



Legislation Text

File #: 10958, **Version:** 1

Fiscal Note

No expenditure required.

Title

Authorizing the Common Council to accept ownership from McClellan Park Neighborhood Association of two decorative gardens, hardwood tree, and park bench to be located within a City-owned greenway and public right-of-way at 6402 Dominion Drive.

Body

WHEREAS, the McClellan Park Neighborhood Association (“Association”) wishes to install and maintain two decorative gardens, a hardwood tree, and a park bench (“garden improvements”) within City-owned greenway and public right-of-way at 6402 Dominion Drive, as shown on Exhibit A; and

WHEREAS, the intent of the Association is to beautify the entrance to the McClellan Park neighborhood from Sprecher Road by way of the garden improvements; and

WHEREAS, the garden improvements will be installed and maintained by Association volunteers; and

WHEREAS, the City Engineering and Traffic Engineering Divisions have conditionally approved of the placement of the garden improvements; and

WHEREAS, the Privilege in Streets Committee has reviewed this request and approved it with conditions; and

WHEREAS, the Association will transfer ownership of the garden improvements to the City after installation, in exchange for the ongoing maintenance of the garden improvements by the Association.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison accepts ownership, from the McClellan Park Neighborhood Association of two decorative garden areas, a hardwood tree, and park bench to be located within City-owned greenway and public right-of-way at 6402 Dominion Drive, as shown on the attached exhibit; subject to the following conditions:

1. The McClellan Park Neighborhood Association shall be responsible for all costs of installation and maintenance of the garden improvements, including mowing around the perimeter of the gardens if necessary.
2. The McClellan Park Neighborhood Association shall locate the garden improvements within a specific area, as approved by the City Engineering and Transportation Divisions.
3. The McClellan Park Neighborhood Association is responsible for locating all underground utility services in the construction area, i.e., shall contact Diggers Hotline prior to any excavation or construction activities.
4. The McClellan Park Neighborhood Association shall comply with all Madison General Ordinances regarding the construction and installation of the garden improvements within public right-of-way, including vision corner requirements, and any and all applicable City of Madison permits for excavation and installation, including a City Engineering Excavation Permit, if applicable.

5. The McClellan Park Neighborhood Association shall agree that the City shall not be held responsible for any damage to the garden improvements that may be caused by the City, its employees, contractors, or others.
6. The City may remove the garden improvements if not properly maintained, by giving the McClellan Park Neighborhood Association sixty (60) days written notice prior to removal. The McClellan Park Neighborhood Association is responsible for any reasonable costs associated with such removal.
7. The City may remove the garden improvements if the area occupied by said improvements is required for transportation or other public purposes, by giving the McClellan Park Neighborhood Association sixty (60) days written notice prior to removal. Transportation purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public mass transportation systems.