

>>> Kevin Houlihan 06/30/05 1:55 PM >>>

My impression, which is not a legal one, is that the requirement that walkways remain open to the public would not necessarily bring liability to the City. I don't recall a circumstance which we could liken to this request to compare either. Liability for walkways has been based upon ownership in my experience.

Does this help, or do we need to explore further?

>>> Bill Roberts 06/23/2005 1:26:06 PM >>>

The Plan Commission, at their meeting of June 20th, asked us to ask you for your sage advice on a project that is being reviewed by the City. The project is a PUD Zoning Map amendment for the demolition of several buildings and construction of a mix of new (mostly residential) buildings in block 51 along West Washington Avenue. The former Meriter- Methodist Hospital block, to be known as "Capital West" (I have just delivered a site plan to your office for you to look over).

Within this proposal there are to be open, privately owned pedestrian walkways-drives through the block shown on the site plan as the "Capitol Court Mews and Washington Row."

The question is.... ..Would the City assume liability by requiring as a condition of approval that these areas remain open to the Public ?

At this point in time, the developer is proposing that the areas remain open, but it may be possible that a future home owners association may wish to restrict access. The Commission wants to make sure that if they impose a requirement that these areas remain open to the public does not result in public liability that might result from this provision.

This matter is going to the Common Council on July 5, 2005. Hopefully you can provide something that we can pass along to them.

Call me or Brad if you need more information.

thanks Kevin !