

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Request approval of the Department's recommendation to issue a Stewardship grant that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: City of Madison, Dane County

FOR: February 2014 Board meeting

TO BE PRESENTED BY: Lavane Hessler - Stewardship Grant Manager

SUMMARY:

The Department is requesting that the Board approve the Department's determination that the prohibition of one NBOAs (hunting) is necessary to protect public safety on 0.4 acres in the City of Madison, Dane County. The parcel will expand the Merrill Springs Park and is located on Lake Mendota. The public will be able to enjoy hiking, fishing, trapping by permit, cross-country skiing, and biking on this parcel.

The Department has made the determination that the prohibition on hunting is necessary to protect public safety because:

- The parcel is located within the city limits,
- Proximity to homes and roads,
- The size, shape, and location of the parcel,
- The primary purpose of the property (urban park),
- City ordinances prohibiting the discharge or carrying of a weapon and throwing or shooting projectiles.

The proposed grant of \$200,000 will come from the Urban Greenspace and Acquisition and Development of Local Parks subprograms of the Stewardship program.

RECOMMENDATION: Approval of the Department decision to award a Stewardship grant that will prohibit hunting on 0.4 acres to be acquired by the City of Madison.

LIST OF ATTACHED MATERIALS (check all that are applicable):

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| <input checked="" type="checkbox"/> Background memo | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |
| <input type="checkbox"/> Type name of attachment or type N/A if not applicable | <input type="checkbox"/> Type name of attachment or type N/A if not applicable |

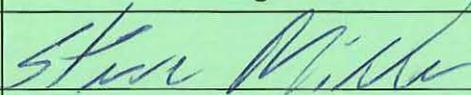
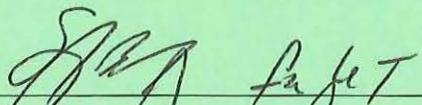
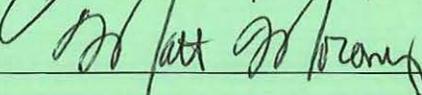
Approved by	Signature	Date
Steve Miller, Bureau Director		1-24-14
Kurt Thiede, Administrator		1-26-14
Cathy Stepp, Secretary		1/28/14

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• Appendix B - Staff Analysis of NBOA Prohibitions The staffs' analysis of any proposed NBOA prohibitions, including a signature from the regional Public Safety Warden who reviewed prohibitions proposed as necessary to protect public safety. The format of this analysis is a standard checklist, approved by DNR Legal Services, and completed for all Stewardship grant projects with an NBOA prohibition for safety reasons. Any relevant ordinances and statutes are also included.	8
• Appendix C – Public Comment Certification Memo This confirms that regional grant staff have completed the requirements for public notice set forth in s. NR 52.04 and summarizes any comment/s received.	16
• Appendix D – News Release. The Department is required by s. NR 52.04, Wis. Adm. Code, to give notice to the public of our intentions to award grant funds to purchase property on which any NBOAs will be prohibited. The news releases also follow an approved template. Because of the timing of these news releases in our grant cycle (often before appraisals have been completed and certified) and per the department's obligations to protect the confidentiality of incomplete real estate transactions, news releases do not identify the exact location of the property, name of the seller, or any information about project financing.	17
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CORRESPONDENCE/MEMORANDUM

DATE: January 22, 2014

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: REQUEST FOR RATIFICATION OF STEWARDSHIP GRANT FOR ACQUISITION WITH PROHIBITION

The Department requests that the Board approve a determination that the prohibition of one nature-based outdoor activity is necessary on 0.4 acres of land in the City of Madison, Dane County. The Department proposes to award a grant in the amount of \$200,000.00 to the City of Madison for the purchase of land on which hunting will be prohibited by ordinance.

I. PROJECT DETAILS

Project Sponsor: City of Madison
Seller: Mary K. Margetis Trust
Grant sub-program: Acquisition and Development of Local Parks
 Urban Green Space

Project Description: The property is approximately 0.4 acres with 82 feet of frontage along the southwest shore of Lake Mendota. The park is bordered by residential development and has vehicle access from Spring Court plus pedestrian access from the south. The acquisition of this parcel will expand the park to 0.63 acres and development plans include picnicking and nature viewing areas, kayak/canoe launch, and installation of native shoreline buffer zone. Maps are attached as Appendix A

Project Goals: Merrill Springs Park acquisition project will provide public land for nature-based outdoor recreation, and meets the following community and regional goals:

- Preserve and protect public shoreline from development and increased pollution; Lake Mendota is listed as a 303(d) impaired waterbody.
- Install a native shoreline buffer to improve habitat and protect the lake from runoff.
- Expand recreation facilities in a densely populated area.
- Increase opportunities for canoe and kayak storage and for the public to access the lake.
- Implements recommendations from the City of Madison Parks and Open Space Plan.
- Implements recommendations from the City of Madison Comprehensive Plan.
- Implements recommendations from the Dane County Parks and Open Space Plan.

