



Public Works Agenda Item

Meeting Date:	September 9, 2025
Agenda Item:	Discussion and Possible Action regarding encroachment on City owned land by Cravath Street Water Tower
Staff Contact (name, email, phone):	Steven T. Chesebro, schesebro@whitewater-wi.gov , 262-458-2780

BACKGROUND

(Enter the who, what, when, where, why)

City staff noticed that the property owner at 418 Cravath Street has encroached onto city property near the Cravath Street Water Tower. The parcel outlined in red on the attached Parcel Map is the parcel in question which is owned by the city. Based on aerial photography the encroachment took place between 2015 and 2020. Based on GIS records, the property at 418 switched owners in 2018. The screenshot from 2024 Google Maps shows the retaining wall garden and the trampoline on the city property. The property owner of 418 has been cutting the grass and maintaining the city property.

In preparing to negotiate an agreement, additional concerns and options were raised after the matter was reviewed by a new City Attorney. Additional concerns include litigation costs and political appearance of denying claims for injuries sustained on the property by either the property owner or third parties. Risk of property owner being able to indemnify the City should a third party be injured on the property and likely limitations of insurance policy which property owner may believe covers the area, but may not.

A question was raised as to whether the parcel provides benefit to the City or to what extent it does. If the City does not have a use for the parcel the City would be better off selling or transferring ownership of the parcel to the neighbor. If there is a current or anticipated future use for the parcel the City should exclude all trespassing on the parcel to minimize any chance of having to pay damages to an individual harmed by changes to the property from the neighbor or other potential issues that could arise regarding property rights, property maintenance violations, or other disputes.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

This matter was brought before the PW Commission on July 8, 2025 with a recommendation to negotiate an agreement where the neighbor is permitted to continue using the property, but assume all liability and maintenance of the property. PW Approved the recommendation.

FINANCIAL IMPACT

(If none, state N/A)

Selling the parcel could provide a small amount of cash for the City or at a minimum will generate a small amount of additional tax revenue in the future. If the property is not sold and the City is held liable for injuries the neighbor or a third party sustains on the property it could create a substantial amount of liability for the City in the future. While the City may be covered by insurance it could also lead to an increase in insurance premiums.

STAFF RECOMMENDATION

The parcel should either be sold or transferred to the neighboring property or the City should prohibit the trespassing onto the property. Allowing the neighbor to trespass and modify the property could lead to future problems for the City including if a third party is injured the City could be held liable for the injuries for permitting the neighbor to use and modify its property.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Parcel Map
2. Screenshot
3. CSM 318