

From: [Tim Brovold](#)
To: [Brad Marquardt](#); [Riley Calouette](#)
Cc: [Becky Magestro](#)
Subject: RE: city owned property being used by neighbor
Date: Tuesday, June 3, 2025 11:08:15 AM
Attachments: [image001.png](#)
[City Whitewater Lot 3 CSM 318 Water Tower Survey.pdf](#)

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Brad-

Based upon the attached survey and photos of the property, the neighbor is clearly on City land. Under Wis. Stat. sec. 893.29, updated in 2015 and became effective 2016, no title to or interest in real property belonging to a city may be obtained by adverse possession. (There are exceptions to this statute, but they do not appear to be applicable for this matter.) Therefore, there is no need to file an affidavit of interruption. (And Aff of Int is a recorded document that states we know about the potential adverse possession claim and this resets the 20 year time.)

An option would be to send a cease-and-desist letter to the neighbor and tell them to remove items from city owned property and that they cannot use in this manner.

A second option would be to negotiate an agreement with neighbor that they can use property but assume all liability. If the city wants to pursue this option, we will need a much more detailed response.

You could continue as is but you are aware of the encroachment and the city may now be liable.



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*One of our areas of practice is debt collection. As a debt collector any information obtained will be used for that purpose.

From: Brad Marquardt <BMarquardt@whitewater-wi.gov>
Sent: Wednesday, May 28, 2025 2:05 PM
To: City of Whitewater <cityofwhitewater@russelllawwi.com>
Cc: Becky Magestro <bmagestro@whitewater-wi.gov>
Subject: city owned property being used by neighbor

Tim,

There is no rush on this. It was brought to my attention today by Llana who was going through property files that the property owner at 418 Cravath Street has encroached onto city property as shown on the attached map. The parcel outlined in red is city owned and adjacent to the water tower. Based on aerial photography this 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.

There is nothing in the file about granting permission. I personally don't care if they use the area. They are cutting the grass and keeping it maintained. But was thinking there should be some sort of documentation that reaffirms this is city land and that they cannot at some point try and claim it.

Just want your thoughts on this at some point.

Thank you.

Brad Marquardt, P.E.
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