The project will also implement the following Statewide Comprehensive Outdoor Recreation Plan (SCORP) Goals:

- Assess, Understand, and Adapt to Growing Recreation Tourism Demands and Preferences
- Improve Integration of Outdoor Recreation Interests and Needs in Land Use and Other Relevant Planning Efforts
- Continue to Provide and Enhance Public Access to Wisconsin Recreational Lands and Waters
- Promote Outdoor Recreation as a Means of Improving Public Health Among Wisconsinites
- Establish Great Urban Parks and Community Green Spaces

Current/Prior Use of Property: The property was previously used by the family as a recreational lake site including the property's small cottage (360 square feet). The cottage at times was rented to employees of the University of Wisconsin.

Proposed Public Uses: Merrill Springs Park will be available to the public from 4:00 a.m. to 10:00 p.m., 7 days per week, and 365 days per year. The City of Madison estimates that approximately 6,500 visitors will enjoy this property annually.

Public recreational opportunities will include hiking, fishing, cross-country skiing, trapping by permit, picnicking, nature study, photography, swimming, boating, and snowshoeing. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Hunting will be prohibited on the property by city ordinance. The Department has determined that the prohibition of this nature-based outdoor activity is necessary to protect public safety.

Property Management: Merrill Springs Park will be operated and maintained by the City of Madison, consistent with their management policy.

Timetable: The City of Madison purchased this property on December 29, 2011 with a letter of retroactivity from the Department.

II. NBOA DETERMINATION

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, trapping, fishing, hiking, or cross-country skiing. The City of Madison proposes to prohibit hunting in the Merrill Springs Park. The South Central Regional Public Safety Team determined that the prohibition on this activity is necessary to protect public safety. This determination is based the following factors:

- The primary purpose of the project (urban park);
- City ordinances prohibiting discharging or carrying dangerous weapons and shooting or throwing projectiles;
- The size, shape, and location of the parcel;
- Proximity to residential homes;
- Proximity to roads.

The Department posted public notice about this determination on GovDelivery on December 20, 2013. No comments were received supporting or opposing the grant due to the prohibition of hunting and trapping. The public notice and summary of the comments submitted may be found in Appendix C and D attached to this Green Sheet.

III. PROJECT FINANCES

A. Partnerships:

- City of Madison
- Department of Natural Resources

B. Appraisals

As required by s. 23.0917(7)(e)1., Wis. Stats., two appraisals were used to determine the fair market value of the land.

Appraisal 1	\$861,000
Appraisal 2	\$765,000
Value certified by Department	\$765,000

The purchase price was \$861,000.

C. Grant Calculation

As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost.

Certified appraised value	\$765,000
Associated eligible real estate costs	<u>\$ 3,827</u>
Total Maximum Project Costs	\$768,827

D. Funding Sources

City of Madison	\$664,627
Stewardship Grant Award	\$200,000 (26%)

III. RECOMMENDED:

Steve Miller, Director
Bureau of Facilities and Lands

Date

Kurt Thiede, Administrator
Lands Division

Date

Project Location Map



Legal Description of Acquisition Property

Lot 2 , Certified Survey Map 12633, City of Madison, Dane County, WI

The Property

Lake Mendota



Merrill Springs Park

The Property

5050 Lake Mendota Dr

LAKE MENDOTA DR

LAKE MENDOTA DR

RISSER RD

Merrill Springs Park
Margetis Trust Property
5100 Spring Court
RE Project No 9567

City of Madison
 Department of Public Works
PARKS DIVISION
 City-County Building, Suite 104
 210 Manning Center Bldg., Jr. Blvd.
 PO Box 2365
 Madison, WI 53701-2367



Graphical Scale
 0 20 40 ft.



SUBJECT:

**MERRILL
 SPRINGS PARK
 EXPANSION
 CONCEPT PLAN**

**MERRILL SPRINGS
 PARK
 5100 SPRING COURT
 MADISON, WI 53705**

Although every effort has been made to ensure the
 accuracy and reliability of the information shown on this
 drawing, the user assumes all responsibility for the use of
 this drawing and for the consequences of any error.

