Legislation Details (With Text)

File #:	68742	**Version:**	1	**Name:**	Directing the Parks Division to remove the disabled watercraft within the Marshall Park Harbor Pursuant to Wis. Stat. Sec. 30.16(1)
Type:	Resolution			**Status:**	Passed
File created:	12/7/2021			**In control:**	BOARD OF PARK COMMISSIONERS
On agenda:				**Final action:**	12/7/2021
Enactment date:	12/13/2021			**Enactment #:**	RES-21-00774

Title: Directing the Parks Division to remove the disabled watercraft within the Marshall Park Harbor Pursuant to Wis. Stat. Sec. 30.16(1)

Sponsors: Satya V. Rhodes-Conway, Syed Abbas, Keith Furman

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/7/2021	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
12/7/2021	1	Parks Division	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS	

Fiscal Note

The proposed resolution authorizes the Parks Division to remove a damaged water craft near Marshall Park and Boat Launch in Lake Mendota. The owner has neglected to remove the vessel and has indicated they do not have the means to remove it prior to the lake freezing. Failure to remove the vessel will create impediments to other boaters and will potentially cost the City more money in the future to remove if it is further damaged. The total estimated budget for the project is $15,000. The cost of removal will be funded by the 2021 Parks Division purchased services budget. No additional appropriation is required.

Title

Directing the Parks Division to remove the disabled watercraft within the Marshall Park Harbor Pursuant to Wis. Stat. Sec. 30.16(1)

Body

WHEREAS, since August 18, 2021, a large watercraft owned by Don'Ronnell Varese of 4764 Felland Rd, Madison WI 53704 has remained unlawfully moored in Lake Mendota near Marshall Park unaccompanied and without proper mooring permits; and,

WHEREAS, the vessel, which appears to be disabled, is creating impediments to the free navigation of the water channel and slips within the Marshall Park harbor area of Lake Mendota, creating many complaints from other members of the public wishing to use the space and has been deemed a nuisance by the Wisconsin Department of Natural Resources (DNR) and the City of Madison Parks Division; and,

WHEREAS, the Parks Division and the DNR have made multiple attempts to contact the owner about removing the vessel and have been informed the owner of the vessel does not have the means to do so; and,

WHEREAS, numerous citations have been issued against the watercraft owner by the DNR and Parks but those citations have been unsuccessful in getting the owner to remove the watercraft from the Marshall Park area; and,

WHEREAS, there is a reasonable concern that, due to the condition and location of the watercraft, that if the watercraft is not removed from the water before the lake freezes that it may sink and cause further obstructions and interference to the Marshall Park harbor area; and,

WHEREAS, the Common Council is authorized, under Wis. Stat. Sec. 30.16(1), to cause to be removed to a convenient and safe place any watercraft obstructing or interfering with the free navigation of any water channel or slip within its harbors, after giving reasonable notice to the owner of the watercraft, to remove the watercraft. The Council, by resolution, may authorize any public officer to remove the obstruction and the mode of carrying this into effect, with the costs, charges and expenses of such removal to be a lien on the watercraft and the owner to be personally liable for these costs; and,

WHEREAS, reasonable notice has been provided to the owner of the watercraft that the watercraft needed to be removed from the Marshall Park harbor.

NOW, THEREFORE, BE IT RESOLVED that the Common Council declares that the watercraft owned by Don'Ronnell Varese that is currently moored in the Marshall Park harbor within Lake Mendota is obstructing or interfering with the free navigation of the water channel and slips within the harbor and that reasonable notice has been issued to remove the watercraft from this location; and,

BE IT FURTHER RESOLVED that, pursuant to the authority granted under Wis. Stat. Sec. 30.16(1), the Common Council hereby directs the Superintendent of Parks to cause the immediate removal of this watercraft from the Marshall Park harbor by taking all measures necessary to remove the vessel. The watercraft shall either be deposited at a location approved by the owner, or stored at a secure location, as determined by the Parks Division; and,

BE IT FINALLY RESOLVED that the City's costs of removal, and any associated storage costs, shall be a lien against the watercraft and, if not paid, the City Attorney is directed to take all necessary measures to collect these costs from the Owner.

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