



Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53709  
608 264 9275 FAX  
608 267 8677 TDD

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dailey, P.E.  
David L. Benzschawel, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.

**Operations Supervisor**  
Kathleen M. Cryan

January 10, 2002

Dear Homeowner or Property Owner,

With the completion of the new Southwest Bike Path on the old rail corridor, many property owners adjacent to the path have asked what land uses will be allowed within the public corridor. Historically, land in many locations within the old rail corridor has been maintained by the adjacent property owner as part of their "yard". In some cases there were existing structural improvements, such as fences or sheds, which were allowed to remain during construction of the path. Some adjacent owners have expressed an interest in making similar use of this public land. At the same time, many other people have expressed a strong interest in preserving the character and value of this public open space for all users.

In order to address these questions the City of Madison has established a procedure governing private use of land within the public corridor. The purpose of this letter is to acquaint you with that procedure and provide names of people you can contact at the City for further information. A copy of the full procedure is attached.

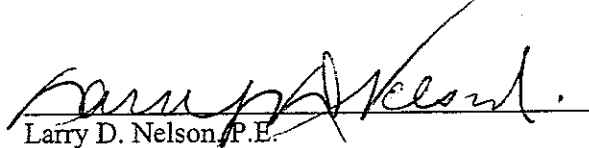
In general, it is the intention of the City:

- To encourage private stewardship of land within the public corridor to the extent that it enhances public enjoyment of the path and does not harm the function of the path or the ecology of the area.
- To preserve the integrity of the corridor for possible future rail use in accordance with our agreement with the Wisconsin Department of Transportation, the owner of the land
- To discourage or prohibit actions which have the effect of appropriating public land for purely private use or enjoyment.
- To prohibit any uses within the corridor which interfere with the operation or maintenance of the path, compromise the safety of path users or result in undue liability concerns for the City
- To respect historical community and neighborhood interests in the corridor and honor specific commitments to property owners made during the planning, design and construction of the path while being fair to all adjacent property owners.

We believe that it is necessary to give consideration to land uses which were in place since before the City was given use of the corridor for a bike path in April 2000. At the same time we wish to be as fair as possible to all adjacent property owners. Specifically, we will continue to allow most gardening and lawn maintenance activities as long as they conform to the guidelines shown on the enclosed drawing. New fences and most other structural improvements, however, will not be allowed. Most existing fences and storage sheds will be allowed to remain under certain conditions, but other existing structures will have to be removed or moved to private property.

If you have a structure which must be removed, or which will need a permit to remain, you will be notified in a separate letter and given reasonable time to make the necessary arrangements. We regret the inconvenience this will cause for some and we appreciate your cooperation in preserving the enjoyment of this beautiful new path for all members of our community. If you have any questions on this procedure please feel free to contact Tony Fernandez at 608—266-9219, or Christy Bachmann at 608—266-4095 of my staff.

Sincerely,



Larry D. Nelson, P.E.  
City Engineer

LDN:ASF

Cc: Christy Bachmann  
Tony Fernandez

**PRIVATE ENCROACHMENTS WITHIN THE PUBLICLY OWNED SOUTHWEST BIKE PATH CORRIDOR**

DATE OF ISSUE: January 7, 2002

REVISED: 1/7/02

PAGE 1 OF 3

---

1.0 PURPOSE

With the completion of the new Southwest Bike Path on the abandoned rail corridor, it has become necessary for the City Of Madison to establish a procedure governing private use of land (encroachments) within the public corridor. In some locations there are private improvements, such as gardens, fences or sheds, which were allowed to remain during construction of the path. Other adjacent property owners have expressed an interest in making similar use of this public land. The City Of Madison has the authority and responsibility to manage and maintain the portion of the bike path corridor owned by WDOT under the terms of an agreement with WDOT dated April 1, 2000. The purpose of this procedure is to clarify the City Engineering Division's intent and guide the ongoing management of the property.

2.0 GENERAL GOALS

- To encourage private stewardship of land within the public corridor to the extent that it enhances public enjoyment of the path and does not harm the function of the path or the ecology of the area.
- To preserve the integrity of the corridor for possible future rail use in accordance with our agreement with the Wisconsin Department of Transportation, the owner of the land
- To discourage or prohibit actions which have the effect of appropriating public land for purely private use or enjoyment.
- To prohibit any uses within the corridor which interfere with the operation or maintenance of the path, compromise the safety of path users or result in undue liability concerns for the City
- To respect historical community and neighborhood interests in the corridor and honor specific commitments to property owners made during the planning, design and construction of the path while being fair to all adjacent property owners.