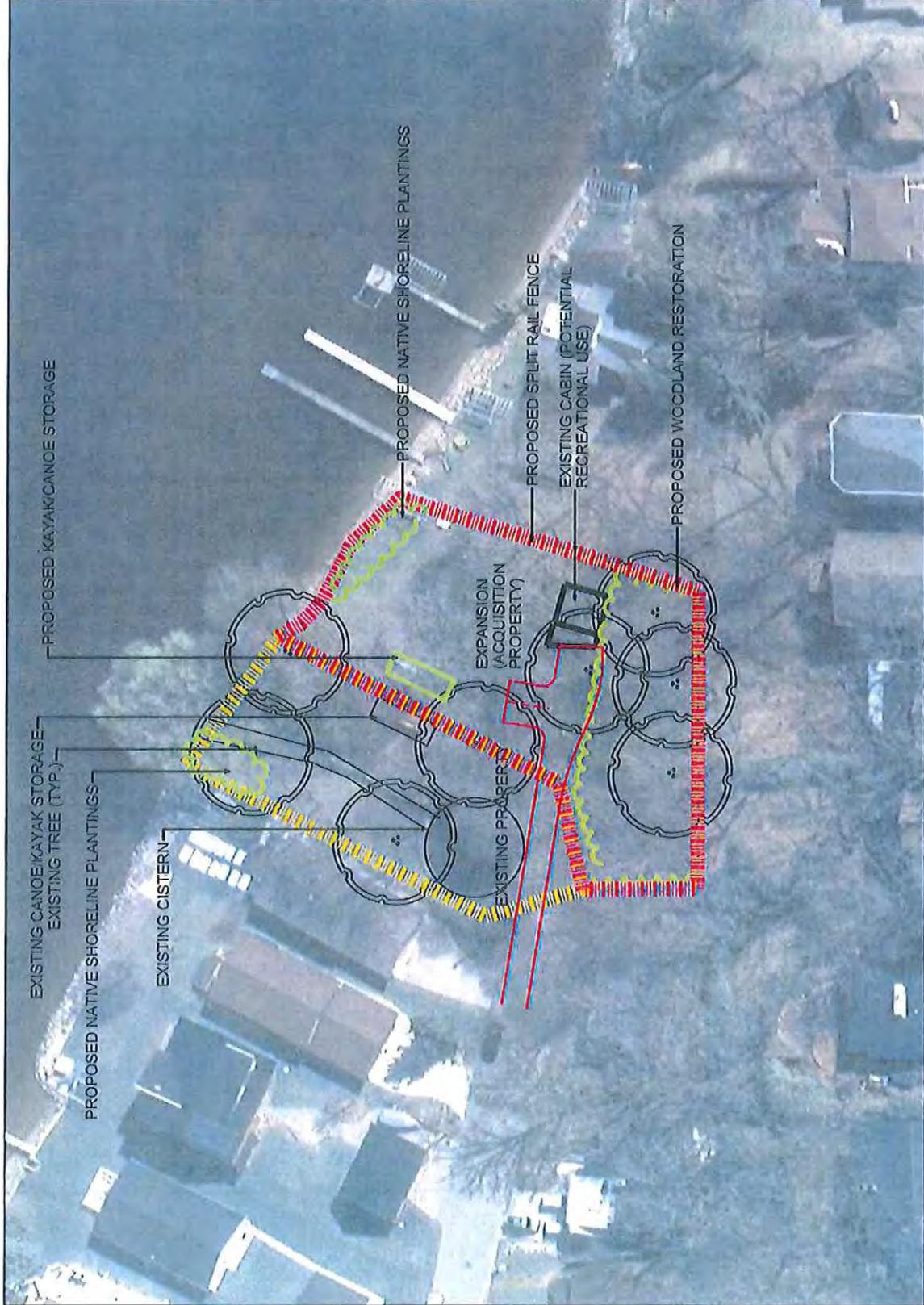
ITEM	DATE
Drawn by: JSE	04/26/21
Checked by:	

PUBLIC WORKS PROJECT #:

SHEET TITLE

CONCEPT PLAN

SHEET NUMBER:



McMaps | Leards | Merrill Springs | Merrill Springs Expansion | Merrill Springs Expansion Concept Plan.dgn

Appendix B

Knowles-Nelson Stewardship Grant Program



Public Safety Team Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds

Rev. August 2012

NOTE TO DNR STAFF: This completed form will be attached to the NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. Cf Staff completes the project proposal section prior to submitting to public safety team for review.

