



Legislation Details (With Text)

**File #:** 52984      **Version:** 1      **Name:** 11693 Encroachment - Little Free Library Patriot Park 5333 Congress Ave.

**Type:** Resolution      **Status:** Passed

**File created:** 8/27/2018      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 9/4/2018      **Final action:** 10/30/2018

**Enactment date:** 11/5/2018      **Enactment #:** RES-18-00744

**Title:** Authorizing the City of Madison to accept ownership of a “Little Free Library” from the High Crossing Neighborhood Association located in Patriot Park at 5333 Congress Avenue. (17th A.D.)

**Sponsors:** Samba Baldeh

**Indexes:**

**Code sections:**

**Attachments:** 1. 11693 EXHIBIT A.pdf

Date	Ver.	Action By	Action	Result
10/30/2018	1	COMMON COUNCIL	Adopt	Pass
10/24/2018	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/17/2018	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
9/5/2018	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
9/4/2018	1	BOARD OF PARK COMMISSIONERS	Referred	
9/4/2018	1	BOARD OF PARK COMMISSIONERS	Referred	
9/4/2018	1	COMMON COUNCIL	Refer	Pass
8/27/2018	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes acceptance of ownership of a “Little Free Library” in Patriot Park at 5333 Congress Avenue. The High Crossing Neighborhood Association is responsible for the installation, maintenance, repair of the Library. City Engineering, Planning, Traffic Engineering, Risk Management, Parks Commission, and Attorney’s Office have reviewed and conditionally approved the request. No City appropriation is required.

**Title**

Authorizing the City of Madison to accept ownership of a “Little Free Library” from the High Crossing Neighborhood Association located in Patriot Park at 5333 Congress Avenue. (17th A.D.)

**Body**

WHEREAS, the High Crossing Neighborhood Association (“Association”) wishes to install and maintain a Little Free Library (“Library”) in the northwest corner of Patriot Park, located at 5333 Congress Avenue in the City of Madison, east of a public sidewalk, as shown on attached Exhibit A; and

WHEREAS, various City of Madison (“City”) agencies, including the City Attorney’s office, Engineering Division, Planning, Traffic Engineering, the Parks Commission, and the Risk Manager have reviewed this request and conditionally approved the placement and installation of the Library; and

WHEREAS, the Association will transfer ownership of the Library to the City after it has been installed in exchange for the ongoing maintenance and repair of the Library by the Association.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of ownership from the Association of a Library to be located within Patriot Park, located at 5333 Congress Avenue, as shown on attached Exhibit A; subject to the following conditions:

1. The Association shall be responsible for all costs of installation, maintenance and repair of the Library.
2. The Association shall install the Library at a specific location approved by the Parks Superintendent. Modifications to said location to avoid utilities or easements shall be determined during final sitting of the Library.
3. The Association shall be responsible for locating all underground utility services in the area where the Library is placed, contacting Diggers Hotline prior to any excavation activities, and having all utilities properly marked.
4. The Association shall comply with all Madison General Ordinances regarding the construction and installation of the Library within the public park, including any and all City permits for excavation and installation, if applicable.
5. The City shall not be held responsible for any damage to the Library that may be caused by the City, its employees, contractors, or others.
6. The Association shall monitor the Library for objectionable materials and remove materials that may be construed as such.
7. The City may remove the Library if not properly maintained, by giving the Association sixty (60) days written notice prior to removal. The Association is responsible for any and all reasonable costs associated with such removal.
8. The City may remove the Library if the area occupied by it is required for a public purpose by giving the Association sixty (60) days written notice prior to removal. Public purposes include, and without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public lands.
9. The Association shall sign a Letter of Agreement that shall be memorialized by an Affidavit of Recording with the Dane County Register of Deeds.