3.0 SPECIFIC PROCEDURES BASED ON TYPE OF ENCROACHMENT

- 3.1 Plantings such as grass, perennials, small shrubs and trees will not require a permit but must conform to the guidelines shown on the enclosed drawing. Planting of trees, which, at maturity, will exceed 20 ft. in height will require prior approval from the City's Forestry department. The City will cooperate with neighborhood groups to coordinate public and private maintenance responsibility within the corridor. The City reserves the right to remove any vegetation, which detracts from the safety, drainage, maintenance or appearance of the path.
- 3.2 New private fences will not be permitted on public land beyond the private property line. Fences, which existed prior to conversion of the corridor from rail

PRIVATE ENCROACHMENTS WITHIN THE PUBLICLY OWNED SOUTHWEST  
BIKE PATH CORRIDOR

DATE OF ISSUE: January 7, 2002

REVISED: 1/7/02

PAGE 2 OF 3

---

to trail use, will be allowed to remain under some conditions. For purposes of this procedure, that conversion took place on April 1, 2000. A separate letter will be sent to owners of such fences stating the conditions under which the fence is allowed to remain. Permission for the fence is not transferable with the sale of the property, and future owners may be requested to remove the fence.

- 3.3 Playground structures will not be permitted within the public corridor. Owners of existing playground structures will be notified and given an opportunity to relocate the structures onto private property within a specified time period. Structures, which are not relocated, will be removed by the City.
- 3.4 Stairs for private use will be strongly discouraged. However, requests for a permit for stairs will be considered on a case-by-case basis and may be permitted under certain conditions. At a minimum the stairs must comply with current building codes, and the owner of the stairs must provide evidence of insurance, naming the City as additional insured and indemnifying the City for claims relating to the stairs. The same guidelines will be applied to existing stairs and proposed new stairs. Owners of existing stairs will be notified and asked to remove the stairs or apply for a permit within a specified time period. The City will remove stairs for which a permit has not been issued.
- 3.5 Low retaining walls, terraces, foot paths or small stepping stones which are part of the landscaping, or mesh fences less than 30 inches high which serve to delineate gardens will be allowed without a permit, as discussed above for plantings. Any such improvement which will function as stairs, however, must have a permit. Owners contemplating any structural improvement that could be construed as stairs should consult with the Engineering Division prior to any construction.
- 3.6 New outbuildings without permanent foundations, such as sheds, gazebos or screen houses, will not be permitted in the public corridor. Such structures, which existed prior to conversion of the corridor from rail to trail use, will be permitted to remain under some conditions. A notification letter will be sent to owners of existing structures, and they will be required to apply for a permit within a specified time period. After that time period, the City will remove structures for which a permit has not been obtained.
- 3.7 Buildings with permanent foundations, such as garages, and any hard surfaces intended for driving or parking of vehicles or equipment will not be permitted within the public corridor except in rare circumstances. Applicants for such structures must obtain a separate permit from Wisconsin Department of Transportation, Bureau of Rails and Harbors before the City will consider the application. The same guidelines will be applied to existing and proposed new permanent structures. Owners of existing structures will be notified and required to apply for a permit within a specified time period. The City will remove structures for which a permit has not been issued.

PRIVATE ENCROACHMENTS WITHIN THE PUBLICLY OWNED SOUTHWEST  
BIKE PATH CORRIDOR

DATE OF ISSUE: January 7, 2002

REVISED: 1/7/02

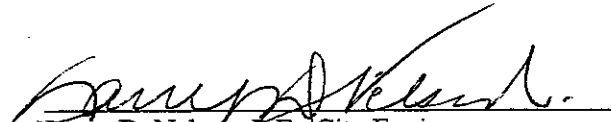
PAGE 3 OF 3

---

- 3.8 No parking of vehicles or motorized equipment of any type, and no storage of wastes, petroleum products, flammable liquids or other potential environmental contaminants will be allowed within the path corridor.