PUBLIC SAFETY REVIEW TEAM

<i>Catherine Noyer</i> 12-12-13 Regional Recreational Safety Warden Date	<i>Casey Krueger</i> (CPD) 12-12-13 Regional Warden Supervisor Date
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PROJECT DESCRIPTION

Applicant/ Sponsor: City of Madison	Year of Application: 2013
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Project Name: Merrill Springs Park Expansion	Primary Purpose: <input type="checkbox"/> Habitat Areas <input checked="" type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection
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Project Description:
The project is a planned acquisition of .39 acres, to expand the Merrill Springs Park located along the southwest shore of Lake Mendota at 5102 Spring Court, Madison, WI. With the addition of the new parcel, the park will have an area of .63 acres. Bordered by residential development to the east, west, and south, the park is accessible from Spring Court and by a pedestrian access way from the south. It is also accessible from the lake.

The applicant states that acquisition of this parcel will preserve and protect public shoreline from development and allow for expansion of needed recreation facilities, which include the proposed development of kayak/canoe storage, increased areas for picnicking/nature viewing, installation of a native shoreline buffer to improve habitat and protect the lake from runoff, and potential restoration of an existing cabin for public lodging.

FINDINGS OF FACT:

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.
 The parcel to be purchased is .39 acres, which would expand the existing Merrill Springs Park to .63 acres. The area is bordered by residential development to the east, west, and south, and Lake Mendota shoreline to the north. The area is level and adjacent to a historic cistern.

Proposed NBOA Prohibition or Restrictions

HUNTING	Gun	Archery	Use Dates/Seasons (Opening and Closing)
Waterfowl	Prohibition	Prohibition	
Small Game	Prohibition	Prohibition	
Turkey	Prohibition	Prohibition	
Large Game	Prohibition	Prohibition	

Public Safety Team Narrative:

The proposed parcel is very small (.39 acres) and would expand the Merrill Springs Park to .63 acres. There is residential development around the majority of the property, which also has Lake Mendota shoreline. Proposed development of the property includes kayak/canoe storage, increased areas for picnicking/nature viewing, installation of a native shoreline buffer to improve habitat and protect the lake from runoff, and potential restoration of an existing cabin for public lodging.

The prohibition on hunting is necessary to protect public safety due to the physical characteristics and small size of the property, the high activity and planned use by the population as a city park and kayak/canoe storage area, and its proximity to a public road, to vehicles, and to dwellings occupied by humans (including within 100 yards of the property).

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is within 50 feet of the center line of highways & roads
- Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- Ordinance exists ~
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	Methods/Season (open and closed)
Upland	Trapping allowed by permit	State Regs.
Water	Trapping allowed by permit	State Regs.

Public Safety Team Narrative:

The public safety team did not conduct a review as trapping is allowed by permit on the property. The permitting system should be reviewed by grant staff with the local community/jurisdiction.

No Water On Site

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary.
- Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 80 sq. inches) and cable restraints.
- Ordinance exists that prohibits trapping or some type of trapping.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

FISHING		
Method	Prohibition/Restriction	Methods/Season (open and closed)
Shore	Allowed on property	State Regs.
Boat	Allowed on property	State Regs.

Public Safety Team Narrative:

No Water on Site

Public Safety Factors Considered: Check all that apply.

- Ordinance exists -- _____
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

HIKING		
Location	Prohibition/Restriction	Use Dates (beginning and ending)
On-Trail	Allowed on property	
Off-Trail	Allowed on property	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

GROSS COUNTRY SKIING		
Location	Prohibition/Restriction	Use Dates (beginning and ending)
Off-Trail (un-groomed)	Allowed on property	
On-Trail (un-groomed)	Allowed on property	
On-Trail (groomed)	No	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		



Office of the City Attorney

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December 18, 2013

Mary Rothenmaier
Stewardship Grants Specialist
Wisconsin Department of Natural Resources
101 S. Webster St.
PO Box 7921
Madison, WI 53707-7921

Re: City of Madison Stewardship Grant Application for the Merrill Springs Park Expansion Acquisition Project

Dear Ms. Rothenmaier,

I understand that as part of WDNR's review of the City's Stewardship grant application for the Merrill Springs Park Expansion Acquisition Project that the City must submit a legal opinion from the City Attorney about the impact of the City's ordinances on NBOA's (Nature Based Outdoor Activities) on the property in question. The City purchased the property for this expansion of the Merrill Springs Park property, a neighborhood park on the shores of Lake Monona, on December 29, 2011. On May 1, 2013, the City submitted a grant application to WDNR seeking retroactive reimbursement for this purchase. Prior to the City's purchase, the property was owned privately by an individual in trust and was zoned for residential use.

