



NEWS

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Court Sinks Dockominiums Scheme

In an August 22, 2001 decision, the Wisconsin Court of Appeals ruled that a plan to convert a 407 slip marina on Lake Geneva to “dockominiums” violates the public trust doctrine of the state’s constitution.

The Court of Appeals adopted the arguments of the Wisconsin Association of Lakes (WAL), represented by Madison Attorney William O’Connor, holding that dockominiums “obstruct the public’s complete access to the waterways and create a claim of private ownership upon waters owned by the public”. It further held that “Navigable waters unquestionably belong to the people, and to allow private individuals to claim the dockominium slip space or the water within the slip as a property interest is violative of the public trust doctrine. Permitting the conversion of marinas to private dockominiums . . . has allowed control over public trust lands to be vested in private individuals, in violation of the public trust doctrine”.

O’Connor also said he believes the case is a crucial decision for Wisconsin waters. “The public trust doctrine of the state’s constitution recognizes that the public’s interest comes first when it comes to Wisconsin’s lakes and streams. Private interests come second.”

Explaining why the Wisconsin Association of Lakes strongly opposed the Lake Geneva dockominiums scheme, Donna Sefton, executive director said: “The Lake Geneva case was a precedent-setting one which could affect lakes throughout the state. Getting involved in matters like these is an important part of WAL’s work. Our interaction ensures that the voices of members and the lake-using public are heard in a way that lets them participate in determining the future of these valuable resources.”

The Wisconsin Association of Lakes is a statewide organization that promotes public policy favorable to protecting and preserving Wisconsin lakes and waterways. WAL also advances education and develops local

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leadership which also serves that purpose. WAL can be reached at 1 800-542-5253, or through its web site at [www:Wisconsinlakes.org](http://www.Wisconsinlakes.org).

The case is No. 99-2306 in the State of Wisconsin Court of Appeals District II in Waukesha. For a copy of the decision, see: <http://www.courts.state.wi.us/opinions/99/pdf/99-2306.pdf>

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