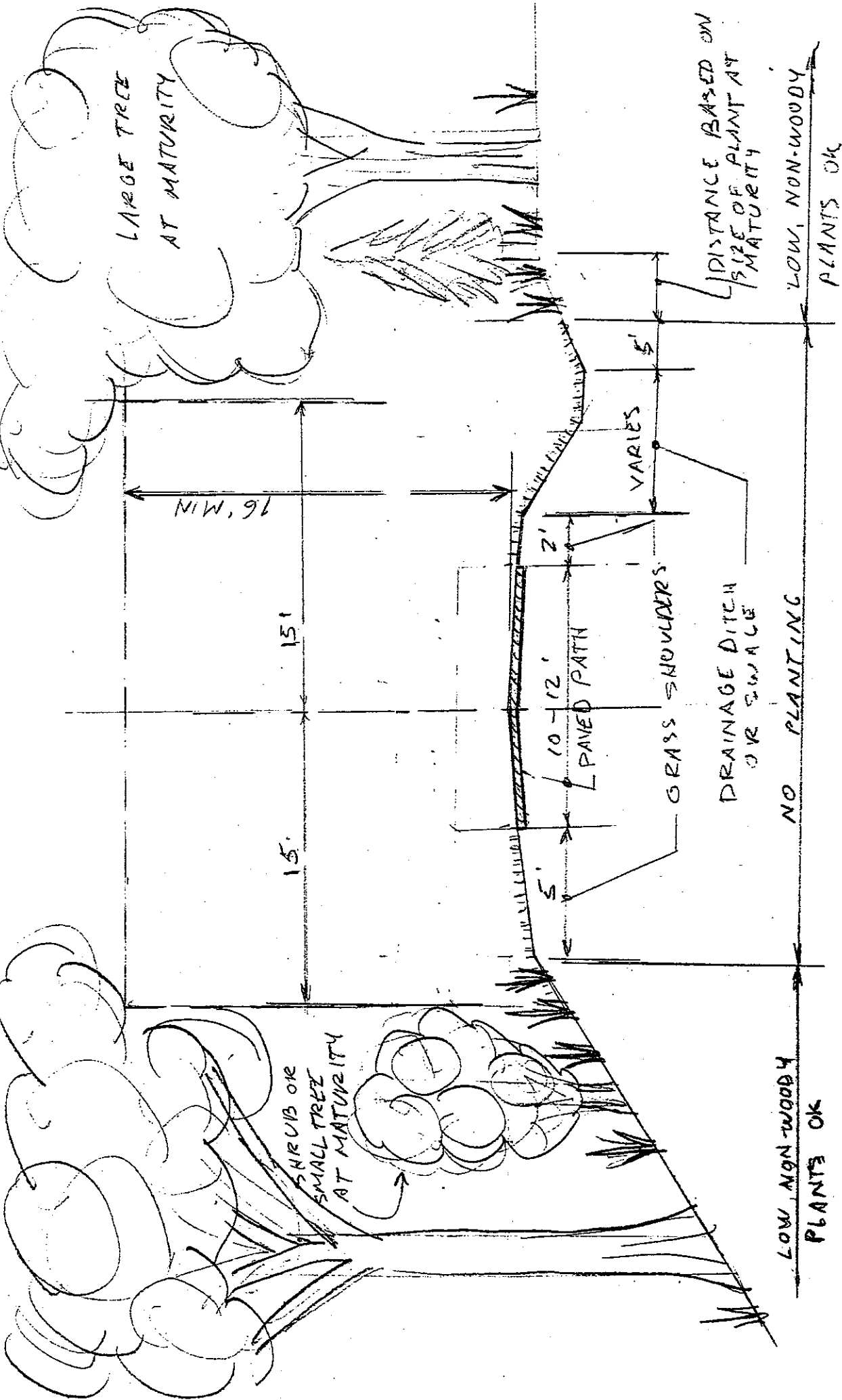
4.0 EFFECTIVE DATE AND RESPONSIBILITIES

- 4.1 This procedure is effective immediately.
- 4.2 The City of Madison, Engineering Division has overall responsibility for maintaining, reviewing, revising and enforcing this procedure.

  
Larry D. Nelson, P.E., City Engineer

LDN:asf

cc: Principal Civil Engineers  
Engineering Operations Supervisor  
Real Estate



PLANTING GUIDELINES  
FOR SOUTHWEST BIKE PATH