Under Wis. Stat. Sec. 29.038(2)(b) the City is authorized to enact an ordinance or adopt a restriction that restricts or prohibits access for hunting, fishing or trapping on any portion of land that the City owns. In addition, under sub. (3), the City may enact an ordinance or adopt a restriction that has an incidental effect on hunting, fishing or trapping, but only if the primary purpose is to further public health or safety. Pursuant to this statutory authority and the City's home rule authority, the City has enacted ordinances regulating the discharge of firearms within the City (MGO Sec. 25.06(1)), the use of bows and arrows within the City (MGO Sec. 25.25) and trapping on City lands (MGO 8.25). The City does not have any ordinance or other restriction that would restrict the use of the property, once acquired by the City, for fishing, hiking or cross-country skiing—indeed the purchase of the property opens up formerly private lands to the public for these activities.

December 18, 2013

Page 2

The City's prohibition on the discharge of firearms does not apply to hunting during regular hunting season with scatter guns on private lands zoned agricultural. The property in question was zoned residential prior to the City's purchase. Hence, under the City's ordinances, the discharge of firearms on the property was prohibited before the City's purchase, and remains prohibited on the property after the City's purchase.

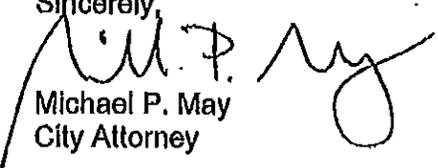
The City's prohibition on the discharge of arrows, bolts or other similar devices applies to any property in the City. There is no current exception to this ordinance allowing for the use of such devices to hunt. While 2013 Act 71, effective December 14, 2013, will necessitate an ordinance amendment to allow such bow and arrow hunting on certain private property within the City, it is my opinion that the City's existing ordinance remains enforceable within one-hundred yards of a building located on another's property. The property in question is located in a fully developed residential neighborhood and no point on the property is greater than one-hundred yards from a building located on another's property. Accordingly, it is my conclusion that bow hunting on the property would be unlawful regardless of whether the property was held by a private party or owned by the City.

Finally, trapping on City owned lands is permissible through a permit process set forth in MGO 8.25. The purpose of this permit is to allow the department in charge of the land to review the application to determine its appropriateness, and to cover liability concerns that arise from allowing another person to leave unattended traps on public recreational lands. While the City may reject a trapping application to protect the public health and safety (concerns that are paramount in reviewing such proposed activity in a neighborhood park), such activity is not outright prohibited. Therefore, trapping would be permissible on this property if it remained held private, and it is permissible on the property as owned by the City, subject only to a permit process to review of the appropriateness of the request.

In conclusion, the only discernible impact of the City's ordinances on engaging in NBOAs on the property in question is that a request to conduct trapping behavior would be subject to City review to ensure the safety of the public. Otherwise, fishing, hiking and cross-country skiing are permissible on the property both before and after public acquisition and the use of firearms and bows and arrows on the property for hunting would be prohibited regardless of who owned the property.

Please let me know if there are any questions.

Sincerely,


Michael P. May
City Attorney

- (5) No person under the age of eighteen (18) shall go armed with or possess a firearm of any type, or a pneumatic pellet gun or a spring-loaded pellet gun and no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or spring-loaded pellet gun or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm, pneumatic pellet gun or spring-loaded pellet gun under the supervision of an adult when such firearm, pneumatic pellet gun or spring-loaded pellet gun is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm, pneumatic pellet gun or spring-loaded pellet gun to a person under eighteen (18) years of age for use only in target practice or any hunting under her/his direct supervision. (Am. by Ord. 9777, 5-12-89)
- (6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.
- (7) It shall be unlawful for any person to possess, carry or go armed with any firearm on or about their person within the City of Madison, unless the firearm is both unloaded and enclosed or encased within a carrying case. This provision does not apply to the following:
- (a) Any peace officer or law enforcement officer.
 - (b) Any member of the armed forces or national guard while going armed in the line of duty;
 - (c) A correctional officer while going armed in the line of duty;
 - (d) A private detective or private security person while going armed in accordance with rules promulgated by the state Department of Regulation and Licensing.
 - (e) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes without ammunition or with blank ammunition.
 - (f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks and other financial institutions while actually employed in the shipment, transportation or delivery of any money, bullion, bonds or any other thing of value within the city. Such individuals while in the performance of their duties shall be completely attired in the uniform of their employer.
 - (g) Individuals engaged in live theatrical performances wherein firearms without ammunition or with blank ammunition are used as props;
 - (h) Individuals engaged in historical reenactments of battles, etc., while using firearms without ammunition or with blank ammunition.
 - (i) The owner or employee authorized by the owner of a business while on the business premises.
 - (j) Individuals in possession of firearms within their own home.
 - (k) Individuals in possession of firearms on property where hunting is permitted, provided such individual is otherwise authorized to possess or use a firearm.
 - (l) Individuals engaged in the display or sale of firearms in conjunction with a gun show or exhibition while on the premises of the gun show or exhibition.
 - (m) Individuals in possession of a valid federal firearms dealer license issued by the United States Department of Treasury and their customers, while engaged in business transactions with unloaded weapons on the business premises.
 - (n) Individuals in possession of firearms on a premises for purposes of conducting or participating in hunter safety training courses on that premises.

