

From: [John Horn](#)
To: ledell.zellers@gmail.com; tony.fernandez5@gmail.com; [Parks, Timothy](#); [Fries, Gregory](#)
Cc: [Schmidt, Janet](#); "Dave Wolmutter"; [Stouder, Heather](#); [Troester, Timothy](#)
Subject: RE: Pioneer Replat UW Research Park -- 8818 Nelson Crossing
Date: Monday, January 17, 2022 6:58:06 PM

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Hello Ledell, Tony, Greg, Tim, et al,

I received emails from Tim Parks and Greg Fries dated Thursday, January 13, 2022. Thank you both for your replies.

First, I'm in favor of Greg's plan to re-route some stormwater flow into the public storm pipe that bypasses my property. While it's not a comprehensive solution, it will help; and it's a good germinal measure. I would urge City Engineering, City Planning and the Planning Commission to support this work in whatever way they can; and ensure that it will be accomplished.

Second, I reiterate Greg's request that: "...Engineering would request the UW Research Park grant the City public storm easement in the area of the culvert entrance West of the cart path so that Engineering's crews may enter more easily and complete the pipe work I described...." I would ask that on or before the next Plan Commission meeting of January 24, 2022, the Commission include the requested easement as a condition of approval for the Replat now under consideration.

Third, with respect and good will, I request that the commission disregard Greg's remarks about issues with the golf course and the legal status of the replat. While I've enjoyed interacting with Greg; and know him to be an expert in his field, he's incorrect on both the law and many of the facts involved. Kindly consider his engineering advice apart from the rest. Greg, I appreciate your hard work.

Fourth, I would not oppose the replat or comment further at the January 24th Plan Commission meeting if a member of the Plan Commission would contact me to confirm that "First" and "Second" items above are agreed to and adopted. In turn, I imagine this would facilitate placement of the Replat on the Consent Agenda.

Fifth, regardless, and to the extent the Plan Commission has an interest, you may wish to consider one or more of the following:

- A Replat request doesn't mean that the UW can simply cherry-pick what they want the Plan Commission to look at. *A Replat is an appropriate occasion to examine over-looked or intervening conditions.*
- The UW plans to build a biking and walking path through the woods, as indicated on the replat. Accordingly, there is, in fact, planned development/improvement of the woods at least to that extent. The existing water culvert intake on the UW's 25-acre parcel appears to begin near or inside the area marked-off for the bike/walking easement. What's the plan for that? *Shouldn't the old culvert be blocked or removed, or is the area going to become, essentially, a drainage ditch*

rather than a walking/biking path?

- The intake of the culvert is located within the 25-acre UW parcel. That parcel is the origin of both the run-off and its path into my yard via the culvert running from the UW parcel. The UW did not seem to know about the culvert. If so, why not? Either they placed it, or it was placed by another party. I've heard no one admit to this. I'm aware of no plans or permits with the City permitting placement of that culvert. *In any case, if the UW placed it or allowed it to be placed, then they should remove it or block it. If they did not place it or allow it to be placed, then they should remove it or block it; and they can opt to take recourse against any interloper.*
 - Incidentally, the culvert does not appear on the swale maps in the early 2000's nor on the plans for lot 18. So, it was evidently not placed there by the prior owner of the 25-acre parcel (Vedder).
 - If this were not the UW, but rather, a private landowner, we would certainly not excuse the owner from the responsibility of properly re-platting and this parcel and addressing poor run-off conditions merely because that owner declared ignorance or because they claimed that the condition was "old."
- *Does this condition pose a public safety problem?* If you view my video, you can see that the culvert on the 25-acre parcel outputs the UW parcel's storm water with tremendous volume and pressure. Also, there are jagged rocks all around the culvert output. In addition, there is no grating or other protection around the output (and the same may be true of the input).
 - Many young children bike, skateboard, and walk dogs on and around the culvert, particularly on the cart path running over the culvert between the edge of the 25-acre parcel and the edge of lot 18. I've observed kids out there after a storm goofing-around in the output.
 - Older children park at the dead-end and enter the woods. Liquor bottles, beer cans and food packaging evidence this. When I was 16, open culverts were a great place to camp-out and make mischief. Perhaps they still are.
 - *Would it make sense for the city to not only to connect a new, conforming storm-water pipe from the UW's 25-acre parcel, but also to remove or at least block the old culvert?*

Lastly, I'll express my gratitude. I'm grateful to be living in Madison. I was born here, I schooled here from kindergarten through law school, and I still work and live here, 59 years later. Madison is a special city and this is largely due to government and municipal dedication. Also, I'm grateful to be living next to such a fine conservancy. Kudos to the UW for incorporating that into their plans. In short, thank you all for your service to Madison, the university, and the ideals they represent.

