstruction project. Timing of future phases is currently undetermined and dependent on both private and public funding resources.

Existing Ordinance:

Per MGO 8.35(3)(f), *“City of Madison public parks bordering on lakes or navigable waterways shall be protected as public open space. Voter approval by city referendum shall be required for any change in the legal status of and before beginning or continuing major construction in any of these public parks.”* However, the only time that a referendum (RES-09-00099) has actually been sought was related to Garver Feed Mill, and that site was later exempted (ORD-14-00164). Since MGO 8.35 was enacted five other projects were exempted from the requirement of a referendum through action taken by council, as follows:

(3)Exceptions. This ordinance shall not be applicable to the following:

(a)Construction within Olbrich Botanical Gardens.

(b)Construction within Henry Vilas Zoo.

(c)Any change in the legal status of the properties located at 640, 646 and 704 East Gorham Street. (Cr. by ORD-11-00155, 11-8-11)

(d)Any construction or change in the legal status of that portion of Olbrich Park located northeast of the Union Pacific Railway and south and southwest of Starkweather Creek arising from the sale, lease or redevelopment of the Garver Feed Mill.

(e)Any change in the legal status of the property located at 1918 Norman Way to resolve boundary disputes with the adjoining property owner. (Cr. by ORD-25-00021, 4-4-25)

Proposed Ordinance Revisions:

The Parks Division has worked with the Office of the City Attorney to draft a revision to Madison General Ordinance “MGO” 8.35(3)(f). The proposed MGO revision (Legislative File #88846) exempts the Madison LakeWay project area from the requirement of a referendum through action taken by Common Council. The exemption satisfies the requirement of a referendum by action of the Common Council and is being recommended based on the significant amount of public engagement that has taken place through the Design Challenge, Master Plan, and Design processes. By the time the project construction begins, the project will have been subject to public comment for nearly 8 years. This includes the LakeWay Master Plan being adopted by both Board of Park Commissioners and Common Council, along with 5 other Boards/Commissions, which all have public processes.

Since Legislative File 88846 was introduced, the Parks Division has received questions regarding the definition of “change in legal status.” Despite this not being clearly defined in the MGO, this language is necessary in order for Common Council to exempt the project from the requirement of a referendum. “Change in legal status” pertains to any sale or subdivision of the property. One example of a need for change in legal status might be the award of a grant that requires a deed restriction on the land. Without this exemption, a referendum would be required to accept such a grant. The Parks Division does not know the timeline for full buildout of the LakeWay Master Plan, as this is fully dependent on both private and public funding sources, but future phases may incorporate public/private partnership for the plan implementation. The Parks Division has no current plans in Phase One or any near future phases that would require any change in the legal status of the land. Any such change would require authorization by Common Council and Board of Park Commissioners and would be subject to public comment. This MGO revision in no way exempts the Parks Division from all other regulatory requirements or Madison General Ordinances related to the project.

Conclusion:

The Parks Division's position is that due to the lengthy and robust public process that the Madison LakeWay has already undergone, this project should be exempted from a costly referendum process. The exemption method has been an effective method of addressing MGO 8.35 multiple times over the years at multiple locations for multiple projects. There have been numerous opportunities for public engagement in the Madison LakeWay project over the last 7 years, with additional opportunities forthcoming, and there has not been opposition to the project that would keep it from moving forward at any of these levels. If there had been, the project would not have advanced to the stage that it is at. Additionally, the Lake Monona Waterfront (now known as Madison LakeWay) Master Plan has been approved by the Common Council, an elected body.