25.25 BOWS AND ARROWS.

- (1) Except as provided in Subsection (2), no person shall shoot with or discharge a bow, crossbow, or similar device which propels or projects an arrow or similar projectile within the limits of the City of Madison and within the area encompassed by the waters of Lakes Mendota, Monona, and Wingra, including those parts of the Yahara River, Starkweather Creek and Wingra Creek over which the City of Madison has jurisdiction.
- (2) This section shall not apply:
 - (a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - (b) To any supervised archery range, which constitutes a recreational facility under Chapter 28 (Zoning Code) of the Madison General Ordinances and which is constructed and maintained so as not to endanger life, limb or property. (Am. by ORD-12-00134, 1-2-13)
 - (c) Within the interior of a single-family dwelling.
 - (d) To persons while participating in sanctioned archery competitions sponsored by the Wisconsin Amateur Sports Corporation as part of the Badger State Games when such persons are shooting at archery ranges set up in City parks at locations and upon conditions which have been approved in advance by the Park Superintendent. (Cr. by Ord. 8586, 6-6-85)
 - (e) To persons while participating in archery competitions at locations and upon conditions approved in advance by the Madison Chief of Police. (Cr. by Ord. 10,471, 7-8-92)

25.26 PAINTBALL MARKER/"GUNS".

- (1) In this section:
 - (a) "Paintball marker/"gun"" shall be defined as any device which, in the manner it is used, intended to be used, or designed to be used, is capable of launching, propelling, expelling, or otherwise causing any item, device or article which carries or may be altered to become capable of carrying paint, ink, or any colored liquid, to an intended target and thereby causing a mark or stain on any surface which it may contact.
 - (b) "Projectile" means any item that is caused to be expelled from a paintball marker/"gun" at an enhanced velocity.
- (2) Unlawful Possession of a Paintball Marker/"Gun". It shall be unlawful for any person to possess, carry or go armed with any paintball marker/"gun" on or about his or her person within areas of the City of Madison held open for use by the public, unless the paintball marker/"gun" is both unloaded and disconnected from an air supply or enclosed within a carrying case. This provision does not apply to the following:
 - (a) Any peace officer or law enforcement officer during the course of his or her employment;
 - (b) Any merchant, or authorized employee of said merchant, who sells or displays paintball marker/"guns" during the normal and ordinary course of business, while on the business premises, or at a gun show or exhibition;
 - (c) Individuals on a privately owned premises, held open for use by the public, that is authorized by the Chief of Police, or designated representative, as a paintball marker/"gun" recreational area;
 - (d) Individuals engaged in live theatrical performances or historical reenactments, wherein paintball marker/"guns" are used as props; or
 - (e) A person who has obtained the written permission from the Chief of Police, or designated representative.
- (3) Unlawful Firing or Discharge of a Paintball Marker/"Gun". It shall be unlawful for any person to fire or discharge a paintball marker/"gun" within the City of Madison. This provision does not apply to a property owner, or authorized guest of the property owner, firing or discharging a paintball marker/"gun" on the property owner's private property, provided that no portion of the projectile from the paintball marker/"gun" crosses the property line.

CORRESPONDENCE/MEMORANDUM

DATE: January 17, 2014

TO: Steve Miller
LF Bureau Director

FROM: Lavano Hessler – LF/6

SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

PROJECT NAME: City of Madison, Merrill Springs Park

The Merrill Springs Park land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on December 20, 2013 and the fifteen day public review period ended on January 16, 2014.