Sincerely,

John Horn, JD

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From: [Fries, Gregory](#)
To: ["John Horn"](#)
Cc: [Parks, Timothy](#); [Schmidt, Janet](#); ["Dave Wolmutter"](#); [Stouder, Heather](#); ["ledell.zellers@gmail.com"](#); [Troester, Timothy](#)
Subject: RE: 8818 Nelson Crossing -- University Research Park
Date: Thursday, January 13, 2022 9:47:46 AM
Attachments: [Nelson1.pdf](#)
[image003.png](#)
[image004.png](#)

Hello John/All,

Thank you for sending the video. At this time, the City does have a new agreement in place with the Golf Course. This agreement would allow us to use the cart path to access the storm sewer and implement a change to the storm sewer system.

City Engineering can "patch" this problem with City crews this coming summer by rerouting low flows into the public storm pipe that bypasses your property. I say patch as while we can connect the draw to the West of the cart path to the public storm pipe that bypasses your home, during overflow events the water will still utilize the existing culvert and the ditch/channel that exists in your backyard.

Changes to the overflow location can only be changed by you and the golf course working together. I have attached an existing contour map showing where the water will flow in an event that exceeds the storm sewer pipe capacity. The flow path shown in red is on your property and then into the golf course as it moves to the East. Relocating the channel onto the golf course will require significant grading work on both your property and the golf course. It is my understanding that structural (home) flooding has not occurred with this situation, so it seems unlikely that either you or the golf course will want that work to occur as it would be quite expensive and disruptive to both of your properties. You are of course free to pursue that should you choose.

The proposed University Research Park Plat has no real role in this as they are not changing conditions that have existed on the lot draining to this area for the modern era nor do they have plans to do so. That said Engineering would request the UW Research Park grant the City public storm easement in the area of the culvert entrance West of the cart path so that Engineering's crews may enter more easily and complete the pipe work I described above.

Thanks

Greg

From: John Horn <John@hornjohnsen.com>
Sent: Tuesday, January 11, 2022 8:56 AM
To: Fries, Gregory <GFries@cityofmadison.com>
Subject: 8818 Nelson Crossing -- Continued Storm Water run-off from 25 Acre Wooded lot owned by UW, and now subject to replat review

Hi Greg,

I live at 8818 Nelson Crossing in Madison. You and I spoke and corresponded back and forth in 2017 and 2018. Recall, there was and still is substantial run-off onto my property from the 25 acre wooded parcel to the west of my house. There was a culvert running from inside those woods and stopping at the western edge of my property. When raining, this run-off results in a flood of storm water onto my property about 10-15 feet wide, 30 to 50 feet long and 1 to 2 feet deep.

I've attached a copy of the video that I sent to you in July 2017, as well as a copy of the plat map showing my lot (18), and the storm sewer needs map you sent me in 2017.

The 25 acre UW parcel to the west of my lot from which all the storm run-off and the inflow of the culvert originate, is now part of a replat of the University of Wisconsin Research Park —Pioneer 1st Addition Replat. That replat is now under consideration by the City Plan Commission.

A public hearing was held last night, January 10, 2022. I attended and brought this ongoing and substantial storm water problem to the attention of the Plan Commission. They agreed to delay approval of the replat until they could investigate with City Engineering.

I mentioned that I had communicated with you in 2017. At that time, you indicated in our discussions that the storm water from the woods or other nearby properties was not intended to wind-up in my yard, but rather, to clip the corner of it and flow down the drainage path behind the lot lines on Nelson crossing towards Hwy M.

You also indicated at that time that the "solution is not hard." The culvert running from the UW 25 acre property needed to be moved so that the direction and output were corrected. You felt that it the area was mostly grass and it would be easy to dig for this. You also mentioned that the owner/manager of the golf course (whose cart path runs over the culvert) was not opposed to a temporary construction easement for the city to accomplish this work. Ultimately, they may or may not have agreed; but this serious storm run-off problem remains with the culvert running from the 25 acre wooded parcel outputting massive amounts of storm water onto my property, Lot 18.

The Plan Commission, UW, and/or city engineering personnel will likely contact you about all of this. Accordingly, I wanted to provide you this email summary along with copies of the materials we shared in 2017.

Thank you in advance for your consideration of this matter again.

Sincerely,

John Horn, JD

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Time: 1/12/2022 9:11:30 PM

Session: C:\GTViewer_Sessions\BACKUP.gts

City of Madison, WI - GIS/Mapping data

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