The Department received zero comments concerning this proposal.

In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.

Mary Rothermaier
Signature of Regional Staff

1/17/14
Date



Wisconsin Department of Natural Resources

Appendix D

City of Madison seeks grant for acquisition of land

News Release Published: December 20, 2013 by the [Central Office](#)

Contact(s): Mary Rothenmaier, Community Services Specialist, 608-275-3322

Grant requested for Stewardship project in the City of Madison

MADISON - The City of Madison has applied for a 50 percent matching grant from the Urban Green Space and Acquisition and Development of Local Parks sub-programs of the [Knowles-Nelson Stewardship Program](#) to assist with the purchase of 0.4 acres of land in the City of Madison in Dane County. The City of Madison will provide match to the grant award.

The project will acquire approximately 0.4 acres to expand Merrill Springs Park on Lake Mendota. The acquisition will preserve the shoreline while providing a kayak/canoe launch and picnic facilities. Recreational activities include fishing, trapping by permit, hiking, cross-country skiing, snowshoeing and wildlife viewing. The Department is proposing to make the determination that the prohibition of hunting is necessary to protect public safety because of the city ordinance prohibiting the discharge of weapons, the shape, size, and location of the property, and its proximity to residences.

The Department's [initial assessment of the allowed Nature Based Outdoor Activities \(pdf\)](#) may be downloaded from the [Stewardship Public Notice](#) page of the Department of Natural Resources website or you may request a hard copy by contacting the project contact listed below. Public written comments on the proposed acquisition can be mailed to Mary Rothenmaier, Community Services Specialist, 3911 Fish Hatchery Road, Fitchburg, Wisconsin 53711 or sent by email to mary.rothenmaier@Wisconsin.Gov.

If you have questions about this project, Mary Rothenmaier can be reached by phone at (608) 275-3322. Written comments will be accepted through January 16, 2014. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

To receive e-mail notices of Stewardship Grant project news releases, please subscribe by putting a check mark by DNR Stewardship News under the News & Announcements heading.

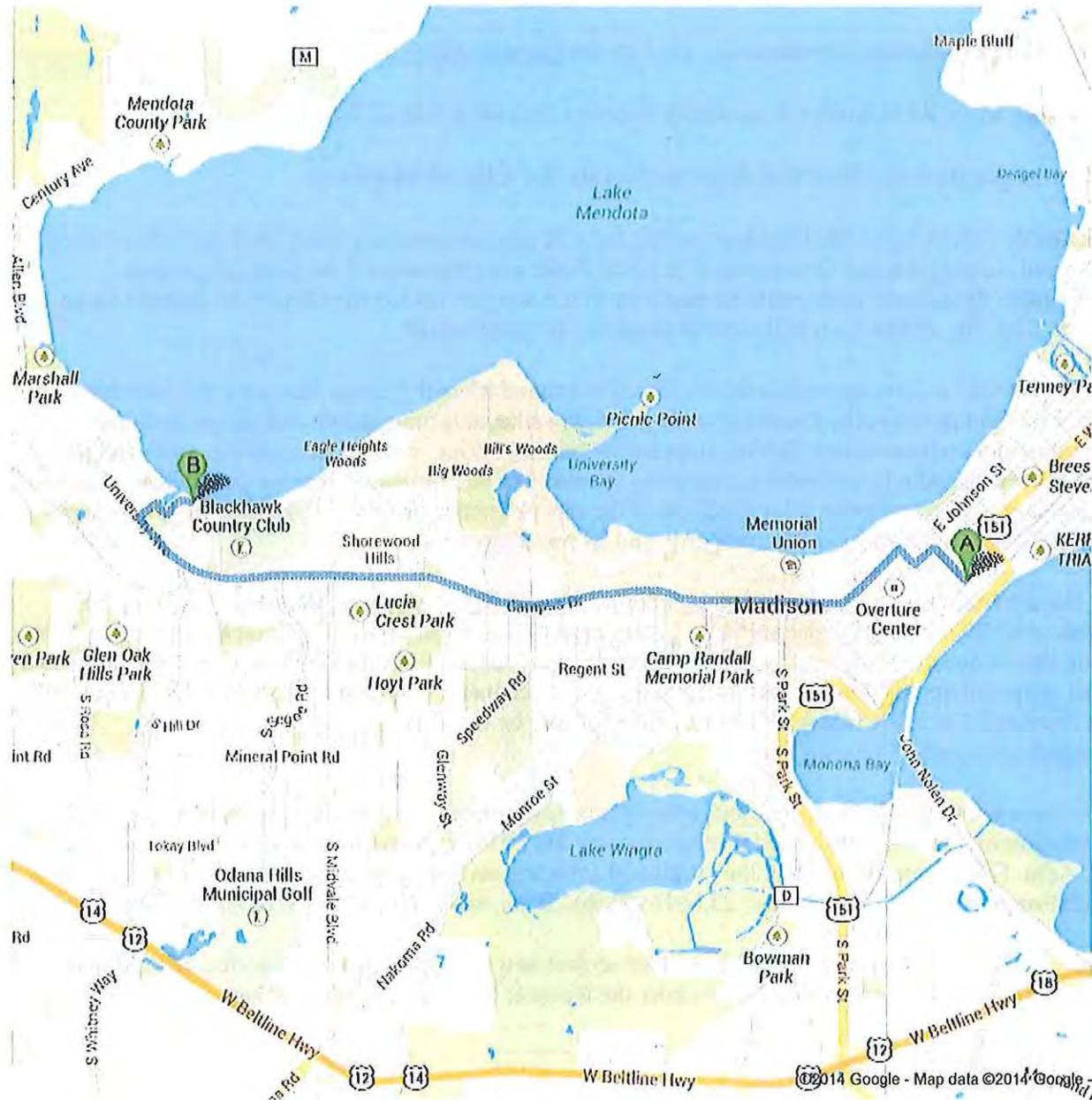
The Official Internet site for the Wisconsin Department of Natural Resources

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608.266.2621



Directions to 5100 Spring Ct, Madison, WI 53705
5.5 mi – about 13 mins

Appendix E



 101 S Webster St, Madison, WI 53703



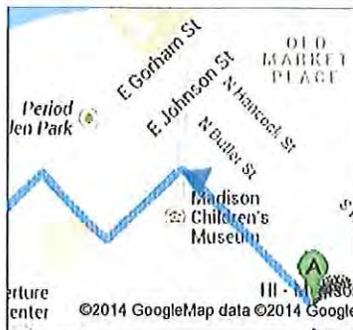
1. Head northwest on S Webster St toward E Main St
About 46 secs

go 0.3 mi
total 0.3 mi



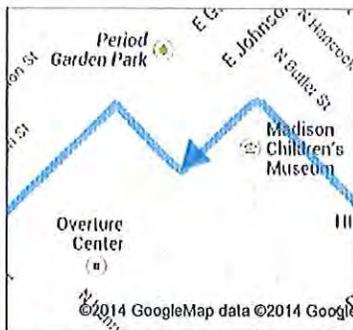
2. Slight left onto E Dayton St

go 0.1 mi
total 0.4 mi



3. Take the 2nd right onto Wisconsin Ave

go 0.1 mi
total 0.5 mi



4. Turn left at the 2nd cross street onto W Gorham St
About 1 min

go 0.4 mi
total 0.9 mi





5. Slight right onto **University Ave**
About 3 mins



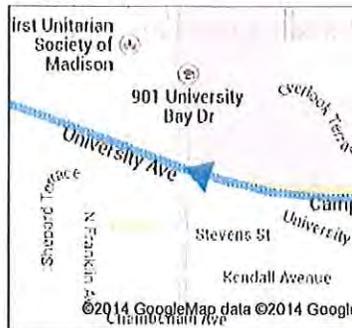
go 0.8 mi
total 1.8 mi

6. Continue straight onto **Campus Dr**
About 2 mins



go 1.2 mi
total 3.0 mi

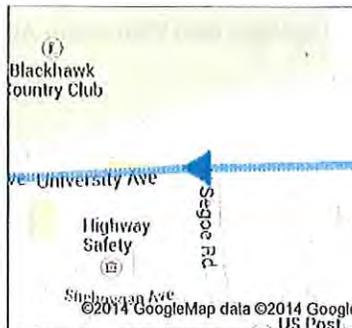
7. Continue onto **University Ave**
About 3 mins



go 1.2 mi
total 4.2 mi



8. Slight left to stay on **University Ave**
About 2 mins



go 0.9 mi
total 5.1 mi



9. Turn right at **Spring Harbor Dr** onto **Spring Harbor Dr**



go 0.1 mi
total 5.2 mi

➡ 10. Turn right onto **Lake Mendota Dr**



go 463 ft
total 5.3 mi

↶ 11. Turn left onto **Spring Ct**
Destination will be on the left



go 0.2 mi
total 5.5 mi

 5100 Spring Ct, Madison, WI 53705



These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2014 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.